LEGISLATIVE ASSEMBLY

Thursday 16 October 2003

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

Mr Speaker offered the Prayer.

DEFAMATION AMENDMENT (COSTS) BILL

Second Reading

Debate resumed from 18 September.

Mr DAVID BARR (Manly) [10.00 a.m.]: I have introduced the Defamation Amendment (Costs) Bill, which, basically, will prevent courts from being able to order costs against a defendant in a defamation action where the plaintiff has been awarded damages of less than $25,000. The purpose of this bill is to prevent the kind of litigation which can intimidate persons of ordinary financial means from expressing their feelings freely and openly in our democratic society. The defamation laws have what is sometimes called a chilling effect; in other words, people are inhibited in what they say for fear of being sued in defamation. The fear that people have is not necessarily that they have been responsible for a defamatory publication; it is not damages that they necessarily fear, but the costs.

Costs become, by far, the biggest single factor in defamation proceedings. Costs have a punitive effect on the whole situation, and it is a perversion of the judicial system wherein costs become a barrier for the delivery of proper justice to people. I am not the first person to introduce legislation in relation to costs. On 30 April 1886, a private member of the New South Wales Parliament, George Reid, gave a second reading speech in this place for a bill that was very similar to the one that I have introduced. In those days, which were not long after the introduction of responsible government, it was common for private members to undertake a significant share of the legislative load. It is a pity that it is not still the case.

George Reid later became the leader of the Free Trade Party, Premier of New South Wales, our country's fourth Prime Minister and the first High Commissioner to London. In introducing his bill he noted that a restriction on costs similar to that which was proposed had long been the established law in England. He noted that in 21 James, chapter 16, the law stated that in action for slander where a verdict was less than 40 shillings the costs should not exceed the amount of the verdict. Similarly, in 58 George III, chapter 30, the law stated:

> That in all actions of suits of assaults and battery or for slanderous words to be sued or prosecuted in any court whatsoever which hath not jurisdiction to hold plea to the amount of forty shillings in such actions of suits if the jury for the trial of the issue … do find or assess the damages under thirty shillings then the plaintiff or plaintiffs in such action or suit shall have and recover only so much costs as the damages so given or assessed shall amount to without any further increase of the same.

Reid noted that the law in New South Wales at the time was much harsher than that which applied in England. He said that his object was:

> … to meet the cases of individuals against whom actions are brought, and who, by the verdict of the jury, are substantially acquitted of the charge which forms the subject of the action—cases in which the jury returned a nominal verdict—for example, a farthing. These actions sometimes last a very long time and although the verdict is for a farthing only, the costs amount to hundreds of pounds, and a poor defendant, against whom such a verdict is returned, has to endure the term of twelve month's imprisonment.

Fortunately we no longer imprison people who are unable to pay their legal bills—we now have bankruptcy laws which are much more enlightened than that—but we still have a problem when costs in a defamation action greatly exceed damages. It is the cost component which is punitive and which the ordinary person fears most in defamation actions. Reid went on to describe how it came to be that poor defendants could be unjustly saddled with enormous costs bills. He said it worked in this way:

> We will suppose that a man in a high position has been the subject of a libel or slander; he, of course, brings his action in the Supreme Court, and he of course is able to employ the best professional assistance, and is able to conduct the litigation in a

> most expensive way. The trial may be a long one, and the verdict on a question of law, owing to the difficulty of pleading in these actions, may have gone in favour of the plaintiff to the amount of a farthing; thereupon, under this rule, it would be held that it was an action fit to be brought before a superior court, the person attacked being a man in a high position, and then a certificate [for costs] would issue. Then, again, would the defendant, however poor his position, be exposed to the consequences of this enormous expenditure.

The nature of defamation is still as complex today. When I began my second reading speech some weeks ago I mentioned *Supreme Court Rules*, section 52A, rule 33, and I will come back to that because I have a disallowance motion in relation to rule 33. In the meantime the Supreme Court has omitted defamation from rule 33. Rule 33 does not allow for recovery of costs where damages under $225,000 have been awarded unless the plaintiff can justify there was a reasonable chance of success. That has now been thrown out the window. I shall return to that later because it is the subject of a disallowance motion standing in my name. Reid cited a number of cases to support his bill. One related to an event that took place at Clontarf in the electorate of Manly. It concerned a publication by a young journalist of a cartoon that depicted what was described as "disgraceful proceedings which occurred at a picnic on a public holiday in Clontarf".

Such things no longer happen there. The case ran for several days and the jury found that the defendant was substantially free from blame. Although only nominal damages were awarded, the costs were substantial. As the journalist was well regarded there was a public appeal to pay his bill. Reid noted that this trial would have ruined the promising career of the journalist and was a miscarriage of justice, if not a miscarriage of law. Reid's bill was passed by the House and contained in Act No. 26 of 1886, "An Act to amend the law relating to libel and slander". The substance of it stated:

> If in any action for defamation the jury or the judge sitting as a jury return a verdict in favour of the plaintiff for damages in any sum less than 40 shillings the plaintiff shall not have judgment to recover any costs unless the Judge in any case of libel shall certify that the words charged as defamatory were published without reasonable grounds of excuse.

In this bill the threshold figure is $25,000, but 40 shillings in 1886 was a sizeable amount. Reid's bill was later re-enacted as part of the Defamation Act 1901 and the Defamation Act 1912. In 1957 the Defamation Act was re-enacted again in a substantially modified form and this time Reid's section was omitted. Although this was noted by some members in the debate as being a problem with the bill, an amendment was not moved, nor was it included in a further rewrite of the Act in 1974, the Act that is in force today. The situation varies between States and Territories. In Tasmania section 30 of the Defamation Act 1957 provides:

> If the plaintiff in an action recovers a sum less than $4, he is not entitled to recover from the defendant any of the costs of the action.

South Australia has a provision that is similar to my bill. Section 101.02A of the South Australian *Supreme Court Rules* provides that plaintiffs are unable to claim costs in defamation provisions where the claim for damages is less than $25,000 unless the court otherwise orders. Although this is similar to my bill, my bill does not seek to give a discretionary power to the court. The experience in New South Wales in defamation actions is that the court is too inclined to exercise this kind of discretionary power in favour of the plaintiff.

The purpose of the threshold figure of $25,000 is to discourage trivial actions where the plaintiff's reputation might be slightly dented at worst but the costs incurred could be enormous. If the plaintiff succeeds in obtaining costs, the defendant could be ruined financially for what may be a trifling matter. People are often restrained from making free and fair comment about public matters because they fear being sued for defamation. That is the chilling effect. It applies to the media, which must exercise self-censorship in what it publishes, and to members of the community. The threat of defamation results in many taking the approach, "If in doubt, leave it out." Many statements that would be otherwise published are omitted because people do not want to risk defamation action.

The highly technical nature of defamation law compounds this chilling effect. The layperson has great difficulty in understanding how the law works. Even those with a legal education but without expertise in defamation law can struggle to understand the complexity of the law. The emphasis on defences in the law also means that prima facie most criticism of others is actually defamatory. The law's construction means that the legal onus is heavily weighted against the defendant. Once a defamatory publication is alleged, a defendant must then establish one of the highly technical defences to escape liability. Simply the receipt of a writ for defamation can result in a defendant incurring thousands of dollars in legal fees.

The heavy onus placed on defendants means that so-called slap writs can be used by plaintiffs to stifle criticism of their action. If a wealthy person or corporation—and corporations with more than 10 persons cannot bring an action—do not like something that has been said or published, they can issue a writ

and demand that the publication be withdrawn, an apology issued or compensation paid. The simplest and cheapest option for a person of modest means in receipt of such a notice is to simply comply with the demands, regardless of whether the publication was justified. In that way they do not incur the massive legal fees and risks involved in defending a defamation case. This aspect of the law of defamation is perhaps the most oppressive and the most in need of reform.

This is not the first time I have introduced a bill to contain costs in defamation actions. Last year I introduced a private member's bill entitled the Defamation Amendment (Costs) Bill 2002, which sought to restrict costs orders to the quantum of damages awarded. Although the bill did not receive the support of the Government at that time, I was able to negotiate an amendment to the Government's Defamation Amendment Bill 2002, which resulted in subsection 1 (b) being inserted into section 48A of the Defamation Act 1974. This section now provides that the court, in awarding costs for defamation matters, may have regard to whether the costs in the proceedings exceed the quantum of damages to be awarded. Although I was pleased to have successfully negotiated the passage of that amendment, I am not convinced that this measure goes far enough and that it will have the intended effect of my original private member's bill, that is, to inhibit unnecessary and frivolous court actions.

This bill takes a different approach to my previous bill. Rather than restricting costs to the quantum of damages, the bill will prevent a plaintiff from obtaining an order for costs unless the plaintiff has been awarded more than $25,000 in damages. Plaintiffs and their legal advisers will need to be certain that the case is very strong before they bring a matter to court if they want to recover their costs. Under the law as it now operates it is too easy for a plaintiff to prosecute a trivial matter. Currently more than 60 per cent of cases are awarded less than $50,000 in damages. As the law currently stands it is too easy to prove a damaged reputation. The at-large nature of damage assessments and focus on vindication of reputation mean that courts are obligated to award at least a few thousand dollars in damages. This is the case even where a plaintiff cannot prove any actual financial damage.

Section 46 (3) of the Defamation Act provides that exemplary damages are not to be awarded in New South Wales. However, this measure is rendered useless by costs orders. When costs are added to the damages, awards in defamation cases become highly punitive. Plaintiffs can run up huge costs prosecuting a fairly minor matter, merely as a means to punish the defendant. A relatively trivial matter that should never have been brought before the court can turn into a powerful weapon when wielded against a person of normal means. In most trivial cases it is highly debatable whether any damage to reputation has occurred at all.

The highly technical nature of the law and its bias towards the plaintiff means that in reality no damage occurred to the plaintiff that the community would deem to be worthy of compensation. By removing the prospect of a costs order against defendants in cases where the damages award is less than $25,000, this bill will help to reduce the number of trivial cases brought before the courts and members of the community will feel freer to speak out without the fear of having a massive costs order made against them over a trivial mistake. It will also reduce the number of settlements and slap writs in cases involving trivial matters, as defendants will be more certain about where they stand in certain situations.

To reiterate, defamation law is the domain of the wealthy. The wealthy can afford reputations; people of ordinary means cannot. Unless the law addresses this issue, it is totally biased in favour of people with the financial wherewithal to use the courts when most people cannot. It has been argued that my bill might inhibit or work against the small person bringing a case or bringing an action. Let us get real. How many so-called small people or people of ordinary means do this now? They do not because they cannot. The law in New South Wales, as in many other instances, is beyond the means of ordinary people. It is just a fiction to think that somehow this bill will damage the rights of small people. The overriding mischief that this bill is trying to cure is to stop the law being used to intimidate free speech. In a democracy that is an overriding issue and one that the defamation law at the moment works directly against. Unless this Chamber and other State Chambers across this country recognise and address that issue, we will continue to inhibit free speech in this country.

In New South Wales we have a high level of defamation actions. The Communications Law Centre at the University of New South Wales produced figures that showed that New South Wales has one defamation writ per 79,000 of population, compared with England, which has one defamation writ per 121,000 and the United States of America, which has only one writ per 2.3 million people. That is why New

South Wales is known as the defamation capital of the world. It is a joke. It is a carbuncle on our democratic system; it is an inhibitor of free speech. This bill is not the first bill to propose limiting costs on litigation in tort issues, but it is the first in relation to defamation.

Last year, in response to spiralling costs in the insurance industry, the Government introduced the Civil Liability Bill 2002. That bill included a section that placed caps on the costs that could be ordered according to the size of the damages awarded in personal injury cases. The intention was to discourage the increasing tendency towards protracted litigation that was leading to skyrocketing insurance premiums. It is useful to consider the comments contained in the Premier's second reading speech in relation to the cost-capping provisions of that bill. The Premier noted:

> The cap on fees will promote efficiency on the part of the legal profession and help to contain claims costs.

Likewise, this bill will also promote efficiency on the part of members of the legal profession by discouraging them from litigating cases in which the client is unlikely to win more than $25,000 in damages. As the law currently operates, the high fees that lawyers can earn acts too much as an incentive for them to encourage plaintiffs to litigate on trivial matters. The legal profession already has a bad reputation in that regard, and this bill will help to address that problem. High costs in defamation actions also have an impact on the insurance industry. This bill will help the community to keep the lid on insurance premiums. I refer again to part 52A, rule 33 of the *Supreme Court Rules*, which states:

> Where a plaintiff recovers the sum of not more than $225,000 they are unable to recover costs unless the court finds that they had sufficient reason for commencing or continuing proceedings in the court.

As I indicated earlier, recent changes to the *Supreme Court Rules*, which were tabled this week in this House, omitted defamation from this regulation. So, if there are damages of under $225,000 plaintiffs are able to recover costs, whereas they might not have been able to do so previously. That is working counter to this bill. I will address that issue later today when I speak in debate on my disallowance motion. This bill will override that. This bill will ensure that it is not possible for the courts to do anything other than not award costs if the damages awarded are under $25,000. In the case *West and Another v Nationwide News Ltd*, regulation 33 was brought to the notice of the lawmakers. Justice Simpson said that the rule had not been enforced in defamation actions for a variety of reasons. She drew this matter to the attention of the lawmakers and said:

> If the lawmakers wish to make a special exception in cases of defamation, they are open to do so.

Hence we have had the change to the *Supreme Court Rules*. I will refer to that issue later this afternoon. I have had comments and feedback on the proposals in this bill from a number of parties with special knowledge and experience in defamation law. I am grateful for their comments. On 15 August I received a letter from Mr Jack Hermans, Executive Secretary of the Australian Press Council, informing me that at its July meeting the Press Council had agreed to support my proposals for changes to the New South Wales Defamation Act involving the limiting of costs.

This bill should be of assistance to the media. More than 80 per cent of defamation actions are taken out against the media and the Press Council is understandably keen to discourage frivolous actions where the damages sought are minimal. The costs involved in defending these actions for media companies is considerable and an unnecessary fetter on free speech and journalism. I also sought comment from the New South Wales Bar Association. On 1 August Mr Bret Walker, SC, President of the Bar Association, provided me with feedback on the bill. He noted:

> The Bar Association regards the balance to be struck between the vindication of reputation by suing on a cause of action in defamation on the one hand, and the burdensome, sometimes ruinous, incidence of costs disproportionate to the monetary worth of the interest at stake, on other hand, as one in which Parliament has the pre-eminent role.

It was also noted that $25,000 seemed an appropriate sum to advance the intended policy. Mr Walker, through the Bar Association, pointed out that he does not believe there is a discernible increased trend towards minor or trivial defamation actions, and he states:

> If there was such a trend this could be a mischief to be remedied by guidance of appellate decisions or perhaps legislation.

This legislation seeks to restrict the amount of litigation that is taking place and, in the process, to free up speech in our democratic system. Last year I received a critical analysis of the proposal in my previous Defamation Amendment (Costs) Bill 2003 in an article written by Mr Roy Baker, a senior legal officer at the Communications Law Centre, which was published in the centre's journal. Mr Baker noted that the proposal was worthy of consideration—this is where he limits costs to the quantum of damages—but he had concerns that it could act as a disincentive for defendants to settle. That concern has now been addressed as the new

bill operates by placing the limit at $25,000 and no longer caps costs at the quantum of damages. I thank Mr Walker, the Press Council and the communication law centres for their thoughtful responses.

Pursuant to sessional orders business interrupted.

NATIONAL PARKS AND WILDLIFE AMENDMENT (QUARANTINE STATION) BILL

Second Reading

Debate resumed from 18 September.

Mr MICHAEL RICHARDSON (The Hills) [10.30 a.m.]: This bill was some time in gestation, certainly in the mind of the honourable member for Manly. Let me say at the outset that while he and the Opposition do not want exactly the same outcome at the quarantine station, we are opposed to what the Government wants to do at that site. Earlier this year I stood with the honourable member for Manly on a platform at a public rally and outlined our position on the Manly quarantine station, which has been consistent over a number of years. That is, we do not believe in leases of longer than 10 years on the property and we certainly do not agree to the entire property being leased to a single entity. Effectively, that is handing control of the quarantine station, which is one of the most important heritage sites in Australia, to a single entity. I guess that we differ on the means that could be used to achieve those ends.

Earlier this year I introduced a bill that the Opposition believes would provide an appropriate long-term solution to the problems of maintaining, preserving and appropriately funding the Manly quarantine station. That legislation is a modification of a bill introduced in another place by the Hon. Dr Arthur Chesterfield-Evans, and it also borrows extensively from the Government's Callan Park legislation, which was introduced into this place at the end of last year to save the neck of the Minister for Tourism and Sport and Recreation, and Minister for Women. Our bill is considerably more detailed than the bill now before the House. As I said, I think that the honourable member for Manly and the Opposition have the same ultimate goals.

The Manly quarantine station is an extraordinary place. There are some 66 buildings on the site dating back to the 1830s, and there are some 1,500 rock engravings. If honourable members have not visited the site I encourage them to do so to look at the rock engravings, many of which were made by the passengers quarantined on the site from the early 1830s. They have left behind an extraordinary legacy. Our history is engraved on the sandstone of the quarantine station site. Between 1828 and 1984 at least 580 vessels carrying more than 13,000 passengers were quarantined at North Head, most of them prior to World War II. An estimated 572 of them—it is not an inconsequential number—died and were buried there. So this is a site like no other site.

One issue that needs to be borne in mind is that it is not just the built fabric of the site that is important. There are 57 hectares of undisturbed bushland surrounding the quarantine station, and it stands on that all-important North Head site. There are ongoing discussions about creating a North Head sanctuary, and the Premier has indicated in-principle support for that proposal. Honourable members understand that more needs to be done to preserve the Manly quarantine station site than simply handing an operating contract, lock, stock and barrel, to a single entity and saying to it, "Do your damnedest. Do not care too much about what you do as long as you are injecting funds into the place. You can take your profit as well."

Having said all that, the Opposition has some concerns with this bill as it currently stands. The bill is very short. I do not think it would have taken an enormous amount of time to draft. Essentially, the bill has only one clause. Schedule 1 will amend the National Parks and Wildlife Act by inserting four subsections after section 151C of the Act. Effectively, the bill provides for the deferment of any leases or licences being granted at the Manly quarantine station for a period of two years. That is designed to allow the negotiations and discussions on the framework for the sanctuary to be developed. That in itself is an admirable objective, but the Opposition's concern lies with new section 51CA (2) in schedule 1, which states:

> Any lease granted under section 151B to enable the adaptive reuse of an existing building or structure on the land to which this section applies before the date of assent to the *National Parks and Wildlife Amendment (Quarantine Station) Act 2003*, and not expired before that date, is extinguished.

In other words, there would be no leases or licences, and the existing leases or licences would be extinguished without compensation. That proposal is anathema to the Opposition. We support the private sector. We do not support the notion of giving important significant public lands to a single entity,

effectively transferring public lands to the private sector. Also, we are strongly in favour of providing compensation when rights are taken from an entity or individuals, or when those rights are extinguished, which is what this bill seeks to do.

The Opposition is of the view that this bill is a fairly simplistic solution to the problem at the quarantine station. We believe that the bill we introduced provides a real solution, a new way forward for the quarantine station, a way of both conserving this important site and using those buildings without effectively handing over this important public site to the private sector. So the Opposition will not be opposing the legislation, provided the amendment to delete the offending new subsection is accepted by the Committee of the Whole. We do not believe it is appropriate to say that there should be no leases, no licences and no involvement of the private sector.

Buildings are best preserved when they are used. That was sheeted home to me once again during my recent overseas trip. Obviously, those uses will change over time. However, to have the buildings simply sitting on the quarantine station site is a recipe for disaster. Two of the buildings, including the 1883 hospital, have burned down in the past couple of years. While the Mawland proposal is that the hospital be rebuilt, it cannot be rebuilt as it was. The proposal is also that ensuite toilets should be provided, as well as a totally different style of accommodation to that which existed in the original building. I do not believe the passengers who were taken ill and went to the hospital were accommodated in separate rooms with ensuite toilets in 1883. That is what will happen if we simply sit back and do nothing. I acknowledge that the honourable member for Manly wants ultimately to achieve an outcome similar to that desired by the Opposition. So long as the foreshadowed amendment is accepted we shall not oppose the bill.

Mr SPEAKER: Order! If honourable members do not seek the call it is difficult for the Chair to know precisely what they want to do. Honourable members should be aware of the time at which they wish to become involved in the debate and should seek the call when the preceding speaker resumes his or her seat.

Mr DAVID BARR (Manly) [10.40 a.m.], in reply: I thank the honourable member for Newcastle and the honourable member for The Hills for their contributions to this debate. I have debated the future of the quarantine station many times in this Chamber and traversed the numerous issues involved. However, the many points raised in debate can be distilled to two threshold questions: first, should we hand over such an important site to a hotel operator by granting a lease that could run for 45 years; and, secondly, should we deal with the North Head site in a piecemeal fashion? Should we develop the quarantine station, the School of Artillery site and then perhaps the police academy or should we adopt an integrated plan of management encompassing the entire area? They are the questions to which the people of Manly, New South Wales and Australia as a whole are demanding answers.

The quarantine station is a unique site of great historical significance. Not many other quarantine stations of a similar value can be found anywhere else in the world. Where such sites do exist, they have not been handed over to hotel operators. So the question remains: Should we grant a hotel operator a 21-year lease with the option to extend to 45 years or should we try to retain the quarantine station in the care and control of a public body? I have argued strongly throughout this debate that the site should not be handed to a private company. Our public health policy history, our maritime history and the history of the indigenous people who lived on that site are at stake. The site is important to Australia's history and I would contend that not many other countries would be prepared to hand such a site to the private sector as this Government proposes to do.

It has been argued—the honourable member for The Hills raised this point today—that if the quarantine station is not developed in the manner proposed the site will lie idle and the buildings will fall into disrepair. No-one is arguing against the adaptive re-use of the site. In fact, that must happen; the existing buildings must be put to good use. The important question is who should develop the site and for what purpose. It is a furphy peddled by the Government, and now by the Opposition, that if the lease is not granted, the site will lie fallow and the buildings will crumble. That is not a valid argument in support of this leasing proposal. Ever since my election to Parliament I have argued against private development of the quarantine station. I am the only member in this place to have done so. Opposition members have come to the quarantine station debate only very recently and I believe do not have a full grasp of the many issues involved. In fact, I was slightly offended by some of the comments made today that revealed only partial understanding of the principles and the issues involved.

Returning to the threshold questions, I will give an example of what happens to similar sites overseas. Grosse Île quarantine station in Canada is administered by Parks Canada under the Parks Canada

Agency Act 1988. Parks Canada is a national body that is responsible for the Federal Heritage Buildings Review Office, which provides various government departments with assistance in reviewing proposed interventions that might affect the character of designated buildings. Parks Canada administers the largest number of federal heritage buildings in Canada. There is no reason why the North Head quarantine station cannot be administered by some form of public trust. Such an arrangement would not prevent parts of the site being subleased for use as restaurants, kiosks or for environmental and educational tours. In fact, that is what should happen. However, the main issue is: Who should have the overall care and control of this wonderful site—the Government or a hotel operator?

The granting of a 21-year lease plus options would essentially amount to a privatisation of the site. If such a lease were granted who knows what might happen in five or 10 years when circumstances and the government have changed. The developer might say, "The site is not operating in quite the way we want so we want to build additional buildings and attract more people." That is always the risk one takes when one leases public sites and public infrastructure. In its *Trust Alert* newsletter of January 2003, the National Trust of Australia states:

> There is something strangely ironic in the news that the developer of the Quarantine Station at North Head has purchased the Fox Studios Titanic Exhibition memorabilia for use at the Quarantine Station.
>
> The planning and approval procedures have meant that all anyone can do is move the pieces of the proposal for the Quarantine Station around but we still end up with the same thing: **a tourist development run by private enterprise on a fragile and important site.**

I also point out that two colonies of endangered fauna species live on the site: the long-nosed bandicoots and the little penguins. Dr Peter Banks from the University of New South Wales undertook a census of the site, which revealed that 97 long-nosed bandicoots live throughout North Head. At the sanctuary forum last year Dr Banks said that even a slight change to the long-nosed bandicoots' habitat could drive the colony to extinction. I do not believe for one moment that the Government considered the endangered long-nosed bandicoot colony when formulating this leasing proposal. I remind honourable members that the National Parks and Wildlife Service is a co-proponent of the development proposal with Mawland Hotel Management Pty Ltd. What is the charter of the National Parks and Wildlife Service? It is supposed to look after our flora and fauna.

The Government simply wants to get the quarantine station off its books. What return will the public derive from this proposal to hand the site to a hotel operator? I would argue that there will be very little return for the public. As I have said, the development would drive the long-nosed bandicoots to the brink of extinction. There are only 27 breeding females on the whole of North Head. When the proposal was first put forward, it was thought there were up to 200 long-nosed bandicoots. A census taken by Dr Banks, by putting up to 50 traps across North Head, shows the correct figure is 97. The other endangered colony is the little penguin. There are fewer than 70 little penguins. No-one is quite sure how many, but the little penguin colony is the only such colony in the harbour or in the Sydney metropolitan area. It is also at risk, and the activities at the site, particularly ferries moving passengers to the wharf at the quarantine station, will put added pressure on it.

Mr Neville Newell: Point of order: Reluctant as I am to interrupt the honourable member for Manly, I have been listening very closely to his reply, and he is introducing new material into the debate. In reply to the debate he should not be doing that, and I ask you to bring him back to matters that have already been discussed.

Mr SPEAKER: Order! It is correct to say that when speaking in reply a member should not introduce new material. As I have not been present for the entire debate I am not in a position to determine whether the honourable member for Manly is dealing with new matter. However, the point of order taken by the Parliamentary Secretary is a reasonable one and I ask the honourable member for Manly to bear it in mind.

Mr DAVID BARR: I point out that in my second reading speech I talked about Dr Peter Banks and the census, so I am not out of line. The issue is that colonies of endangered species will be put at risk by this proposal. That is on the Government's head and on the head of the National Parks and Wildlife Service if they go through with this. I think it would be quite outrageous. The second point I make is the need for an integrated plan for all of North Head. Two other bills, one before this House and one before the upper House, are proposing trusts for the quarantine station. A couple of years ago I was calling for something similar to the Ellis Island Foundation for the quarantine station as a way for a trust to be set up, if the National Parks and Wildlife Service could not deal with the site and the building fabric there. That trust would keep it in the public domain and operate for the benefit of the site only, not for the benefit of shareholders, in the same way

that the Ellis Island Foundation operates. Ellis Island was the disembarkation point for millions of migrants to the United States of America.

Events moved on. About 18 months ago I raised with the Hon. Dr Arthur Chesterfield-Evans the possibility of him putting forward a bill in the other place to create some sort of trust, and that has reached some sort of fruition. The Australian Democrats member in the upper House is negotiating with the Opposition on the content of that. Since then, events have overtaken it. We now have the concept of North Head being a sanctuary, and that has been endorsed by the Government. In other words, we should not be dealing piecemeal with the quarantine station and setting up a trust only for it; there should be some sort of body for all of North Head. The planning for the whole of North Head should be integrated. There should not be a separate body for the quarantine station. That is the critical point I make and that is what the honourable member for Tweed misses. We are looking at a sanctuary for the whole of North Head incorporating the quarantine station.

If the Government goes ahead with the leasing of the quarantine station before the basis for a sanctuary for North Head has been worked out, opportunities may be lost. The purpose of this bill is to delay any leasing until the sanctuary proposal is fully nutted out. I agree with the honourable member for The Hills that this bill is very simple—not simplistic—in what it is trying to do. That is its strength. It is trying to put a hold on this leasing process until we can work through an integrated planning document along the lines recommended by the section 22 committee, which has never been disbanded but which has never been reconvened. I point out again to the House the beauty of North Head. It is a wonderful site, with its flora and fauna and its endangered colonies, on the doorstep of a magnificent harbour and only a few kilometres from the central business district. This is a chance for the Government to grasp the moment and to do something really special. Those chances do not come very often. It is an opportunity for the Government to show vision and foresight and do something really special for the people of Sydney, of New South Wales and of Australia.

The possibility of reintroduction of smaller marsupials, the eradication of exotic species, the School of Artillery site, the indigenous history of the land, and the quarantine station itself all make for a wonderful sanctuary. The concept of a sanctuary has been endorsed by the Premier and by the Government and it is now a matter of defining what shape that is to take. To lease out the quarantine station in the meantime, before that has been worked through, would be a travesty. The Government has got itself into a mess on this issue. It has been caught up in this leasing process and the negotiations for a long time. The process has been something of a moveable feast, because the proposals by the co-proponents have changed, and that in itself is wrong. The Government can extricate itself by putting a moratorium on the leasing process until the issue of what is to happen to all of North Head is decided. I praise the Sydney Harbour Federation Trust for its foresight in managing the School of Artillery site. They are only too keen to work with the State Government to develop an integrated plan for all of North Head, including the quarantine station.

I reiterate, because it is worth saying again and again, that not leasing to a private operator does not mean the site stays in limbo. It means that the site is being kept in the care and control of a public body and is open to adaptive re-use. One can use those buildings for educational, convention and other purposes. The convention centre has been highly popular for a long time. The buildings on the site should not be gutted and ensuites installed and only one or two rooms left in their present condition. Part of its charm and attraction is for people to walk down the corridor to the toilet while noting that the timber walls of some buildings are lined with corrugated iron—a far cry from a sterile 3½ or 5 star hotel. The issue is not to try to get more people onto the sanctuary site but to deal with the management and the numbers of people who want to go there.

Together with the operation of the convention centre, very successful ecotourist operations, ghost tours, and other activities could be run there. Profits from such enterprises should not go to shareholders but should be used to improve and further conserve the site. The fundamental issue being debated by the Government is whether to hand over the site for the benefit of shareholders or give it to a body for the benefit of the people of New South Wales? I have debated this matter many times in this House because the principles involved in the issue are so important.

The Government does not have many more stages to go through on this matter. Ministerial approval is required if the Government is intent on entering into leases. There is still a requirement for the provision of financial information by Mawland to PricewaterhouseCoopers, who will conduct the economic review of the proposal, which I have already questioned. Finally, there are negotiations between the two co-proponents on the final terms and wording of the lease document. I have pointed out before, including in my second reading speech, the inherent conflict in the National Parks and Wildlife Service being the party that looks after this

site as well as being a co-proponent for this proposal. There is an inherent contradiction in that which is fundamentally wrong.

I note that the honourable member for The Hills, on behalf of the Opposition, has foreshadowed an amendment relating to compensation for leases, about which I am open-minded. However, I point out that at present this bill makes much more sense than the Opposition's bill which creates a trust. The logical way to proceed that I have proposed is to have a moratorium on any leasing until we work out the sanctuary proposal rather than create a body to look after a piece of North Head when the quarantine station, as one piece of North Head, should be integrated into all of North Head. We should set up a body to look after all of North Head, including the sanctuary site in later years and the quarantine station as it is now. I urge honourable members to support the bill.

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

The House divided.

Ayes, 36

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

Noes, 48

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

Pair

Mr Iemma	Mr Brogden

Question resolved in the negative.

Motion negatived.

GOVERNMENT SCHOOL ASSETS REGISTER BILL

Second Reading

Debate resumed from 3 July.

Mrs JILLIAN SKINNER (North Shore) [11.14 a.m.]: On the previous occasion, when I was interrupted I had spoken for only a few minutes.

Mr Bryce Gaudry: I was of the opinion that you had spoken for twenty-eight minutes!

Mrs JILLIAN SKINNER: I had not. Would the Parliamentary Secretary like a copy of the *Hansard*? In fact, I noted that I would return to the bill. I did not even outline the purpose of the bill.

Mr Bruce Gaudry: I retract what I said, and apologise.

Mr ACTING-SPEAKER (Mr John Mills): If the honourable member for North Shore wishes to complete her second reading speech, she will need leave, as the time allocated for second reading speeches has now passed.

Mrs JILLIAN SKINNER, by leave**:** I thank the House for that indulgence. I am glad that the Government has seen fit to allow me extra time. I expect bipartisan support for this legislation because of the widespread concern expressed by school communities, many in Government-held electorates, about the rundown physical state of schools throughout New South Wales. As I had only a brief time to speak to the bill after introducing it, I merely referred to the Vinson report and Professor Vinson's observations about the need for a register of government school buildings and the need to determine the state of them.

Mr Bryce Gaudry: Point of order: I have looked at the second reading speech of the honourable member. I note that at the end of her speech she commended the bill to the House, and the debate was adjourned on the motion of the honourable member for Campbelltown. Unfortunately, the debate has been adjourned and the honourable member had completed her speech, as noted in *Hansard*.

Mr Andrew Tink: To the point of order: The honourable member for North Shore has been given leave to continue, and that is the end of the matter. That issue has been decided and the honourable member has the call.

Mrs JILLIAN SKINNER: To the point of order: In the concluding paragraph of my comments made on the previous occasion I said:

> I would prefer to return to these very important matters following the winter break.

So I made the position very clear in my second reading speech.

Mr ACTING-SPEAKER (Mr John Mills): Could the honourable member give the Chair the date of the *Hansard*?

Mrs JILLIAN SKINNER: It is 3 July. I had had very limited time, I think five minutes, and when concluding on that occasion I said:

> I would prefer to return to these very important matters following the winter break.

I did not even outline the provisions of the bill. I do not understand how the Government expects this House to make an informed decision on a matter that it has not heard about.

Mr Brad Hazzard: To the point of order: I do not think anyone is trying to be difficult. The Parliamentary Secretary for Police is picking up on seven words, "I commend the bill to the House." Although the honourable member for North Shore may have used words that could be construed to indicate that she had finished, the import of what she said in the final paragraph is clear: she knew she was about to be interrupted and would have to continue what she wanted to say at a later date. As a matter of fairness, quite apart from anything else, her words should not now be construed in some narrow way to prevent her from being able to properly represent her views to this House. If you do that, it will amount to gagging her. Clearly, that is not what is intended. The honourable member for North Shore did not have the time to say all she had to say. We have already moved on. Earlier the Parliamentary Secretary made the right decision in

agreeing to leave, and you granted leave. I submit with respect that you should stick with your original decision.

Mr ACTING-SPEAKER (Mr John Mills): Order! I have heard a number of speakers on the point of order and I have taken advice. The basis on which the Parliamentary Secretary gave leave—and I agreed with the process—was information provided by the honourable member for North Shore. However, the official record of the House, *Hansard*, shows that she used the words "I commend the bill to the House", and the debate was adjourned on the motion of the honourable member for Campbelltown.

Mrs Jillian Skinner: And I sought leave to have the matter brought on again later, but that is not recorded.

Mr ACTING-SPEAKER (Mr John Mills): That is not on the record. I am left in a bind because the forms of the House dictate that the time for second reading speeches has now passed. In the circumstances it may be preferable to adjourn the debate and resolve the matter. I would prefer to have the matter resolved in such a way that the honourable member for North Shore can continue her second reading speech.

Mr ANDREW TINK (Epping) [11.22 a.m.]: I move:

That the honourable member for North Shore be heard.

This is just pathetic! This is the sort of thing that brings this House into disrepute. It is plain on the strength of what the honourable member said in her speech that she had not finished. But we are mucking around with lawyerly points of order to gag someone who wants to contribute to the second reading debate. Let us have a debate.

Mr Carl Scully: To the point of order: I do not have *Hansard* in front of me, but the advice I have received is that at the time the honourable member for North Shore concluded her speech the debate was adjourned, and quite properly. We are not seeking to truncate debate, but there are processes. We have a pretty co-operative relationship in here. If a member of Parliament concludes her contribution to a bill, we have to follow the procedures of the House. I ask you, Mr Acting-Speaker, to reject the motion.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Chair does not reject anything. The motion has been moved by the honourable member for Epping.

Ms Katrina Hodgkinson: To the point of order: The shadow Minister clearly said on 3 July, and I have *Hansard* in front of me, "I could go on, but I know that this debate is about to be adjourned and I would prefer to return to these very important matters following the winter break." Nothing could be clearer: other business was about to be taken and she had to interrupt her speech, but she wanted to return to it after the winter break. It was at the end of the session.

Mr Brad Hazzard: There has been some misunderstanding, which can be easily fixed. If it is not, there will be a lot of ill-will.

Mr Carl Scully: Further to the point of order: This is not the proper process. Come and talk to me and we might be able to accommodate you. But do not do it on the floor of the Chamber and whinge about the processes.

Mr Andrew Tink: Further to the point of order: It is very plain from the honourable member's speech on 3 July that she had not finished. It is very plain that, at its highest, an error has been made in the way the debate has been recorded; that is to say it has been recorded as coming to a conclusion when, plainly, on an ordinary reading by any ordinary member of the public, the honourable member knew that the debate would not be concluded. That is the practical situation.

Just a few minutes ago, to overcome an incredibly technical and, dare I say it from the point of view of the public, stupid point, the House made what I thought was a very practical decision. The Parliamentary Secretary agreed to the honourable member for North Shore being given leave, in practical terms, to continue. That was the decision of the Chair, and we should move on accordingly. To prevent the honourable member for North Shore from continuing would be to take a technical point to a degree that brings the whole place into a very unfortunate form of disrepute. Leave has been granted, she should be allowed to continue.

Mr Carl Scully: Further to the point of order: So that there is no misunderstanding—it is open to interpretation—these things should be discussed with me rather than have them blow up in the House. The honourable member concluded with the words "I commend the bill to the House" and the debate was then

adjourned. That means her contribution had concluded. I am happy to accommodate members; please come and see me before these things blow up in the House. We have to make it clear that she commended the bill to the House and the debate was adjourned. This forum is for debate. She made her contribution to the second reading debate. Let other members of Parliament make their contributions.

Mr Andrew Tink: Further to the point of order: When the record of what has been going on in the last 10 minutes of this House is produced in *Hansard*—the Leader of the House is relying, so he says, on the *Hansard* of the last occasion—it will show that you, Mr Acting-Speaker, correctly, and the Parliamentary Secretary for Police, correctly, moved beyond what the Leader of the House says was the adjournment of the debate on the previous occasion, which brought her second reading speech to an end. You granted leave for her to continue. That is the current position. The Leader of the House is talking about history, but that was superseded by the granting of leave today. In effect, Mr Acting-Speaker, if you do not let the honourable member speak, you will be acting contrary to your earlier decision, which commonsense dictates was correct, and accepting the Leader of the House giving you a history lesson on what happened last time.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point in taking the matter further. It would appear that there was some misunderstanding in July about the procedures of the House. Earlier the honourable member for North Shore was given leave to continue her second reading speech. That leave was given on the basis of information she supplied to the House. That information technically contradicted the *Hansard* record. The point of order taken by the Parliamentary Secretary to the Minister for Police is valid, as allowing the honourable member for North Shore to continue her second reading speech would breach the sessional orders. Although there has been a misunderstanding, I detect a good deal of goodwill around the Chamber. As the House is about to move to General Business Orders of the Day (General Orders) I suggest that the Leader of the House, the honourable member for North Shore, and the honourable member for Epping attempt to agree on a way in which the matter can proceed.

Pursuant to sessional orders business interrupted.

HEALTH FUNDING

Debate resumed from 4 September.

Motion by Mr Scully agreed to:

That standing and sessional orders be suspended to allow the following amendment to be moved forthwith:

> That the motion be amended by leaving out all words after "funding" with a view to inserting instead "for elective surgery at country hospitals".

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [11.30 a.m.]: I move:

> That the motion be amended by leaving out all words after "funding" with a view to inserting instead "for elective surgery at country hospitals".

Mr Brad Hazzard: Point of order: I seek clarification. I am having some difficulty in understanding what motion we are discussing. A moment ago we were discussing the motion that was before the House as moved by the honourable member for North Shore. Now we are discussing an amended motion, but the motion has not been read into *Hansard.* The order of the day has not even been read out. There was no direction to the Clerk to read the order of the day.

Mr ACTING-SPEAKER (Mr John Mills): There was, and the Clerk did so.

Mr Brad Hazzard: What is the order of the day? What has been read out? What are we now doing?

Mr ACTING-SPEAKER (Mr John Mills): For the benefit of the honourable member for Wakehurst and in response to the point of order, I point out that we are dealing with a motion that appears at page 674 of *Notices of Motions and Orders of the Day*. General Business Orders of the Day (General Orders) were called on at 11.30 a.m., in accordance with the sessional orders, and the following appears in *Notices of Motions and Orders of the Day*: "Health Funding; resumption of the postponed reply, on the motion of Mr Torbay—". Before I gave the call to the honourable member for Northern Tablelands, the Leader of the House sought the call to move that standing and sessional orders be suspended to allow him to move an amendment. The motion to suspend standing and sessional orders was carried. The honourable members for Northern Tablelands had a minute of speaking time remaining in his postponed reply. However, his speaking time has now expired. The question now is , That the amendment be agreed to.

The House divided.

Ayes, 54

Ms Allan	Ms Hay	Mrs Paluzzano
Mr Amery	Mr Hickey	Mr Pearce
Ms Andrews	Mr Hunter	Mrs Perry

Mr Barr	Ms Judge	Mr Price
Mr Bartlett	Ms Keneally	Ms Saliba
Ms Beamer	Mr Knowles	Mr Sartor
Mr Black	Mr Lynch	Mr Scully
Mr Brown	Mr McBride	Mr Shearan
Ms Burney	Mr McGrane	Mr Torbay
Miss Burton	Mr McLeay	Mr Tripodi
Mr Campbell	Ms Meagher	Mr Watkins
Mr Collier	Ms Megarrity	Mr West
Mr Corrigan	Mr Mills	Mr Whan
Mr Crittenden	Ms Moore	Mr Yeadon
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	
Mr Draper	Ms Nori	*Tellers,*
Mr Gaudry	Mr Oakeshott	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 30

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Armstrong	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	Mr Kerr	Mr Stoner
Mr Cansdell	Mr Merton	Mr Tink
Mr Constance	Mr O'Farrell	Mr J. H. Turner
Mr Debnam	Mr Page	Mr R. W. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	*Tellers,*
Mr Hazzard	Mr Roberts	Mr George
Ms Hodgkinson	Ms Seaton	Mr Maguire

Pair

Mr Iemma	Mr Brogden

Question resolved in the affirmative.

Amendment agreed to.

Motion as amended agreed to.

NATIONAL PARTY NEW SOUTH WALES ELECTION RESULTS

Debate resumed from 18 September.

Mr PETER BLACK (Murray-Darling) [11.41 a.m.], in reply: I acknowledge the magnificent contribution to this debate by the honourable member for Lachlan on Thursday 18 September. I have distributed a copy of his speech to all the mayors in my electorate. They have told me they do not know whether the honourable member for Lachlan was praising me or attacking me. Honourable members will recall that we were discussing the nature of Armstrongite, a mineral known for about 30 years and first located at a frigid place in the Gobi desert. We talked about its streak, hardness, density, fracture, colour and crystal system. I also described it as a phyllosilicate, in the sense that it had a perfect basal cleavage, and it splits all over the place, as did the National Party leadership post-Armstrong. It went from the honourable member for Upper Hunter, George Souris, and it has now gone to Andrew Stoner.

The number of seats held by the National Party fell from 20 in 1988 to 17 in 1999. Following certain events the number went down to 13, and currently there are 12. I left out one matter and that was the diaphaneity of the mineral. After considerable consultation with others, I have come to the conclusion that it must be translucent rather than transparent. It is quite muddy; one could describe it as being dim, dull and distant. On the previous occasion we discussed the nature of the mineral being biaxial, schizophrenic, reflecting the fact that the National Party mob has six of its country seats in the real bush and another six on the coast. The National Party held a Federal meeting in early October and, by coincidence, I was forwarded a copy of Mark Vaile's speech to that conference. It is an interesting speech, and contains the subheading "The Report Card".

Mr Thomas George: Point of order: I draw to the attention of the honourable member for Murray-Darling that the party's name is The Nationals.

Mr PETER BLACK: I thought you were "The Notionals", but I stand corrected.

Mr ACTING-SPEAKER (Mr John Mills): Order! No point of order is involved.

Mr PETER BLACK: At the conference Mark Vaile said:

> The last ten years have not been good years for our party.

You got rid of "Party", but that is what he said. Mark Vaile continued:

> Here in Canberra, our federal parliamentary representation has fallen from 24 members after the 1996 election to just 17 today.
> At State level, our MPs are in Opposition in Queensland, SA, NSW, WA and Victoria—and the majorities enjoyed by the Labor governments are considerable. Unfortunately, our friends in the CLP are faced with the same problems in the Northern Territory. …
> Is John Laws right when he claims we no longer connect with a core constituency?

That is the very issue. Mark Vaile continued:

> Is The Australian Financial Review right when it claims we are stuck in a dusty siding?
>
> Should we just give up and leave it to the Libs?
>
> The simple answer is NO.

Mark Vaile said "No" and I totally agree with him. You should not give up and leave it to the Liberals; you should give up and leave it with Country Labor. That vote was unanimous at Country Labor caucus this morning; it was in total agreement about the post-conference events. When is a party not a party? I thank the honourable member for Lismore for raising this issue. Despite the name change, nothing has changed. First it was the National Party, then the "Notional Party", now it is just "The Notionals". It has been said in another place that it should be the "Slanoitans". Because of the speed at which The Nationals are going backwards its name should be spelt backwards. That is that lot opposite, only 12 of them left. Just like the mineral phyllosilicate, calcium zirconium silicate, $CaZr[Si_6O_{15}]$, a six-membered ring that represent six seats in the country and six on the coast.

Mr Thomas George: How is Simon Crean now?

Mr PETER BLACK: The honourable member for Lismore should look at his fingers. What an easy job The Nationals have in this House now. Their Whip can count all 12 members on two hands. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 48

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

Noes, 36

Mr Aplin	Mrs Hopwood	Ms Seaton

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

Pair

Mr Iemma Mr Brogden

Question resolved in the affirmative.

Motion agreed to.

BRANCH LINE MAINTENANCE

Mr TONY McGRANE (Dubbo) [11.58 a.m.]: I move:

That this House calls upon the Minister for Transport Services to immediately fund the maintenance and repair of regional grain lines currently designated as branch lines and restricted lines to allow viable commercial rail operation.

This is one of the most important motions to have come before the House this session. Over a long period rail infrastructure in New South Wales has been the poor Aunt Sal of all governments. Fifteen months ago a group of concerned grain growers on the Bogan Gate-Tottenham line put together a case for the funding of a feasibility study for the upgrading of that line. Fortunately, the Australian Wheat Board funded an economic assessment that asserted the viability of that branch line. The branch line, which covers 112 kilometres, has eight grain silos located along its length. The second player in the grain industry, the Australian Wheat Board, has large bulk installations at Bogan Gate, Nyngan and Narromine.

These new bulk silos are state of the art and can hold an enormous amount of grain. However, this could lead to storage overcapacity in the region. An economic assessment of the Bogan Gate to Tottenham rail line revealed that a $23 million upgrade would make it viable again. At present the line can take only 58-tonne grain wagons but it could be upgraded to take 79-tonne wagons. The upgrade would also allow trains to increase their travelling speed from the current maximum of only 20 kilometres per hour to 40 kilometres per hour. Some $1 million has been spent on the eight GrainCorp installations and now the loading facilities should be improved and the efficiency of trains using the line increased.

The study findings were presented to grain growers at a meeting at Tottenham at about this time last year. In December I led a delegation comprising the Grain Action Group on the Bogan Gate to Tottenham line, the mayor of Parkes and the Hon. Tony Kelly, who is the Legislative Council member representing the region, to see the then Minister for Transport, the present Minister for Roads, and Minister for Housing, to discuss funding for the line upgrade. Since then we have spoken to the Treasurer and to Minister Costa about this matter and emphasised the fact that the expenditure of $23 million on rail infrastructure would return the line to economic viability. The same consultants conducted a similar economic assessment of the Boree Creek line in the south of the State.

The study of the Bogan Gate to Tottenham line revealed that if funding were not forthcoming the line would cease to exist almost by default because growers would deliver grain to the larger bulk silos at Nyngan, Narromine or at Bogan Gate. These bulk installations are 24-hour operations and offer favourable pricing structure and state-of-the-art grain-handling and weighing facilities. So growers have an added incentive to deliver to these large silos. If they do so and rail branch lines such as the Bogan Gate to Tottenham line are no longer used, the grain will have to be transported long distances to the silos on the shire's roads and highways. This will put pressure on local councils to maintain the road network. Up to 170,000 tonnes of grain is grown and delivered via the Bogan Gate and Tottenham line. If the line is not upgraded that grain will be delivered elsewhere by road.

Growers have experienced similar problems with the Coonamble line outside my electorate near the area where I had an extensive wheat-growing operation. A large bulk silo has been built at Gilgandra and

grain is transported to it not only from the local council area but from Warren, Coonamble and Coonabarabran on the road system. This increased traffic flow will devastate roads in the Gilgandra council area. A viable rail system is vital to regional New South Wales. The railways have opened up country areas and the wheat industry has expanded by using branch lines such as the Bogan Gate to Tottenham line. In the past 25 or 30 years plant breeding has become more efficient and several varieties of wheat can now be grown in areas with low rainfall. At present some 60 per cent of grain grown in New South Wales is delivered via rail branch lines. If we allow those lines to be closed that grain will have to be transported by road, which will have a devastating effect not only on those roads but also on the councils concerned. Councils will have to divert funding from community activities to maintain and repair roads damaged by the carriage of grain over long distances to bulk silos.

The closure or running down of country branch lines will affect not just the grain growers or the grain industry but the whole of regional New South Wales. Successive governments have treated branch lines just like poor Aunt Sal when it comes to funding. Trains on the Bogan Gate to Tottenham line can travel at a maximum speed of only 20 kilometres an hour. The maximum speed for trains on the line from Gilgandra to Coonamble is 10 kilometres an hour. That is unheard of in this day and age. Australian grain growers are probably the most efficient in the world in terms of plant utilisation yet our rail grain delivery system is more than 100 years old and has never been improved. The Government must grasp the nettle. If it does not spend money upgrading our branch lines in particular and our rail system as a whole it will put added pressure on the road system and cause chaos in local council funding. I commend the motion.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [12.07 p.m.]: I move:

> That the motion be amended by leaving out all words after "That" with a view to inserting instead "this House recognises the importance of regional grain lines in commercial rail operations."

The State Government recognises the importance of the grain industry to the State's economy, especially in rural areas. Indeed, grain is Australia's largest agricultural export, with grain production totalling almost 13 million tonnes in 2001. I understand that production capability has continued to increase because of geographical expansion, farming technology and the development of new grain varieties. The State Government also recognises that ensuring the efficient transport of grain from farm to domestic consumers, and from farm to port for export, is important for both the competitiveness of the industry and the profitability of producers. In November 2002 the New South Wales Farmers Association published a rail/road taskforce green paper, the aim of which was to encourage competitive and efficient grain transport across the State in order to reduce supply chain costs for growers.

The green paper prompted the State Government to establish the Grain Infrastructure Advisory Committee. For the benefit of the House, I advise that membership of that committee includes representatives of StateRail, the Co-ordinator General of Rail, New South Wales Farmers, grain growers, GrainCorp, the Australian Wheat Board, Pacific National, Lgov NSW, the New South Wales Labor Council, the Roads and Traffic Authority, and the Rail Infrastructure Corporation. The objective of the committee is to provide further analysis and advice in relation to the provision of sustainable road and rail infrastructure to support the industry, and particularly in relation to the delivery from farm to upcountry receivable sites in areas where there are restricted rail lines.

The terms of reference for the Grain Infrastructure Advisory Committee are: industry factors that will impact on the future utilisation of all restricted rail branch lines and the road networks in those regions; likely cost benefits of maintaining restricted lines to current standards or upgrading the restricted lines for higher speed and/or heavier axle loads; likely cost benefits of maintaining the existing road networks to current standard or upgrading the road networks to higher standards; identification of future on road/rail options for each identified region to enable consultation with all stakeholders; and undertaking a benchmarking study recommended by the green paper of the New South Wales Farmers Association to establish efficient ongoing maintenance and upgrading costs for the restricted grain branch lines.

I am advised that Mr Vince Graham was nominated as the independent chair of the committee. Following Mr Graham's appointment as the chief executive officer of State Rail and the Acting Co-ordinator General of Rail, the committee members requested Mr Graham continue as chair of the committee. I am advised that the Grain Infrastructure Advisory Committee has developed a draft report for discussion prior to submission to the Government. I understand that the Grain Infrastructure Advisory Committee restricted grain lines review will not affect this year's harvest.

The Government appreciates the importance of allowing the industry time to thoroughly review the future rail and road infrastructure needs for grain transport in New South Wales. Competition in the grain logistics chain is offering grain growers greater choice for both the transport and storage of grain. That is why the Minister for Transport Services wants to make sure that the transport impacts on both road and rail infrastructure of this increasing competition are well understood by industry and State and local governments. I am advised that the Grain Infrastructure Advisory Committee is due to report back in early 2004. I commend the amendment.

Mr RICHARD TORBAY (Northern Tablelands) [12.13 p.m.]: From the outset I congratulate the honourable member for Dubbo on bringing forward this motion, particularly given the issues that he has raised in this place regarding rail grain lines. I cannot support an amendment that simply seeks to recognise the importance of regional grain lines and commercial rail operations, when the substance of the motion seeks to satisfy the concerns intended in the amendment. Acknowledgement of the importance of regional grain lines and commercial rail operations, without backing that up with the funding sought by the motion of the honourable member for Dubbo , would be symptomatic of all rail services issues, this one included.

As honourable members are aware, I have previously raised a number of issues regarding rail services affecting country New South Wales, in particular, the electorate of Northern Tablelands. Recently in a notice of motion I made a similar call in respect to passenger transport. The community was saying that reliability issues were applying downward pressure on the opportunities for rail services. This Government has expressed its support for passenger rail services. However, when the draft Parry report was released we saw the Government in action in its real colours, ripping and cutting the guts out of country rail services. I share the concerns of the honourable member for Dubbo in relation to freight services but I have equal concerns about passenger transport.

One heading in a brochure of the Rail, Tram and Bus Union is "Our public transport—Invest in it Now". It does not say, "Express support for it now" or "Recognise it now." I think the Government has taken advice from the Rail, Tram and Bus Union in the past. Page two of the brochure is headed "Inadequate funding of public transport". In this debate the Government has avoided using the word "funding", which is central to the concerns expressed by the honourable member for Dubbo in his substantive motion, which should be supported in this place today.

Mr Andrew Stoner: They are avoiding the f-word.

Mr RICHARD TORBAY: As the Leader of The Nationals says, they are avoiding the f-word. The agenda of the Government is not to invest in maintenance and to apply downward pressure on the marketplace, on people who seek to utilise the service. But then the Government says that it is the fault of the business and wider community that people do not access that service, and that the lack of reliability and investment in maintenance applies that downward pressure. The people in the Northern Tablelands electorate, having seen the example in the Parry report of the Armidale to Tamworth Line, reject absolutely the reasons for that recommendation as it was based on flawed information. The Parry report does not seek to recognise any of these social issues that a Government should take on board in respect to providing passenger services to the community.

The brochure of the Bus, Tram and Rail Union talks about expanding regional rail services. The Government is seeking to cut or remove them. They also seek to comment on the social issues involved that impact on the community, something about which this Government has not spoken. The Government is talking about the economic issues alone which are also inaccurate. The substantive motion of the honourable member for Dubbo should be supported for the people of country New South Wales.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [12.18 p.m.]: I give credit to the honourable member for Dubbo for introducing this motion. This issue was raised by The Nationals in April when we acquired a copy of a document from the Rail Infrastructure Corporation which recommended the closure of certain branch lines, and identified others for possible closure. This issue is of concern to all people in regional and rural New South Wales. The honourable member for Newcastle has moved an amendment which unfortunately takes the money out of the motion and just replaces it with the weasel words "recognise the importance". We do more than recognise the importance: We want to see some investment in our rail infrastructure in regional and rural New South Wales.

Mr Bryce Gaudry: Point of order: The honourable member is traducing my reputation. The Government's amendment seeks to look at the whole economic issue and is focused on investment issues in terms of maintenance of rail. Within my speech and within the amendment it was clear that this was an important part of the determination of the future upgrade of those lines, which is, in fact, a financial issue.

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

Mr ANDREW STONER: Branch lines and restricted lines are a vital component of moving grain from the farmers to their customers. Restricted and branch lines comprise 1,746 kilometres of track, or 24 per cent of the New South Wales rail network. The restricted lines alone account for 3.36 million tonnes of grain entering the rail network, equivalent to 40 per cent of total production and 67 per cent of grain destined for export. This grain tonnage is worth $915 million in gross revenue, $84 million in rail freight and $76 million in bulk handling costs. Freight is incredibly important to the New South Wales economy, and it is growing at 1½ times the rate of the Australian economy generally. By 2020 the freight task in Australia will double.

Sadly, the country rail network has deteriorated over time, with branch lines and restricted lines in particular now being in a state of disrepair. Following the privatisation of the New South Wales rail freight operator, FreightCorp, the Labor Government allocated money to upgrade and maintain the country rail network, but not a cent of that money will be spent on restricted lines. Minister Carl Scully admitted in Parliament that restricted lines will be maintained on a "fix when fail" basis, estimated to cost only $8 million per year. This approach has resulted in a crumbling system that mirrors much of the infrastructure in country and coastal New South Wales for which the New South Wales Labor Government is responsible.

Just last week I was in the Pilliga, where there is deep concern about the future of the Gwabegar line under the Labor Government. In May The Nationals asked the Premier to give a guarantee that the Gwabegar line would remain open. He failed to give that guarantee. Here we are five months later still without an assurance from Labor that the line will remain open. I call on the Minister for Transport Services to assure the Gwabegar community that its rail line is safe. However, one can understand the community's concern when Labor's chief rail bureaucrat recommended in a draft report earlier this year that at least four grain rail lines, including the Gwabegar line, be closed. At least two others, the Tottenham and Boree Creek lines, also are under threat of closure.

The final report is yet to be released, but it is high time Sydney Labor came clean with its plans for country rail lines across New South Wales. Unlike Sydney Labor, The Nationals are committed to maintaining existing grain rail lines at operating capacity. That is why The Nationals took to the last election a policy to conduct immediately an analysis of maintenance and upgrading requirements of the country rail network. That analysis would specifically assess issues such as upgrading and maintenance requirements for restricted and branch lines; the relationship between rail line maintenance and road maintenance and safety; the benefits of rail line maintenance to grain growers and rural communities; community service obligations, both above and below rail; effects of improved rail infrastructure on the viability of rail lines; and the social and economic impacts of rail line disrepair. I commend the motion to the House.

Mr IAN ARMSTRONG (Lachlan) [12.23 p.m.]: This is one of those matters on which the Government simply cannot win. It is on a hiding to nothing on this issue. If it goes ahead with proposals to curtail activity on branch lines, the productivity associated with those branch lines will continue: across this State wheat will continue to be grown and livestock will continue to be produced. The 13 branch lines on the western side of the Newell Highway will remain productive. In fact, production will increase as farming is undertaken further west, with improved efficiency and higher yields. If branch lines are closed, the product will go onto our roads—and that is why I say the Government is on a hiding to nothing. If this freight is taken off rail it must be transported by road. But those roads were never designed to carry that sort of weight. The roads were not designed with sufficient tensile strength to carry that sort of tonnage or cope with heavy vehicles with the horsepower of modern B-doubles and B-doubles with trailers transporting grain and livestock.

Let us confine the argument to grain haulage. A minimum of 540 horsepower is required for a bogey drive to haul trailers with a 44 tonne load. Simply put, the roads cannot take those tonnages and forces. One can see on virtually any subsidiary road in New South Wales a rippling effect up and down rises in the roads. That is not so much to do with weight; it has to do with the horsepower, the axle drive, of heavy vehicles. Many rigs, Caterpillar, Deutsch and so on, have up to 620 horsepower. Thus my proposition is that

the Government cannot win. It must make up its mind. It cannot walk away from the transport of grain and freight in inland New South Wales. It cannot abandon the economy of this State.

The Government has to look to retention of the rail lines from Grenfell to Greenthorpe and from Greenthorpe to Koorawatha. It has to look at the Burcher line and the line to Lake Cargelligo, where probably 150,000 tonnes of grain will be produced this year. However, all the lines that I have so far mentioned have a maximum limit of 19 tonnes per axle and a maximum speed limit of 19 kilometres an hour. The major carrier of grain in this State, National Rail, requires an axle loading of 23 tonnes per axle. That means that grain will have to be double handled.

The Government has little or no choice. It would need to find a couple of billion dollars to put into the country road system. It will not do that, even if it collects its poker machine taxes and beggars the clubs on the way. Therefore it has no alternative but to maintain the basic rail infrastructure already in place. I cannot see the point in throwing out an asset. Those branch lines are an asset. I ask the Government to recognise the dilemma and realise that if it does not address that dilemma it will deprive itself of considerable income in the future through lost productivity on those lines. That will require massive expenditure for the Government in the lead-up to the next election—expenditure that it will not be able to fund. If we have a wet and dry harvest sometime in the next three years—which happens every two to three years—the road system will be torn apart. Effectively, the Burcher line will disappear. The road to Lake Cargelligo and west to Rankin Springs will disappear, as did two streets in Forbes two years ago when trucks suddenly were forced onto them.

The line from Cootamundra to Tumut, since the establishment of Visy in the area, will carry 350,000 tonnes of freight this year. That should be on rail. To put it on road is a disgrace. The line from Harden to Blayney, which was opened by the former Minister with great fanfare, has carried four trains in four years. A $5 million bridge was built—simply to cover up for not having an inquiry into the burning down of a wooden bridge. The line from Koorawatha to Grenfell will not be reopened because the Government is not prepared to maintain the line from Harden to Blayney. The Government is not admitting that, but that is what it is all about. It is talking about the Koorawatha to Grenfell line only. It is not admitting that it will abandon that line, but it will, because the main link from the western line to the southern line can carry only 19 tonnes at 19 kilometres an hour. I do not have any great sympathy for the Government on this matter because it has a major problem and it has not recognised it.

Mr DARYL MAGUIRE (Wagga Wagga) [12.28 p.m.]: Members on this side of the House have no doubt that branch lines are critical infrastructure for regional and rural New South Wales. It is unfortunate that over the years that infrastructure has been experiencing a slow death by a thousand cuts. Grain growers depend upon those lines for the transport of their freight, so it is important that that infrastructure receives adequate funding to maintain it at a standard that will deliver economies of scale to both grain handlers and growers. If the Government does not commit to funding maintenance of the lines that have been spoken about today, including The Rock to Boree Creek line, the cost benefits will be eroded and local government and local councils will have to foot the bill for road infrastructure maintenance.

Where will that money, which will far exceed the amount of money that members on this side of the House suggested would solve the problem, come from? Grain growers, the community, and the council of Lockhart have put a lot of work into The Rock to Boree Creek line because they recognise that, should the line close, they will be saddled with an enormous cost. Currently, it can carry only 19-tonne axle loads and 1,000-horsepower locomotives, but that must be increased to 23-tonne axle loads and 3,000-horsepower locomotives. Economies of scale will deliver savings of between $2 and $3 a tonne for grain handled on the network. Based on a typical load of 200,000 tonnes, that is a saving of $400,000 to $600,000 annually.

My good friend the honourable member for Murrumbidgee and I attended a public meeting in Lockhart where we met with the proponents of the Boree Creek engineering assessment and its supporters. We share their vision for improvements on the line, as do other members on this side of the House, who have so capably demonstrated that the Government must inject funding into this infrastructure. The amendment moved by the honourable member for Newcastle waters down the real intention of the motion, which will allow the Government to enter into negotiations and discussions and then come back in 10 years, when the lines have deteriorated and the bridges have fallen down, and say, "Sorry, guys, you will have to move it on trucks."

Although there is a question about funding for branch lines, the Government must deal with road transport. Grain is handled and transported on the road network, yet the Government has shown no initiative

to deal with volumetric loading or the special grain handling scheme put forward by transport associations that would assist in transporting grain to terminals. Funding for road transport is as crucial as funding for rail to transport the product to the point of export. If funding is not injected into the rail system, our roads will deteriorate and road safety will become an even greater concern.

We have a similar problem in Tumbarumba: the rail network is not available to transport logging product. Trucks carrying logging product flog the roads, which have deteriorated so badly that millions and millions of dollars will be needed to restore them to a decent standard to enable loggers to access their markets and the public to use the facilities. I will not support the amendment. The Government has squibbed on this one. A commitment to funding is needed desperately, particularly for The Rock to Boree Creek line, which the honourable member for Murrumbidgee and I support.

Mr TONY McGRANE (Dubbo) [12.33 p.m.], in reply: I acknowledge the support my motion has received from the honourable member for Northern Tablelands, the Leader of The Nationals, the honourable member for Lachlan, and the honourable member for Wagga Wagga, as well as the comments by the Parliamentary Secretary for Transport, the honourable member for Newcastle. I reject the amendment because it omits the vital word "funding". We can have a talkfest forever about what could or should be done, but unless we have a financial commitment it will only ever be a talkfest. Twelve months ago a feasibility study was carried out on the viability of the Bogan Gate to Tottenham line, yet we have been going from one place to another and one Minister to another without making any progress.

Another harvest is upon us, and the areas I have mentioned will have a very good harvest. Where will the growers deliver their grain? Will they deliver it to the eight Grainco silos on the line, or will they opt for the larger bulk installations built by the Australian Wheat Board? The time has come for the Government to make a financial commitment. We are going round and round in circles, a bit like watching Rome burn. The Government says nice things about the need for regional infrastructure development, but unfortunately it is not prepared to acknowledge the need for funding. If the Government allows the Bogan Gate to Tottenham line and The Rock to Boree Creek line, on which studies have been done, to fall into disrepair through lack of funding, the rail branch line system throughout New South Wales will crumble. If we cannot get funding for these two lines, there is little hope for the branch lines mentioned by other members in this House.

It is crunch time for the Government. Lack of maintenance of rail branch lines impacts not only on grain growers but also on regional communities. If the branch lines cannot be used, many more grain trucks will use the road network, including school bus routes. The safety of the road network, particularly during harvest time when many more trucks will be on the roads, will be compromised. Whole communities are under threat because of lack of funding for branch lines. Every council in New South Wales will face major financial problems in determining how to maintain and repair the roads damaged by the extra tonnage of grain that will have to be carted on the road system before it can be delivered to a major line.

The Government has had plenty of time to take action to revive the Bogan Gate to Tottenham line. Its failure to do so is a failure also to keep faith with the people of New South Wales. The Parry report made devastating comments about regional lines. People in power in this State are allowing the most vital entity in regional areas—rail infrastructure—to crumble. That will have a devastating effect on all regional areas, which will flow on to city areas. It gets back to how efficient we are in producing grain. Our productivity is efficient, but our cartage to the seaport is not.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 46

Ms Allan	Mr Greene	Mrs Paluzzano
Mr Amery	Ms Hay	Mrs Perry
Mr Bartlett	Mr Hickey	Mr Price
Ms Beamer	Mr Hunter	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Sartor
Ms Burney	Mr Lynch	Mr Shearan
Miss Burton	Mr McBride	Mr Tripodi
Mr Campbell	Mr McLeay	Mr Watkins
Mr Collier	Ms Meagher	Mr West

Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	*Tellers,*
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 36

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

Pair

Mr Iemma	Mr Brogden

Question resolved in the affirmative.

Amendment agreed to.

Motion as amended agreed to.

CARR LABOR GOVERNMENT THIRD TERM OF OFFICE

Mr ALAN ASHTON (East Hills) [12.50 p.m.]: I move:

That this House notes this Labor Government is the first government in Australia's history to be elected for three consecutive four-year terms.

On 22 March this year, political history was created in Australia when the Carr Labor Government was the first government to be re-elected for a third consecutive four-year term. It is appropriate that this House recognise that historic achievement. Government members are already keenly anticipating delivering services to the people of New South Wales that will produce a fourth straight victory in 2007. Australian voters have a tradition of re-electing governments that they perceive as having done a good job. The March 2003 election was much more than that. With fixed four-year terms, the electorate knows that a vote for a government for a third consecutive term is a demonstration of its faith in that government for 12 years; that has never happened before. Although governments have been consistently re-elected beyond three terms none have been re-elected for three four-year terms.

Members of this House would know that the Federal Coalition Government won eight elections under Sir Robert Menzies and one under Harold Holt between 1949 and 1969, but those elections were manipulated by the Coalition to be held at whatever stage in the political cycle suited the incumbent government. The Bjelke-Petersen Government in Queensland was re-elected many times, but with the worst gerrymander of electoral boundaries ever seen in any democratic country. Premier Playford's victories in South Australia were also severely tainted by non-fixed terms and a gerrymander of electorates almost as bad as Bjelke-Petersen's. Neville Wran lead Labor to victory in 1976 followed by the Wran-slide results in 1978 and 1981, with a comfortable win for Labor in 1984. It should also be noted that Hawke-Keating Federal governments were elected on five occasions between 1983 and 1993, but those terms were not fixed. The Federal Labor victories were achieved by a combination of great leadership and sound economic and social reform policies.

The Premier's election victory in March 2003 is memorable, historic, and a personal tribute to him. It has assured his iconic status as a parliamentary Labor leader, along with the great Labor leaders he so admires. It should be remembered that the Premier should have won his very first election against the Greiner Government in 1991, except for the Greiner Government's deceit in secretly removing ticks and crosses as valid votes for that election. Scrutiny of first ticks and crosses votes showed that the Labor Party would have won the 1991 election. Over the next four years the Labor Opposition, under the leadership of Bob Carr, exploited the Government's weaknesses in front bench personnel, targeted non-performing Government backbenchers and, most importantly, worked studiously on policy in the critical areas of Education, Health, Transport, Roads, Police, and Justice. That enabled New South Wales voters to place their faith in voting for a Carr Government in March 1995.

Throughout that time in Opposition, Bob Carr, the shadow Cabinet and Labor members were fully focused on not only being elected in 1995 but also deserving to be elected. Clearly the present Opposition would love to be in government, but winning elections is not merely a matter of taking turns or the Opposition finally winning a State election simply because all good things come to those who wait. During Bob Carr's reign as Premier, there have been a number of Leaders of the Opposition: John Fahey, Peter Collins, Kerry Chikarovski and John Brogden. Three won famous leadership election victories and one was deposed by his colleagues when his defeat became inevitable.

Building on the victory in 1995, Labor set about rebuilding the State's decimated education services in education with record funding. Record real funding increases flowed into Health, hospitals, Roads, Transport, Police and Community Services, and the Ministry for the Western Suburbs was established. Work began immediately to get New South Wales, and Sydney in particular, ready for the 2000 Olympics—the best ever! In 1999 the Carr Labor Government routed the Chikarovski Coalition with a stunning result. That was despite the abolition of six seats, of which five were notionally turned into Coalition seats before the election. The Nationals saw the seats of Northern Tablelands, Tamworth and Dubbo lost to quality Independent members. Bligh remained as an Independent seat, but the shock continuation of Independents in Manly, with the election of David Barr, has haunted the Liberals ever since.

In 2003 the Labor vote increased further. While the majority remained the same for the Australian Labor Party, that is 55 seats in the lower House, a further Independent was elected in Tamworth, replacing a National Party member who had been there for about 18 months, and in Port Macquarie Rob Oakeshott retained the seat as an Independent and shared the highest or second highest vote in New South Wales with our colleague the honourable member for Northern Tablelands, Richard Torbay. Labor achieved great gains in the upper House. Some commentators and the Leader of the Opposition have since said that it was a steady-as-you-go election with not much change. If that is their view about that election, I hope they will go to the next election with the same view. However, they have not really looked at the State election pendulum.

The seats that the Coalition needs to win in 2007 are much the same seats they needed to win in 2003. They include Ryde, Menai, Tweed, Miranda, Heathcote, Georges River, Manly and Port Macquarie, which have skyrocketed almost off the chart into safe Labor territory. Members of the Australian Labor Party never take their seat for granted, and we are already working flat-out on our re-election in March 2007. After eight years in government it would be expected that some votes would be recorded against the Government, and they certainly were in a couple of seats. Incredibly, 42 seats in this Parliament returned a swing to Labor—an historic result. Labor picked up Camden, with the election of Geoff Corrigan—a great bonus—and Monaro, with the election of Steve Whan.

I regret that Wayne Smith, an excellent member for South Coast, is no longer with us following a narrow loss due to a demographic change. The seat of Clarence is a slightly different case. Harry Woods held a very big personal vote there, and it was old National Party territory that the honourable member for Lachlan, the honourable member for Orange, and others looked after so well. My electorate of East Hills had the highest voter turnout in Sydney, and the second-highest in New South Wales. I am quite proud of that.

The historic Labor Government's unprecedented third four-year term victory is attributable to the leadership of Bob Carr, whose command of the New South Wales State political agenda is unchallenged. His grasp of all issues affecting the lives of people in New South Wales is exceptional. Those of us who have the privilege of seeing Bob Carr perform in this House or in the media know that his seven long years in Opposition steeled him for many more years as Premier of New South Wales. The Premier did those long hard yards in Opposition with Andrew Refshauge for seven years. I was not here then, but I presume other current members were.

Members of the Opposition know that it is very difficult to control the agenda, to keep on top of the game, and hit the Government hard. Peter Collins did that job for a couple of years, Kerry Chikarovski did it for a couple of years, and the current Leader of the Opposition has done it for nearly two years. There is no guarantee that he will be there in a couple of years time. It is not an easy job. In paying tribute to the Labor Government for winning its third four-year term I remind honourable members that we cannot expect to turn up, announce a policy overnight, have it accepted by the public, not do any research, simply base one's arguments on reading the *Sydney Morning Herald* or the *Daily Telegraph*, listen to a couple of shock jocks on the commercial radio stations, and hope to be re-elected to government. It was a victory for all of us in March 2003, from the true believers to the disbelievers.

Mr ANDREW TINK (Epping) [12.58 p.m.]: The honourable member for East Hills, who has moved a motion congratulating the Government, did not even use his full 10 minutes speaking time. I am not surprised that he did not use the time to which he was entitled. Honourable members should make no mistake about the fact that this third term of the Labor Government was purchased by deceit, lies and fraud. A conga line of Government members filled every postbox in their electorates with documents containing lies—"Make sure repeat offenders get gaol, not bail." A number of members now sit in this Chamber on the basis of that lie. The honourable member for Drummoyne referred to that statement in a speech in this Chamber and she also published that statement in a brochure that she circulated in her electorate.

The honourable member for Heathcote, the honourable member for Penrith, the honourable member for Menai, the honourable member for Cabramatta and the honourable member for Georges River all circulated brochures that seriously and grievously misled their constituents on the fundamental issue of bail and violent offenders being at large when they should be locked up. Tens of thousands of people were misled by that statement. For that reason alone some members in this third term of the Labor Government were elected on the basis of a lie. It is nothing to be proud of and it is nothing to celebrate, which is what is proposed in the motion of the honourable member for East Hills.

Pursuant to sessional orders debate interrupted.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

Report: Fifth General Meeting with the Inspector of the Police Integrity Commission

Mr PAUL LYNCH (Liverpool) [1.00 p.m.]: The Committee on the Office of the Ombudsman and the Police Integrity Commission [PIC] held its fifth general meeting with the Inspector of the Police Integrity Commission on 25 June 2003. That was the first occasion on which the committee had taken evidence from the inspector, the Hon. Morris Ireland, since his appointment in 2002, which occurred only two weeks after the tabling of the previous inspector's annual report for 2001-02. During this period the inspector has undertaken a significant review of the PIC entitled "Report on the Practices and Procedures of the Police Integrity Commission." The inspector's report was in response to a referral from the former Minister for Police concerning the PIC's operation. It also encompassed a complaint to the inspector from the honourable member for Epping, the shadow Attorney General, concerning the performance of the PIC during Operation Malta.

The general meeting and the report of the general meeting obviously deal with a number of issues. One matter that I want to mention, which relates to two complaints that were investigated by the inspector during the 2001-02 period, involves the actions of New South Wales Crime Commission officers who were involved in joint operations with the PIC. Those complaints concern the provision of surveillance material to a television program without the material first being introduced into evidence at the PIC and the granting of a listening devices warrant that named a large number of people. The disclosure of the surveillance material was thoroughly canvassed during the committee's sixth general meeting with the PIC. The issue of the listening devices warrant was similarly examined. Previous and current inspectors reviewed these incidents.

It was found that while there were valid strategic purposes for the PIC to release material to the *Four Corners* program, the steps taken to ensure that that material would not be put to air before being introduced into evidence had failed. Although not deliberate, the failure was the responsibility of the PIC and should not have occurred. However, the involvement of Crime Commission officers in this incident is

significant. According to the PIC, the tape in question was not delivered to it from the Crime Commission until one week after the commencement of the hearings and the *Four Corners* broadcast. The PIC stated that a second copy of the tape that was retained by the Crime Commission was not bar-coded in accordance with PIC practice and was not included in correspondence between the PIC and Mr Masters by which the telephone intercept product was disseminated. The PIC holds:

> It seems likely that Mr Masters obtained access to the tape from the custody of the NSW Crime Commission, perhaps while Mr Masters and Crime Commission staff were present in the operations room on level 6 of the PIC's premises. The Commission is unaware of the precise circumstances of any such access.

In the case of the listening device warrant, the inspector reviewed the granting of the warrant and the use of the material obtained from it and concluded:

> The warrant was justifiably sought; subject to one minor irregularity the seeking of the warrant did comply with the relevant legislation; and that the material obtained by the warrant was used appropriately.

The inspector was satisfied that the material had not been used for any purpose other than for evidence in the Operation Florida hearing, general research, intelligence and hearing room preparation, nor had the PIC disseminated the material to any other agency. He confirmed that the material obtained by the warrant had been used appropriately. Once again, the role of the PIC's investigative partners is important in this incident. The PIC advised the committee that the material used by the PIC in its Operation Florida hearings was derived from listening device information obtained by the New South Wales Crime Commission under warrants obtained by that agency for Operation Mascot. The PIC stated that it was only aware of the names of the issuing judges for a small proportion of Mascot warrants and that inquiries in this regard should be directed to the Crime Commission, which had all the relevant details.

Both of those matters have significant implications for the capacity of the inspector to perform his oversight role, which was created to provide for as much transparency and accountability as possible in the necessarily covert exercise of the PIC's coercive powers. The PIC conducts joint operations on occasions with investigative partners such as special crime and internal affairs officers in NSW Police and officers of the Crime Commission. In terms of accountability, impropriety by the PIC's partners in joint operations may not be able to be investigated by the inspector. In the view of Inspector Ireland:

> Where an allegation is made which essentially involves conduct by NSW Crime Commission officers, but which touches in some way upon the activities of the Police Integrity Commission, there is potential for a diminution of public confidence in the Police Integrity Commission if the matters cannot receive a full investigation.

Consequently, the committee has moved to recommend legislative amendments to overcome this gap in the inspector's jurisdiction to ensure that he can conduct a full and proper inquiry into any matter falling within his jurisdiction. The committee has recommended that the inspector have jurisdiction to investigate alleged improprieties by non-PIC officers in circumstances where the conduct of a PIC officer was also involved, or there is a connection between the alleged misconduct and the activities of the PIC, or the legality or propriety of the PIC's activities is called into question and, in each case, the conduct is of a type that would normally fall within the inspector's jurisdiction. The committee looks forward with interest to the result of that recommendation. I conclude my brief remarks in relation to this report by thanking committee members, who, as always, performed in a professional and helpful manner. I thank in particular the secretariat—Helen Minnican, Pru Sheaves and other members—which did sterling work over a long period.

Mr ANDREW TINK (Epping) [1.07 p.m.]: I refer to page 30 of the report of the Committee on the Office of the Ombudsman and the Police Integrity Commission [PIC] entitled "Fifth General Meeting with the Inspector of the Police Integrity Commission", which sets out some questions that the honourable member for Cronulla asked Inspector Ireland and the answers to those questions. I state at the outset that I have the greatest respect for Mr Ireland, who in the past was a senior and well-respected Supreme Court judge. However, I continue to disagree with him on the point that the person hearing the evidence should be the person who writes the report. In relation to Operation Malta and in response to specific questions asked by the honourable member for Cronulla, Mr Ireland said that there was a distinction between PIC hearings and a trial court and a judge, in that the PIC did not make binding findings of fact or impose penalties. Mr Ireland said:

> It is a required by the Act to form opinions and to, at best, make recommendations.

Mr Ireland went on to state:

Now that is a significant and important distinction.

That is consistent with the PIC being able to have its reports written by people other than those who hear evidence. More recently, in a letter dated 2 October written to the honourable member for Liverpool, the PIC maintained that point and relied on Mr Ireland's comments. I reiterate my concerns in the hope that one day something may change. It is completely wrong and a misconception to make that type of distinction between a court and the commission. That does not do justice to the impact of the commission's proceedings on the individuals who appear before it. To me that is the key matter.

The Operation Malta inquiry went on for many months. There were most heated contests of evidence between a number of individuals who were hotly in dispute with each other over critical matters of fact and matters relating to the reputations of individuals. As a result of this inquiry, people lost their jobs, marriages broke up and, in some cases, people lost assets. That hearing was fundamentally important. Notwithstanding the fact that the decisions and conclusions that were reached were not binding in a court of law, recommendations and findings about witnesses can have devastating consequences.

In such cases I believe it is fundamental that the person who hears the evidence writes the report. There are winners and losers in any proceeding involving adversarial witnesses. However, regardless of whether they win or lose, all witnesses must be satisfied—I believe it is a basic point of natural justice—that the person who heard their evidence and observed their demeanour will make the ruling and write the report. In this case Judge Urquhart, who conducted the hearing, did not write the report. Furthermore, counsel assisting left midway through the hearing for an appointment to the bench. As a consequence, the report's main author was Mr Donovan, who assumed the role of counsel assisting when only one more witness remained to give evidence—I think it was Mr Ryan. For the life of me, I cannot understand how Mr Donovan, and through him the Police Integrity Commission, can claim to have sought justice for all of those who gave evidence and whose conflicts required resolution.

That brings me to the fundamental public policy point. As a consequence of this fiasco—and I honestly believe Operation Malta was a fiasco—I wonder whether anyone will come forward voluntarily in the future to make a complaint to the Police Integrity Commission. Allegations of process corruption in the highest levels of the Police Force—even claims that people accepted money in brown paper bags—should be considered seriously. But I cannot imagine that whistleblowers will approach the PIC if there is no guarantee that the person to whom they give their evidence will form a judgment based on that evidence. That is why I cannot agree with Mr Ireland or the PIC in this instance, and I hope that things will change.

Report noted.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No 1 of 2003

Report: Legislation Review Digest No 2 of 2003

Report: Legislation Review Digest No 3 of 2003

Mr BARRY COLLIER: I seek the leave of the House to deal with Orders of the Day (Committee Reports) Nos 2, 3 and 5 together.

Leave granted.

Mr BARRY COLLIER (Miranda) [1.12 p.m.]: As Chairman of the first Legislation Review Committee, I am pleased to speak in this take-note debate on the Legislation Review Digests Nos 1 to 3. The committee is a joint standing committee of the Parliament, comprising five members of this House and three members from the other place. The committee was established by the Legislation Review (Amendment) Act 2002, which commenced operation on 15 August 2003. The Act, as amended, added a bill scrutiny function to the regulation scrutiny function that was exercised until 15 August by the Regulation Review Committee. That regulation review function will continue under the new Legislation Review Committee, and I take this opportunity to acknowledge the work of previous Regulation Review Committees.

Today I will focus on the new, additional function of the committee: the review or scrutiny of legislation, of which the Legislation Review Digests Nos 1 to 3 are products. The committee's scrutiny of bills function derives from a recommendation of the inquiry of the Legislative Council Standing Committee

on Law and Justice entitled "A New South Wales Bill of Rights". That inquiry raised concerns about the effect that a bill of rights in New South Wales could have on both the sovereignty of Parliament and the independence of the judiciary. It recommended establishing a scrutiny of legislation committee modelled on similar bodies in the Senate and the Queensland, Victoria and Australian Capital Territory parliaments.

According to the inquiry's recommendation, the new committee's purpose would be to apply a systematic approach to the review of legislation at the time it is introduced, so as to alert Parliament to possible breaches of individual rights and liberties. The committee's functions with respect to the scrutiny of bills are set out in section 8A (1) (b) of the Legislation Review (Amendment) Act 2002. I do not propose to canvass those functions at this point. The Act requires the committee to report to both Houses of Parliament whenever a bill originating in either House raises concerns under one or more of the five criteria set out in section 8A (1) (b).

The Legislation Review Digest is the vehicle by which the committee reports to both Houses of Parliament, and Legislation Review Digest No 3 is presently on the table of the House. To date, the committee has produced and tabled a digest on each Tuesday of three sitting weeks. By producing these digests the committee has fulfilled, and will continue to fulfil, its intended function as recommended by the inquiry and as elaborated on in the second reading speech by the then Leader of the House, Mr Whelan, in this House on 18 June 2002. That function involves identifying and flagging issues within the committee's jurisdiction in a timely manner for the attention of members. The Legislation Review Committee has endeavoured as far as possible to ensure that the digests and advice are available to all members before the second reading debate occurs. In the case of urgent bills—for example, the Criminal Procedure Amendment (Sexual Offence Evidence) Bill, which was introduced on 2 September—this is simply not physically possible. Nevertheless, the committee has the power to comment on such bills after they are passed by the House and enacted. This is what occurred in the committee's first digest, which was tabled on 3 September 2003.

In the digests the committee comments on all bills—government and private member's bills—and directs members to issues of concern regarding possible breaches of individual rights and liberties. In formulating the digests the committee draws on the bill in question, the second reading speech and other relevant sources, such as international conventions and covenants on human rights. In appropriate cases the bill is referred to legal experts for advice. At times the committee will write to the relevant Minister or private member for the information that it requires to prepare the digest. The committee takes the view that the digest should provide members with appropriate, additional and relevant information that will assist them in preparing their speeches.

The production of each Legislation Review Digest takes many hours, and meeting the committee's commitment to make the digest available for all members at the commencement of each sitting week is no easy task. Perhaps unlike other jurisdictions with scrutiny of bills committees, the Legislation Review Committee has only five days in which to consider the bill, seek advice, prepare the relevant reports and table them before the second reading debate. Unlike other statutory committees, this often necessitates the committee meeting in non-sitting weeks. That is sometimes not easy to facilitate as some five of the eight committee members represent non-metropolitan electorates, which means that they must travel to Sydney to meet and consider the digest before its presentation to the House.

As chairman, I take this opportunity to thank all members of the committee for their commitment to what is a new endeavour on the part of the New South Wales Parliament. I also thank committee staff for their hard work. They include Russell Keith, the committee manager; project officers Mel Keenan and Indira Rosenthal; Rachel Dart, committee officer; and Vanessa Pop, the assistant committee officer. As I have said, the digest is a first for the New South Wales Parliament. To date, I have received positive feedback from members of both Houses about digests Nos 1, 2 and 3, and I thank them for those comments. By and large, members tell me that they find the digests useful guides in debate and useful sources of information.

The committee is always willing to consider constructive criticism, and I urge all members of both Houses who have comments or suggestions for improving the digests to convey them to me or to another committee member—perhaps as they pass us in the corridor or via a note. We welcome any suggestions for improving the digests and we will make necessary changes as we go. I commend the Legislation Review Digests Nos 1, 2 and 3 to the House.

Mr RUSSELL TURNER (Orange) [1.18 p.m.]: As a member of the Legislation Review Committee, I have pleasure in supporting the comments of the committee's chairman, the honourable member for Miranda. I shall also raise some issues pertaining to the committee's formation and hopes and aspirations for the future. The staff have done an enormous amount of work to set up the committee. I acknowledge the staff, especially Russell Keith, the committee manager. The committee has not engaged a number outside experts to provide advice on legislation, as required. Up until now the committee has relied on the expertise of the secretariat. I am a member of the former Regulation Review Committee, which some years ago visited the Parliament of Queensland to find out what it did in relation to its regulations. The Queensland Parliament had set up a Scrutiny of Legislation Committee and our chairman, Peter Nagle, and committee members became interested in expanding the role of the Regulation Review Committee. That was the seed for the Legislation Review Committee.

On another occasion members of the Regulation Review Committee went to Victoria and reviewed its Scrutiny of Acts and Regulations Committee. As a result, we had three models for the examination of bills from which we could choose. First, all examination is done by a single external consultant, such as the Senate in the Australian Capital Territory. Second, the initial examination of bills is done by the secretariat, and a panel of four experts in different areas of law is retained and used to examine specific bills as the need arises, as in the Queensland Parliament. Third, all examination of bills is done by the secretariat, with comment being invited from external organisations as thought appropriate. That is the case in Victoria. We have taken the best of those models. We can call on eight consultants from to time and can also rely on the expertise of the secretariat. As a result of examining those models, we have now got the best of all Parliaments in Australia.

We meet on Fridays, which poses a few teething problems. I believe it is vital to meet on the Friday prior to a sitting week so we have time to look at the bills, and the secretariat has time to review the bills, obtain outside expertise and print the digest on the following Monday. On the Tuesday the digest is put under the door of the room of every member of Parliament. This week I was pleased to see a number of members of the shadow Cabinet of the Opposition use the digest and other members obtaining copies. As more becomes known about the credibility of the digest I am sure it will be used more often. I thank the staff of the Legislation Review Committee for their extensive work and advice in setting up the committee and establishing its guidelines and functions.

I look forward to the committee being a useful tool to provide all members with more background information about bills and regulations as they are presented to both Houses of Parliament. In the short time remaining I will outline some the important functions of the committee relating to bills: first, to consider any bill introduced into Parliament; second, to report to both Houses of Parliament as to whether any such bill, by express words of otherwise, trespasses unduly on personal rights and liberties, or makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, et cetera. The committee has an important role to play in enabling members to make much more qualified judgments about bills that come before the House.

Reports noted.

[*Mr Acting-Speaker (Mr Paul Lynch) left the chair at 1.24 p.m. The House resumed at 2.15 p.m.*]

CONSIDERATION OF URGENT MOTIONS

Native Vegetation and Land Clearing Agreement

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [2.15 p.m.]: Yesterday saw the establishment of one of the most historic agreements between farmers, environmentalists and scientists this State has ever seen. Indeed, in public comments made by some of the major players the agreement was described as being up there with the rainforest decisions and the decision to create the great parks in the south east. It was a great day for farmers, and the agreement provides certainty. My motion is a chance for the Parliament, in a bipartisan way, to affirm its support for the enormous amount of hard work done by those constituencies, those people who are not normally invited to participate in the making of government policy.

This historic agreement recognises something good that has happened in the context of natural resource management. It is a wonderful opportunity for The Nationals to put on the record where they stand. Will they back the farmers and this package? My motion will give the Parliament an opportunity, in a bipartisan way, to back the terrific work done by Ian Sinclair and not John Anderson but Rob Anderson. This

motion gives the honourable member for Lismore and his colleagues an opportunity to put up their hands to back the package and the historic agreement reached yesterday.

Gun Crime

Mr ANDREW TINK (Epping) [2.23 p.m.]: My motion is urgent because an unprecedented level of violent firearm crime is taking place throughout the Sydney metropolitan area. We have an absolute crisis in south-western Sydney. When a group of people unload 100 rounds into the front of a suburban house, the matter becomes urgent. However, the Premier does nothing but provide grabs and no solutions.

Mr Gerard Martin: Point of order: Time after time the honourable member for Epping regales us with the procedures in the House. The only matter he can address at the moment is urgency. He is already trying to argue the substantive motion. He is not interested in explaining why it is urgent; he is just performing a five-minute cheap political stunt. He will try to get away with that time after time. He is a serial offender.

Mr SPEAKER: Order! Before ruling on the point of order the Chair will hear more from the honourable member for Epping.

Mr ANDREW TINK: The motion is urgent because the Premier says: Obey the law or leave. I say to the Premier: Enforce the law or leave. The motion is urgent because there needs to be a regime of minimum sentences for violent crimes. The motion is urgent because there needs to be a gun court. The motion is urgent because the Government has a Drug Court and an Environment Court. The Government needs a specialised gun court.

Mr Alan Ashton: Point of order: The idea of urgency was brought in some time ago, I think by the honourable member for Bligh. Both sides put their case for urgency and then Parliament decides. In the past 40 seconds the honourable member mentioned the term "gun court" four times. A gun court is part of his argument. It does not make the case for urgency. I ask you to rule that if the honourable member talks about the substantive part of his motion, he is not putting a case for urgency.

Mr SPEAKER: Order! The Chair has generally allowed members some latitude in this type of debate. The honourable member for Epping may continue.

Mr ANDREW TINK: The motion is urgent because it would be good to debate the concept of a gun court. The motion is urgent because a gun court works in New York. The motion is urgent because a gun court works in Rhode Island, and has for 10 years. Gun crime is falling because of the efforts of those courts and a proper sentencing regime by judges who specialise in hearing cases involving gun-related crime, and sentencing those found guilty of it.

Mr Alan Ashton: Point of order: Again the term "gun court" has been mentioned five or six times. It is not contained in the notice of motion of the honourable member. He has to talk about why his motion is urgent. I ask you to rule him out of order when he talks about gun courts.

Mr SPEAKER: Order! I ask the honourable member for Epping to restrict his comments to the reasons his motion should be given priority over the motion of which the Minister for Infrastructure and Planning has given notice.

Mr ANDREW TINK: The motion is urgent because for months detectives have been warning about this problem, without result. The motion is urgent because time after time we have seen the lenient sentencing of people involved in serious gun crime. The motion is urgent because this Government is doing absolutely nothing about it. The motion is urgent because the Opposition is putting up proposals for sensible alternatives. The motion is urgent because the sentencing crisis in gun crime requires a new approach. The motion is urgent because an armed robber caught with a cache of weapons the Australian Defence Force would be proud to have is allowed to walk out of court. What could be more urgent than that? The point is that urgency would allow alternatives to be ventilated. The Government is out of steam, out of puff. It has no solutions. The Premier has plenty of grabs. He says: Obey the law or leave. We say: Enforce the law or leave. He is not enforcing the law. It is time he left. It is time for a gun court. It is time for minimum sentences. It is time for a whole new approach. It is a pity we do not have a recall election in this State. [*Time expired.*]

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

The House divided.

[*In division*]

Mr SPEAKER: Order! I remind honourable members that order is to be maintained in the Chamber during divisions.

Ayes, 49

Ms Allan	Ms Hay	Mrs Paluzzano
Mr Amery	Mr Hickey	Mr Pearce
Ms Andrews	Mr Hunter	Mrs Perry
Mr Bartlett	Ms Judge	Mr Price
Ms Beamer	Ms Keneally	Dr Refshauge
Mr Black	Mr Knowles	Ms Saliba
Ms Burney	Mr Lynch	Mr Sartor
Miss Burton	Mr McBride	Mr Scully
Mr Campbell	Mr McGrane	Mr Shearan
Mr Collier	Mr McLeay	Mr Tripodi
Mr Corrigan	Ms Meagher	Mr Watkins
Mr Crittenden	Ms Megarrity	Mr Whan
Ms D'Amore	Mr Mills	Mr Yeadon
Mr Debus	Mr Morris	
Mr Gaudry	Mr Newell	*Tellers,*
Mr Gibson	Ms Nori	Mr Ashton
Mr Greene	Mr Orkopoulos	Mr Martin

Noes, 36

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

Pair

Mr Iemma	Mr Brogden

Question resolved in the affirmative.

NATIVE VEGETATION AND LAND CLEARING AGREEMENT

Urgent Motion

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [2.36 p.m.]: I move:

That this House:

(1) supports the historic agreement announced yesterday on native vegetation and land clearing in New South Wales;

(2) congratulates the State and Federal governments for their co-operative approach; and

(3) notes supportive comments by the New South Wales Farmers Association and the Total Environment Centre.

Mr Speaker—

Mr Barry O'Farrell: Point of order: In a ruling last Tuesday, Mr Speaker, you stated:

The Chair will not tolerate points of order being used as a strategy to constantly interrupt the speaker.

The points of order taken by the honourable member for Bathurst and the honourable member for East Hills during the urgency debate were attempts to interrupt the speaker.

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

Mr Barry O'Farrell: That is the third time this week it has occurred. I ask you, Mr Speaker, to make a considered ruling on this issue on another day so that the urgency debate in this Chamber has relevance again and we do not continue to see you uphold standing orders for one side of the Chamber and not the other.

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

Mr Barry O'Farrell: I again ask would you, Mr Speaker, please get fair dinkum about upholding standing orders across this Chamber?

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

Mr Barry O'Farrell: On behalf of all members, including Independent members—

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time.

Mr Barry O'Farrell: —I ask you to please uphold your standing orders and your rulings.

Mr SPEAKER: Order! The Deputy Leader of the Opposition should not have taken a point of order in relation to a debate that has now concluded. Had he been listening to the rulings in relation to the points of order to which he referred, he would be aware that I did not uphold the points of order and allowed the honourable member for Epping to continue his contribution. The Deputy Leader of the Opposition is wrong in relation to both matters. He has been a member of this House long enough to be conversant with the standing orders. He is now on two calls to order. Those calls will stand throughout question time. When question time commences the Deputy Leader of the Opposition should be aware—

Mr Barry O'Farrell: So long as you, Mr Speaker, apply standing orders across this Chamber I have no complaint with that.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the third time. He will not canvass the rulings of the Chair.

[*Debate interrupted.*]

BUSINESS OF THE HOUSE

Urgent Motion: Suspension of Standing and Sessional Orders

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [2.40 p.m.]: I move:

That standing and sessional orders be suspended to restore the full speaking time of the mover of the motion for urgent consideration.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [2.40 p.m.]: This goes to the heart of the issue that I tried to raise as a point of order—as the students of the Crescent Head Public School have observed. Successive Government members have spoken to points of order to try to stop the honourable member for Epping from raising serious issues in this Chamber. Those issues go to the heart of shootings in western Sydney, where earlier this week two people were murdered in their homes—issues that thankfully do not involve the people of Crescent Head. The intellectually challenged member for Bathurst and the more moderately intellectually challenged member for East Hills used points of order in an attempt to stop the honourable member for Epping from raising serious issues.

The Coalition will oppose this suspension motion because it is time we got fair dinkum about the standing orders of this place and about urgency debates. Mr Speaker, I will not canvass what I canvassed earlier in relation to your rulings, but matters for urgent consideration are meant to allow members of this Chamber to decide which matter should be dealt with as a matter of urgency. Their deliberation on that decision is undermined if a number of Government members use points of order to interrupt the flow of arguments put forward by the honourable member for Epping or whoever else is proposing urgency motions. That has occurred on three occasions this week. My main concern is that Opposition members who seek to raise legitimate points of order in other debates and at question time are slapped down, but when members from the Government side take points of order in similar circumstances, you ignore their time wasting. This Chamber needs to be fair dinkum about the application of its standing orders. It needs to do that so that urgency debates—

Mr SPEAKER: Order! The Deputy Leader of the Opposition will not canvass rulings of the Chair. If he wishes to raise an issue about the rulings of the Chair, he should use the proper procedures of the House.

Mr BARRY O'FARRELL: Mr Speaker, I say again that you are the Speaker of this Chamber and it is your job to moderate debate. It is your job, on behalf of all members of this Chamber, to protect our interests, our right to speak on behalf of our constituents and our right to have this Chamber operate in accordance with its standing orders. In relation to matters for urgent consideration, the standing orders provide that the Chamber shall hear five-minute statements from members arguing why their motions are urgent. Today the Minister for Infrastructure and Planning, and Minister for Natural Resources put his argument without a single point of order or interruption from this side of the Chamber, but within ten seconds of the honourable member for Epping getting to his feet the bozo from Bathurst took a point of order—

[*Interruption*]

I apologise and withdraw that comment; it is an insult to a clown. The honourable member for Bathurst rose in his place, did up his new double-breasted suit, walked slowly to the table and even more slowly enunciated his point of order. The only purpose of his point of order was to deny the honourable member for Epping adequate time to put forward his argument. The honourable member for Epping then continued his argument—it is very hard to stop him from putting arguments—but the honourable member for East Hills took a further point of order. In the first instance the honourable member for East Hills—who, as I said, is brighter than the honourable member for Bathurst—did so in a relatively short time. But on the second occasion the honourable member for East Hills spoke to a point of order for almost thirty seconds. Mr Speaker, you did not call him to order, even though he was simply wasting time.

I make the plea—a plea made by the honourable member for Bligh on many occasions, over a number of years, under a number of governments, but particularly during the term of Speaker Murray—that urgency debates ought to be taken seriously. All members of this Chamber should be able to listen to members, whether from the Government or Opposition or indeed on occasions from the crossbenches, argue why their matters are urgent. If that does not occur, the rights and privileges of members whose arguments are interrupted and whose time is wasted deliberately by Government members are not being respected in this place. Consequently, this Chamber cannot properly consider the merits of opposing arguments.

Mr Speaker, you are the Speaker of this Chamber, which we all want to be run better and fairly. It is important that you rule on these matters. The reason that the Opposition will oppose the motion to suspend standing orders is that we do not think we are getting a fair go. We do not think we get the fair go accorded Government members who today abused the taking of points of urgency while the honourable member for

Epping attempted to argue the urgency of his motion. We do not think we get a fair go regarding the application of the standing orders of this place. It is about time that these issues were looked into. If its standing orders are abused, this place becomes a joke, and that will be a dark day. The students from Crescent Head know of the importance of Parliament in the development of this country. This Parliament will not remain important if its parliamentary process is abused, as was witnessed by the students from Crescent Head. It is time to put an end to that abuse.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 55

Ms Allan	Mr Greene	Mr Orkopoulos
Mr Amery	Ms Hay	Mrs Paluzzano
Ms Andrews	Mr Hickey	Mr Pearce
Mr Barr	Mr Hunter	Mrs Perry
Mr Bartlett	Ms Judge	Mr Price
Ms Beamer	Ms Keneally	Dr Refshauge
Mr Black	Mr Knowles	Ms Saliba
Mr Brown	Mr Lynch	Mr Sartor
Ms Burney	Mr McBride	Mr Scully
Miss Burton	Mr McGrane	Mr Shearan
Mr Campbell	Mr McLeay	Mr Torbay
Mr Collier	Ms Meagher	Mr Tripodi
Mr Corrigan	Ms Megarrity	Mr Watkins
Mr Crittenden	Mr Mills	Mr Whan
Ms D'Amore	Ms Moore	Mr Yeadon
Mr Debus	Mr Morris	
Mr Draper	Mr Newell	*Tellers,*
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Oakeshott	Mr Martin

Noes, 31

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Armstrong	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Mr O'Farrell	Mr Tink
Mr Debnam	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Piccoli	Mr R. W. Turner
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	*Tellers,*
Mr Hazzard	Mr Roberts	Mr George
Ms Hodgkinson	Ms Seaton	Mr Maguire

Pair

Mr Iemma Mr Brogden

Question resolved in the affirmative.

Motion agreed to.

NATIVE VEGETATION AND LAND CLEARING AGREEMENT

Urgent Motion

[*Debate resumed.*]

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [2.53 p.m.]: To ensure that the record is complete, I move:

> That this House:
>
> (1) supports the historic agreement announced yesterday on native vegetation and land clearing in New South Wales;
>
> (2) congratulates the State and Federal governments for their co-operative approach; and
>
> (3) notes supportive comments by the New South Wales Farmers Association and the Total Environment Centre.

The Nationals, particularly, do not want to talk about this. Anything they can do to delay or detract from the debate suits them just fine. I suspect that is because it is not often, at least in public policy and public life, one gets the chance to vote for something that is fundamentally good, something that has the fundamental backing of groups that are traditionally diametrically opposed, in this case farmers, farm lobbies and environmentalists—the green lobby. This has been a great co-operative effort between disparate groups and the two levels of government, Commonwealth and the State. It is an opportunity for the Opposition, for once, to vote for a Government motion in the knowledge that they will be with the strength if they do so. I suspect that what we just saw was about not being able to do that. I would not like to be a member of The Nationals at the moment, knowing that press releases are flying through the faxes from Country Labor to regional constituencies, reminding them that on two occasions The Nationals in this Chamber voted to deny a debate about matters that vitally affect rural New South Wales.

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

Mr CRAIG KNOWLES: I quote from one of many testimonials. Yesterday Mal Peters, the President of the New South Wales Farmers Association, said that what we have achieved is "a great step forward for farmers in New South Wales". The provision of these funds will certainly go a long way to improving the benefits. These funds, $400 million, for local management will be a significant step forward. He goes on to congratulate me, but I will not read that into *Hansard* because I am too modest. He remarked that the agreement significantly cut out red tape—13 bodies, reduced from 72, and a board managed by local people. He stated, "It cuts out the bureaucracy. It will be a significant win. A way forward from where it has been in the past." He regards it as a win for farmers, a win for the environment and, very importantly, a win for regional New South Wales. To ensure that we maintain a very healthy balance in this debate I cannot help but record the remarks of Jeff Angel. One statement says it all:

> Today's announcement stands beside the historic achievements with saving the rainforests, establishing the Greater Blue Mountains National Park and the south-east and north-east parks. But in one sense it is much bigger and is much more profound because it deals with the intractable problem of private bushland conservation.

Jeff Angel, who can only be regarded as a solid warrior for the environment, recognises that as a partnership we have had substantial success. I wonder how The Nationals will vote today. We have delivered what the farmers, the scientists and the environmentalists asked for—$406.3 million to fund locally driven organisations and end broad-scale land clearing. It is a profound change that will lead to the creation of local organisations and catchment management authorities that will be responsible for making decisions about natural resource management.

Mr Thomas George: What does local government say about it?

Mr CRAIG KNOWLES: I will come to local government. They like it. Phyllis Miller likes it. The President of the Shires Association welcomes the initiative. I will read that press statement later. Direct funding for local communities and the creation of a Natural Resources Commission will set standards and targets for natural resource management. They are the foundation of what the farmers, the scientists and the environmentalists asked for prior to the election. It is what we promised at the election and what the Sinclair committee recommended over six or seven months of very solid work. It is worth looking at some of the responses. I refer to the Wentworth Group where it all started. Peter Cosier described what we did yesterday as world-class reforms. He stated:

> Rural people will get access to better science and most profoundly access to financial resources to get on with the job of protecting the environment.

He congratulated the Premier and me, but I will not read that into the *Hansard*. Let us think of a pretty tough nut, a farmer out west in Nyngan who also happens to be the Mayor of Bogan shire, Ray Donald, who has been at the centre of the storm over native vegetation management. As reported in today's *Sydney Morning Herald* he found much to be happy with in yesterday's deal to end broad-scale land clearing and rescue damaged landscape. He is quoted in the *Sydney Morning Herald* as saying, "The reduced number of committees and bureaucracies always is a good thing. What is needed is local decision making." It does not get much better or from a tougher nut than Ray Donald. The Nature Conservation Council, the Total Environment Centre, the Wilderness Society and the National Parks Association said in a very laudatory press statement—one quote will do:

> This is a very significant decision and, when implemented, will be one of the largest gains ever for conservation in New South Wales.

Each organisation issued an individual release. The New South Wales Irrigators Council made this point:

> The creation of the catchment management authorities with local representations is an important step in ensuring that joint State and Commonwealth investment in natural resource management hits the ground and achieves results.

They go on and on. Phyllis Miller said that local governments would work with us because it is an important initiative. The rationalisation of the existing natural resource management committees is a positive move, as it reduces red tape. It is a good move and will be widely welcomed and appreciated. I make the point that this result could not have been achieved without the collaboration and co-operation of the State Government and the Commonwealth Government.

I place on record my appreciation of the efforts of the Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson, the Minister for Agriculture, Fisheries and Forestry, Warren Truss, and the Minister for the Environment and Heritage, David Kemp, and of their staff and officials, and of my officials who have worked on this project solidly over the past six months. There have been some very good and constructive conversations; there have been some awful conversations and very hard-nosed discussions. But the tenor of the discussions was always about doing good things and being constructive and moving forward. I again invite the National Party members of this Chamber to join their colleagues in Canberra.

Mr Andrew Stoner: The Nationals.

Mr CRAIG KNOWLES: I know that Leader of The Nationals is confused about the name. Members opposite can call themselves what they like, but whatever they choose to call themselves, what they say and do will be recorded in *Hansard*. I again make the point for the record that there is no Commonwealth and State money underpinning this agreement. It is National Action Plan for Salinity and Water Quality and Natural Heritage Trust Extension money, and it is a collaboration and combination approach to providing on-the-ground improvements, assistance with rehabilitation of the landscape, and the underpinning of economic viability of farmers. The project will examine farmland strategies in dealing with salinity, revegetation and land degradation generally. Everyone understands that the key to making sure that we have a healthy environment is understanding that we have to have healthy regional and rural economies. We cannot have one without the other. They go together as one agenda, not two, and not in competition but in collaboration.

This Government has done what the farmers, environmentalists and scientists asked it to do. Arrangements reached with those groups to link with catchment management authorities will ensure that funding goes to the ground very quickly for local delivery. Catchment management authorities will witness the collapse of 72 committees down to 13. The Natural Resources Commission will mean that 13 State bodies will be amalgamated into one, and the Natural Resources Advisory Council will result in nine bodies being amalgamated into one. Is it any wonder that Mal Peters identifies and acknowledges the massive reduction in red tape and bureaucracy that has been a burden to rural and farm communities for generations. When one sees all those bodies playing a part in the natural resources management solution, amalgamating and being brought together in one place to focus on the totality of the picture, one can understand the benefit that has been delivered by the Sinclair committee.

I conclude by making the observation that this could not have happened without people working together—people such as Jeff Angel, Peter Consier, Glen Klatovsky, Rob Anderson, Jonathon McKeown, Mike Young and of course the government officials. I thank particularly Ian Sinclair because this would not have happened without him and his leadership. He has done it again. As Jeff Angel said when he and Mal

Peters were in the ABC studio together and were both lauding the Government's decision during *Country Hour*, at some stage "sometimes the war has to end". The only thing that remains to be seen today is how The Nationals—the members of the National Party, which was once known as the Country Party, or whatever they call themselves—will vote. Will they support their alleged constituency? Will they make sure that they back "The New Deal"—the best headline seen in the *Land* for generations? [*Time expired.*]

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.03 p.m.]: At the outset I wish to clarify a point made by the Minister in relation to the vote taken earlier. The Coalition voted against the urgency of the motion, not the motion itself, because the Coalition had given notice of a motion concerning a matter of life and death whereas the Minister's motion was the subject of a ministerial statement on an announcement that he made yesterday. There is no urgency in this matter. Everything said today was announced yesterday with great fanfare. The information could have been conveyed as a ministerial statement; it was certainly not a matter requiring urgent consideration. That is the issue. The Coalition voted against it because the Government was ignoring matters of life and death associated with gun crimes on Sydney streets. But let me say that as the Premier-in-waiting, the Minister for Infrastructure and Planning, and Minister for Natural Resources, has introduced this as a matter requiring urgent consideration, the Coalition is happy to debate it.

It is about time the Government acknowledged the good conservation work that has been done by custodians of the land, our farmers. It is also about time this Minister rolled back his ministerial predecessors' disastrous policies, which have made life so difficult in rural and regional New South Wales over the past eight years. I acknowledge the very good work done by a former National Party leader, Ian Sinclair, and his committee and all those who have contributed to this agreement. I must say that scrutiny of the agreement reveals that it bears a striking resemblance to National Party policy that was released before the 2003 election. When the agreement and The Nationals policy are compared, they are a mirror image of each other. On that basis, I am prepared to give credit to the Minister because he has pinched some good policy.

Mr Craig Knowles: Point of order: It is appropriate at this stage to observe that success has many fathers, but failure is an orphan. If the Leader of The Nationals wants to claim credit, he can go right ahead, but I think the punters in the community know who delivered for them.

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

Mr ANDREW STONER: The agreement bears a very close similarity to The Nationals policy, but it stops short. The Nationals have more material on the subject and I invite the Minister to approach us at any time and we will tell him how to go further and make the agreement even better. The number of committees, and consequently red tape, has been reduced, and The Nationals applaud that because it also was part of our policy. However, there is no indication of the balance of representation of these committees or whether the bureaucrats retain the majority. There is no indication of whether there will be a balance between fair dinkum farmers and landowners and fly-in Greens and bureaucrats. The Coalition looks forward to further debate on that issue, and I hope that the Minister has got the message.

It is said that the devil is in the detail, but we have not been provided with much detail—just a lot of backslapping. An issue that stands out is the Threatened Species Conservation Act. No details have been provided on the effect of that legislation, despite the fact that that is a critical factor in determining whether the agreement succeeds or fails. I say that because as long as the National Parks and Wildlife Service controls the overriding approval process relating to threatened species, it will not matter how streamlined the committee process is, and it will not matter how authority is devolved or how much money supports the agreement. In south-western New South Wales, vast areas have been quarantined from farming because the National Parks and Wildlife Service alleges that the land is needed as habitat for the plains wanderer. Threatened species issues remain the major complication in allowing private land-holders to conduct bushfire hazard reduction. Unless farmers comply with the Threatened Species Conservation Act before they burn off, they can end up being prosecuted or accused of being in breach of land clearing laws, including laws made under this new policy.

Despite rhetoric that the new native vegetation policy will be better for farmers, the Threatened Species Conservation Act remains a threat to the new process. The Minister must take a hands-on approach to the responsibilities of his portfolio. If he brings the Threatened Species Conservation Act under his control, perhaps we will be able to move ahead, but until that issue is resolved, the Coalition can give only qualified support. After eight years of heavy-handed regulation and enforced compliance which included sending jack-booted Department of Land and Water Conservation officers to the Police Academy at Goulburn with satellites observing farmers' every movement, it is about time the Minister got the message that farmers can be trusted, if they are approached with the right type of encouragement and incentives,

rather than the command-and-control approach which has been the hallmark of the Minister's predecessors for the past eight years.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Minister will cease interjecting.

Mr ANDREW STONER: Another issue of concern is that the definition of "land clearing" has not been clarified. This remains a point of contention. The Government must undertake to clearly define what "land clearing" will be interpreted to mean.

Mr Craig Knowles: Here it is.

Mr ANDREW STONER: The Minister should give the Coalition a copy. I might add also that it would have been useful if the Minister had provided the Coalition with a briefing before the matter was raised in this Chamber. If he had done so, perhaps many of the issues might not be matters of contention. I make the observation that this new policy has not gone through the Labor Party's caucus. The so-called Country Labor members have not even been consulted on this issue because largely it is The Nationals policy. The Opposition will not oppose the motion or the legislation as long as it matches the intent of the policy. However, we have some concerns. Today's *Daily Telegraph* states:

> However, a government source claimed that nothing would change until new legislation was introduced to curb clearing, and enforcement was given powers to charge people for illegal activities.
>
> "They should just get out and stop these people clearing now", the source said.
>
> "It is like the wild west out there."

The Minister wants to establish trust with the people who will make this plan succeed or fail, but that sort of attitude will get their backs up very quickly. That statement was allegedly from a Government source. Minister, if it is not, I ask you to refute it and to write a letter to the editor of the newspaper to clarify that point. That statement will create distrust, not trust. The Nationals will not seek to score political points on this issue of critical importance to country New South Wales, because, firstly, as I said, this policy has been stolen from The Nationals, and, secondly, we are more interested in scoring results for our people than in scoring political points.

The Nationals will not oppose the motion, but we will hold the Government to its rhetoric. We want the legislation and its implementation to match the rhetoric. The Nationals support the historic agreement, we congratulate the State and Federal governments on their co-operative approach and we note the support of comments by the New South Wales Farmers Association and the Total Environment Centre. Minister, fix the balance of the committees and fix the threatened species issue, or the spirit of bipartisanship will evaporate very quickly.

Mr PETER BLACK (Murray-Darling) [3.12 p.m.]: What a disgraceful exhibition by the so-called Leader of The Nationals. This is a vital issue for the bush and there are three issues before us. The Nationals voted against discussing the matter, they held up the discussion, and the Leader of The Nationals could not speak for 10 minutes. Let *Hansard* record that he could not speak for 10 minutes on an issue that is vital for the bush. What a disgrace. What are they against? They have voted against supporting the historic agreement that was announced yesterday, they voted against congratulating the State and Federal governments, and they voted against supporting the New South Wales Farmers Association.

Mr Andrew Stoner: Point of order: The member is misleading the House. I clarified earlier that we did not oppose the motion but that we opposed the urgency of the motion.

Mr ACTING-SPEAKER (Mr John Mills): Order! That is not a point of order.

Mr PETER BLACK: I do not care what they call themselves. They were the National Party, and before that the Country Party. They became The Nationals, then the notionals and as I announced earlier they have become the slanoitans—Nationals spelt backwards, and that is how they are going out. This motion is totally supported by Country Labor, which was involved in its development from square one. Members opposite laugh at that. I thank the Minister for setting up the 13 local community committees, because, as stated on page 3 of the notes—the notionals would not get that far, they would need an interpreter—six of those committees are in the Murray-Darling electorate: Murrumbidgee, Lachlan, Lower Murray-Darling, Western, and Central-West. What a great thing for western New South Wales. The Opposition referred to

recent press releases and a beautiful article in the *Daily Telegraph*. However, they did not mention the heading "$400m for farmers to save trees". The article on page 3 states:

> **How the plan works**
> **$406** million to stop clearing and restore damaged land
> **Funding** to be controlled by 13 local community committees
> **New** laws to curb clearing
> **Precise** definitions of what can and can't be cleared
> **New** natural resources commission to audit the program
> **Farmers** to submit management plans for their farms to receive funding
> **To come** into force early next year

That is all good news. An article in the *Sydney Morning Herald* by Daniel Lewis stated:

> Farmers and environmentalists have hailed a $406 million deal to end broad-scale land clearing and rescue damaged landscapes as one of the most profound environmental breakthroughs in the history of NSW.

In another article Daniel Lewis wrote:

> Nyngan farmer and the Mayor of Bogan Shire, Ray Donald, who has been at the centre of the storm over native vegetation management, found much to be happy with in yesterday's deal to end broad-scale land clearing and rescue damaged landscapes.

Ray Donald, a mayor in my electorate, was a National. I do not know what he is now. What did the honourable member for Lachlan say? Oh, this is the wrong press release, but it states:

> Call for hotel patrons to sing waltzing matilda

I will put that aside. What did Andrew Stoner have to say? His press release stated:

> Native Vegetation Package—Devil Will Be In The Detail

What a mean-spirited press release put out today by the notionals, or the slanoitans, whatever they call themselves these days. The press release continued:

> "Farmers would be wary of NSW Labor's latest native vegetation compliance regime given the Government's record of betrayal over the past eight years", NSW Leader of The Nationals, Andrew Stoner, said today.

It says "The Nationals". But as an indication of how mean spirited The Nationals are, the press release further stated:

> Mr Stoner said there were many unanswered questions, including the exact definition of broad-scale land clearing, which will be brought to an end under the Government's plan.

But today in his miserable contribution he said that was closely related to The Nationals policy. By clear inference he has condemned his own party for having no details. The press release also stated:

> He was also critical of the lack of commitment to a landowner majority on the new Catchment Management Authorities.

[*Time expired.*]

Mr ADRIAN PICCOLI (Murrumbidgee) [3.17 p.m.]: The only thing that can be gleaned from that presentation is that the honourable member for Murray-Darling can read. That was all he proved. Along with most people, I am able to give guarded congratulations to the State and Federal governments, and I certainly back the press release issued today by the Leader of The Nationals, in which he said that the devil will be in the detail. As with the recently announced water initiatives, the devil of this matter will indeed be in the detail. Why are we a little suspicious about the detail that is yet to come? Because after 8½ years of this Government we know that is where the devil always is. The Government has always been able to make fantastic announcements, but when it comes time for detail the difficulties arise.

It is also important that the Government get some of its statistics correct. For example, someone wanting to knock down two or three trees in a 100-acre paddock is said to be involved in 100 acres of land clearing. Those sorts of things need to be cleared up. If this motion clears up some of those things that would be good, because the ratbag element has used incorrect statistics to unfairly undermine and criticise farmers. If those inconsistencies are corrected by this motion, that would be good. The statements and press releases put out by various groups congratulating the Government on this initiative were encouraging. They commented on the detail. However, the Government could not have made things worse; any contribution would have to improve things.

The Government did the right thing by getting some of the farmers, the interest groups, and Ian Sinclair involved. That was the right thing to do. Those people have been saying for 8½ years that that is what the Government should do. This Government should be condemned for taking 8½ years to do it. The Minister, who is an incredible egotist, said earlier, "All these people said that I am absolutely wonderful." I am not sure whether the Minister is more interested in the content of his reforms or whether he is more interested in the wonderful things that people have been saying about him. Nothing has changed from when he was Minister for Health, which is really no surprise. Government members go to these meetings and say to the people who are attending them, "You will have to deal with us or we will kick you out and you will have no-one to deal with."

What does the Minister expect those people to say about him? I congratulate the Minister; it is wonderful that these people have said all those lovely things about him. I refer again to trust. People justifiably do not trust this Government. Opposition members do not trust this Government when it comes to the detail. Even when the detail has been released we cannot be sure that the Government will not change it. Honourable members would remember the regional forest agreements that were entered into several years ago. An announcement was made about the agreements; foresters and environmentalists were happy, and everyone said how wonderful the Government was.

A few years later the Government backed down from those agreements and shafted the forest industry. It made a grand announcement, enacted legislation, and then came back into the Parliament and changed its mind. How can we be sure that the Government will not do the same thing on this issue? That is why Opposition members and many interest groups do not trust the Government. Those groups are saying nice things about the Government because its rhetoric is right, but we want to see the detail. If the detail is right we want to be sure that it will not be changed. People do not trust this Government, because it has a history of breaking promises.

Mr GERARD MARTIN (Bathurst) [3.22 p.m.]: I am delighted to contribute to the debate on this urgency motion and to put on the record my appreciation and the appreciation of people in the Central West for the achievements of the Minister for Infrastructure, Planning and Natural Resources. His comprehensive and pragmatic approach in bringing all these factions together is a world first.

[*Interruption*]

Does the honourable member for Lane Cove want to talk about the Wentworth preselections? We now have on the table a comprehensive and pragmatic plan for these important issues. Over the past few years many honourable members have been working on the native vegetation, salinity and water management committees. That coalition is now coming together, which is a world first. In the past 8½ years this Government has achieved many things, but this natural resource management plan is right at the top of the list. If I had three days or if I were given unlimited speaking time I would go through all this Government's achievements. Suffice to say that this natural resource management plan will be right at the top of the list of its achievements. What will happen in the Central West catchment area? Ian Rogan was appointed as co-ordinator in my area, so I assume he is also co-ordinator in the electorate of the honourable member for Murray-Darling.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is far too much interjection. I have received a message that Hansard cannot hear the proceedings. I ask members on both sides of the Chamber to show some respect for the standing orders and cease interjecting. The honourable member for Bathurst has the call.

Mr GERARD MARTIN: We need to examine these issues in microscopic detail. I said earlier that Mr Rogan, who has been appointed to work in the Central West, will oversee this project and ensure a smooth transition to a full statutory catchment management authority [CMA] in 2004. Up to six other Central West CMA establishment team members are in the process of being selected by Minister Knowles. Those appointments will be announced soon. I have the greatest faith in the Minister getting this right, as he got everything else right in this legislation.

[*Interruption*]

I can understand where members of The Nationals are coming from. They feel bankrupted on this issue; they have been left behind. A member of their party and a great statesman, Ian Sinclair, has worked collaboratively with this Government on this issue, as he did in the rural health area under this Minister. He has a wonderful working relationship with this Government. The catalyst was probably in the detail that was

released earlier in the year by the Wentworth group. The Premier embraced and took on board the recommendations of that group. All these things have been welded together.

Mr Craig Knowles: The new deal.

Mr GERARD MARTIN: Exactly.

[*Interruption*]

I suggest to North Coast members that they should read the *Land*, which reports on agrarian issues. In 2004 all the detail will unfold. Local people will be responsible for making local decisions. The framework is there and money has been allocated in this year's budget. Overarching control will obviously be the responsibility of the Minister of the day. This issue is about people on the land solving local problems. The Minister has been responsible for getting together people on the extreme right, for example industry and irrigation industries, and people in environmental agencies and green groups. Those people are depicted in a photograph that was published in the *Land* as embracing one another. This Minister deserves credit for that. It is an absolute first. That has been the key to achieving this co-operation.

Members of The Nationals should co-operate. It is not too late for them to say, "We applaud the Government for what it is doing. We will trail along and make a contribution." Members of The Nationals should not refer to surreptitious stuff such as the fine detail and to the Government pinching their policies. I could not imagine anyone pinching any policy from The Nationals. We need endorsement from The Nationals for this project. This Government has already received endorsement for the project from Canberra. I am a little embarrassed by all the endorsements that this Government has received. Even Brendan Nelson endorsed the Premier's statements on the gun problem in Sydney. Opposition members thought it was more important to debate the gun issue than to debate this issue. Several Federal Ministers have liased on health and other matters. This Minister and this Government are promoting a bipartisan approach to resolving these important problems. I congratulate the Minister on his efforts. [*Time expired.*]

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [3.27 p.m.], in reply: It does not matter where the Leader of The Nationals runs or hides, he cannot deny that he led that once-great representative party of rural New South Wales to vote against a Minister seeking to talk about and debate natural resources policy in the New South Wales Parliament. He voted against that. No matter how many clarifying statements he makes, that is what he did. We are used to members of The Nationals belting the living daylights out of us. There is a strong history of that in this Parliament. Today the Leader of The Nationals claimed credit for this policy. There you go! What a paltry excuse for the leader of a political party to say, "The policy was really ours and you nicked it." The people who put this policy together know just how fallacious that statement is.

The Leader of The Nationals then said the devil was in the detail and that members of his party could not really support the motion, even though they would sneak up their hands and vote for it, because they are too worried to make a decision one way or the other. That says more about the state of The Nationals these days than anything else I have seen in a long time. The honourable member for Lachlan or the honourable member for the Upper Hunter would not have done that. But the Leader of The Nationals made that clarifying statement. He claimed credit for the policy and he then said that the devil was in the detail. He said, "We will put in on the Australian Prudential Regulation Authority. We will give it a bit of a chance and then we might sneak back to it later."

Earlier the honourable member for Murrumbidgee made a "let us wave the white flag" speech. He said, "Isn't it nice that all these people congratulated the Government? Isn't it good that they did all this work together? We will now wait for the detail." I do not think the honourable member for Murrumbidgee is really like that. His speech was uncharacteristically mean-spirited— that is not his usual style; I think he was put up to it—because he does not understand the history of this issue. The honourable member for Murrumbidgee mentioned threatened species legislation. National party members are no longer in the Chamber but they know that a bloke named John Ryan, a Liberal member of the New South Wales Legislative Council, amended the threatened species conservation legislation when it was sent to that place. That is when The Nationals' whinges, whines and problems began. National party members know that is true. I urge honourable members to read in *Hansard* what the honourable member for Coffs Harbour has said about John Ryan.

Those opposite talk about splits and divisions on this side of the House, but look at what that bloke has done. They should start looking for legislative problems on their own side of politics. If the farmers or the conservationists want proof of the irrelevance and pettiness of those opposite they need only refer to that debate. Imagine the division that a policy of that sort would cause between the Nats and the Libs. John Ryan ripped apart the threatened species legislation without authorisation from his party room. Members opposite should not use the Threatened Species Conservation Act as some sort of virtuous justification of their position.

The Opposition will not oppose this motion, because it has no alternatives. The Nationals have no ideas to offer to their alleged country constituency about how they would do better. They know that they have gone out on a limb on this issue. Peak environmental bodies have called this policy groundbreaking and better than the decisions regarding rainforests and national parks. Farming groups have described the policy as a "big win" for farmers.

There will be a massive reduction in red tape and bureaucracy. Some 72 committees and boards will be reduced to 13. Some 13 State bodies will be combined into a single body, establishing a peak representative stakeholder group. It will make sure that all stakeholders are resourced and properly empowered by working with the Commonwealth and ensuring that the money allocated to national resource management is spent on the ground as quickly as possible. We know it is a pretty good policy, but those opposite do not have the guts to endorse it. It is all weaselly, measly stuff from them. I commend the motion to the House and urge honourable members to support it.

Motion agreed to.

COMPANION ANIMALS

Matter of Public Importance

Ms CLOVER MOORE (Bligh) [3.32 p.m.]: Australia has the highest rate of pet ownership in the world. Four out of five Australians have owned a pet at some time and almost two-thirds of Australian households currently own pets. There are about two million companion animals in New South Wales. The popularity of pets has created one of the largest industries in Australia, estimated in 2000 as contributing $3.3 billion to the economy annually and employing more than 37,000 people. Companion animals play an incredibly important role in our society—a society in which people often live on their own. Pets give pleasure, they teach responsibility, they provide security, and they love and are loved in return.

Pets contribute to the physical and mental wellbeing of their owners, who are generally healthier and happier than non-pet owners. The Baker Medical Research Institute in Victoria estimated that pet ownership saves Australia up to $2.2 billion a year in health care. A 1980 study by Professor Erika Friedmann from Brooklyn College in New York found increased survival rates after a heart attack among persons with pets. The 4 May 2003 edition of *Sunday Life* contained an article entitled "The Power of Pets" that reported on a Pets as Therapy Program by Guide Dogs Victoria. Under this program volunteers and pets visit nursing homes and hospitals for the benefit of cancer and AIDS patients, car accident victims, sick children and the elderly. The article also reported on a Pets at Work Program involving American companies such as Microsoft, which grew out of the annual "Bring Your Pet to Work" day. An industry survey found that the companies reported greater productivity and that pets eroded barriers between colleagues and helped employees to relax.

Australians feel very strongly about their pets. A 1999 survey found that 85 per cent of Australian pet owners say their pet is part of the family; 57 per cent say their pet is their best friend; 86 per cent believe the main role of their pet is to provide love and companionship, rather than as guard dog or mouse-catcher; 69 per cent say their pet's death would be as upsetting as a family member's death; and 60 per cent say they would put themselves in danger to save the life of their pet. Because of the considerable benefits that pet ownership brings to individuals, the community and the economy I believe that this Parliament should support pet ownership and balance the legitimate needs of pets, pet owners and non-pet owners.

In 1998 the then Minister for Local Government introduced the Companion Animals Bill to provide a framework for the management of companion animals into the new century and to reflect current community values and expectations about animal welfare. In his second reading speech he said:

> The object of this bill is to provide for the effective and responsible care and management of companion animals by promoting the welfare of companion animals; promoting community understanding and acceptance of the important role played by companion animals to many people in our society, including those who are socially isolated; creating a system of permanent identification and lifetime registration for companion animals; providing a legislative status for cats as well as dogs; strengthening restrictions applying to dangerous dogs; reducing the number of animals which are abandoned and euthanased; reducing the number of unowned and feral animals; and promoting local companion animal planning and control strategies.

However, the bill did not meet the expectations of most people involved in the community consultation process, and it required extensive amendment in the House to make it more humane and animal friendly. Some of the key changes included requiring each local council to establish at least one public place as an off-leash area and to provide sufficient disposable bags and rubbish receptacles for the disposal of dog waste in places commonly used for dog exercising. Excessive restrictions on dogs were removed, such as the requirement for owners to chain up their dog when it was unattended on their own property, and the arbitrary limit that, when in public, dogs must be on a leash "no more than two metres in length". There was a dramatic reduction in the draconian penalties that could be imposed because of normal animal behaviour, such as dogs playing. Even though no damage or injury was caused, such behaviour could be used vindictively in neighbourhood disputes. Courts and local councils are now legally required to explore all reasonable alternatives before destroying an animal, such as a lost pet.

Despite these positive changes many problems continue. The implementation of the Companion Animals Act 1998 has been poor, with only token action taken in the animal welfare area. Local councils and government authorities do not take their responsibilities seriously and focus on punitive action against pet owners. Lazy government authorities find it easier to put up signs banning everything rather than to provide proper supervision, facilities, and enforcement for the irresponsible pet-owning minority. Administrative mechanisms are failing to ensure permanent identification and lifetime registration. Due to non-compliance and a lack of legal enforcement the details of many micro-chipped animals do not make it onto the register. Owners who have complied with the Act's requirements cannot rely on being contacted if their loved pet ends up in a pound.

The Act creates and reinforces a perception of dangerous pets that is not common in the broader community. I know that dog owners and their pets gather in city parks and socialise, creating a sense of friendship and community in what can otherwise be an alienating city environment. Many world cities, such as San Francisco, Berlin, Paris and London, do not have the restrictions on pets that are imposed in New South Wales. On the contrary, in those cities pets are not only allowed but welcomed.

Reform is needed in several areas in order to meet the legislation's original aims. To enable owners to care responsibly for their dogs the Act must ensure that dogs can be exercised adequately and that owners are able to spend quality time outdoors with their pets. Veterinary evidence shows that dogs who have this opportunity are better behaved when they return to an enclosed space or are confined in an apartment or terrace house. For densely populated inner-city areas with little private open space and often no backyards, this requires access to public space, particularly public open space. At present pets are banned indiscriminately from many public areas. Lazy councils routinely ban dogs rather than provide adequate off-leash areas with adequate signage, education and enforcement to ensure the pick-up of waste and responsible animal control. Co-ordinated, proactive, progressive action is needed with effective signage, community education, and rangers fining owners who do not responsibly manage their pets.

Secondly, responsible owners should have the right to access public transport with their pets. As a consequence of State Government urban consolidation policies, environmental concerns and local limits on parking spaces many people living in the inner city do not own cars. The electorate of Bligh, for example, has the lowest levels of car ownership in Sydney—two-thirds of households do not have a car—and we have high rates of public transport use. Unlike many European countries where pets travel freely with their owners on public transport, the law in New South Wales provides no such guarantee. Many pet owners find it impossible to take their pets to the veterinarian or to go away with them. Often the only option is to walk or catch an expensive dog taxi. That creates insurmountable problems for people on low incomes. Rules governing responsible management of animals on public transport can be established and enforced. The current situation is discriminatory and unjust for pet owners, who are being treated as second-class citizens.

Thirdly, increasingly people in cities such as Sydney live in rented properties and apartments and they are concerned about pet bans. That is a significant issue, given the dramatically increasing residential densities. There are no specific legislative restrictions on pets in apartments but many landlords and body

corporates automatically impose bans. While it is reasonable to take action about a problem animal, most pet owners are responsible and should not be penalised by the actions of a few. Based on anecdotal evidence, pets are being smuggled in and out of apartments all over the city. These hidden pets have no negative impacts on other residents and the owners should not be put in the position of fearing being caught. Legislative support is required to enable responsible pet ownership by residents in rented properties or apartments by ensuring that permission to keep a pet is not unreasonably withheld.

Fourthly, in relation to pet ownership for people on low incomes, during the parliamentary debate I sought action to ensure that people on low incomes are not prevented from having pets, as the new legislation imposed significant compliance costs. I am particularly concerned by reports that animals have been put down because owners could not afford to pay the high fees required to secure the release of animals from pounds. It is disturbing that a loved pet can be killed under the Act simply because the owner is unable to pay a debt. The Act must ensure that costs are subsidised or waived where necessary, and that owners who cannot immediately pay pound fees are given time and their animals released to them.

Fifthly, there is continuing concern about mandatory desexing, which is creating the problems typical of most forms of prohibition. People on low incomes have their pets taken away from them because they cannot afford to pay for this. Animal welfare groups tell me that failure to desex is most commonly associated with ignorance of the benefits and lack of money. They tell me that the preferred approach is a non-compulsory system for desexing through community education and encouragement, with financial assistance or free desexing programs for persons on low incomes.

Finally, in relation to ending the slaughter of homeless pets, the breeding of companion animals for profit continues unabated, even though thousands of healthy domesticated dogs and cats are euthanased each year because homes cannot be found for them. There should be a moratorium on commercial breeding until this tragic situation is resolved, supported by a Government campaign to encourage the public to offer homes to abandoned pets. The highly successful San Francisco Society for the Prevention of Cruelty to Animals Adoption Scheme is a world beacon. In San Francisco every healthy animal is re-homed, as well as many disabled ones. I support a total ban on the display and sale of pets from pet shops in major shopping areas, where the risk of impulse buying is unacceptably high. People wishing to buy a pet should have to go to a breeder who will give them information about the size to which the animal is likely to grow, its needs, and the likely cost of ownership, including registration, veterinarian fees and food costs. [*Time expired.*]

Mr PAUL McLEAY (Heathcote) [3.42 p.m.]: I am pleased to speak on this matter of public importance. New South Wales has the leading companion animals legislation in the country. The five-year review of the Companion Animals Act is under way. The initial phase of the review attracted 245 public submissions from a variety of organisations and individuals, raising more than 200 issues relating to the responsible care and management of companion animals. The review provides us with the opportunity to consolidate this significant achievement and ensure that the system is continued. The review will focus on whether the policy we set out originally is on track and whether the legislation is achieving its objectives. I understand that the honourable member for Bligh has made submissions to the review of the Act on behalf of some of her constituents, and I assure her that they have been considered.

The Companion Animals Community Education Grants Program provides funding to councils to educate pet owners on their responsibilities. Grants worth almost $217,000 to 25 councils and regional groups across New South Wales have recently been approved. That is on top of 22 grants approved by the previous Minister in 2001-02. Those projects produce various resource materials that can be used by all New South Wales councils and cover topics such as the importance of microchipping and registration and the impact of pets on the environment. This program is part of the Government's commitment to reinforce the message that pets are a lifetime responsibility. A key part has been the online registration of pets in the New South Wales Companion Animals Register. The details of more than 930,000 cats and dogs are now recorded on the register.

A companion animals CD-ROM has been developed by the department to assist councils and authorised identifiers with online registration. I congratulate pet owners who have responsibly registered their animals, although I continue to remind pet owners that they must have their pets both microchipped and registered to provide lifetime protection. The Government continues to work with councils and other users to improve the efficiency and functionality of the register. A recent initiative has been to include a real-time address-checking program to ensure that the data on the register is correct and to make it easier for users to search the register.

In relation to dangerous dogs, we have the toughest legislation in the world. Dog attacks and dangerous dogs are issues of community concern that are taken seriously by the New South Wales Government. The Government has introduced a range of tough penalties for owners of dogs that attack or are declared dangerous. Those penalties include a fine of up to $2,200 and/or up to two years imprisonment for allowing a dog that has been declared dangerous to attack a person. I have no doubt that our laws are amongst the toughest, if not the toughest, in Australia. But it is important to remember that dangerous dogs represent less than 1 per cent of the dog population recorded on the Companion Animals Register.

My electorate is fortunate to have the Hanrob Pet Centre, which is a specially engineered pet motel providing first-class accommodation at affordable rates. The accommodation has large runs—not cages—with adjoining sleeping quarters offering 24-hour access. The sizes vary from 3.9 square metres to 5.6 square metres, depending on the size of the pet. There is radiant floor heating in most runs, soothing music throughout the pet accommodation, comfortable non-allergenic plush bedding and a bright and cheery atmosphere with impeccable cleanliness.

Mr Anthony Roberts: How do you make a booking?

Mr PAUL McLEAY: I would encourage you to do so. Two of my dogs have stayed at Hanrob Pet Centre and have participated in intensive training with Steve Austin, who is Australia's most respected dog trainer. The Frisky cat and the Whiskers cat are there. Hanrob conducts fantastic dog training.

Ms Virginia Judge: Does it have Skippy?

Mr PAUL McLEAY: I do not think it has Skippy. Two of my dogs, Rocco McLeay and Spike McLeay, have graduated from Hanrob's intensive training schedule, which included three weeks accommodation. I recommend that well-established operation and staff who care for the pets boarded there. They look after the diet of the dog or cat, and can cater for special diets. The staff includes veterinarians who are trained to recognise warnings of potential health problems. It is a fantastic institution which is doing amazing work in dog behaviour. Assistance Dogs Australia, Engadine, is also located in my electorate. Recently I had the pleasure of visiting Assistance Dogs Australia with the honourable member for Menai and the honourable member for Miranda. We secured a $20,000 grant from the Government for help Assistance Dogs Australia to train their dogs. Annie came to see us.

Ms Alison Megarrity: I recall she was particularly taken by the honourable member for Miranda.

Mr PAUL McLEAY: This six-month-old labrador liked to lick the face of the honourable member for Miranda quite frequently. Assistance Dogs Australia was established as a non-profit organisation in 1996 with the committed mission of enhancing the quality of life for people with physical disabilities. Assistance Dogs Australia obtains, trains and maintains dogs in community settings to assist people with their disabilities, to give them more confidence and to help them achieve a greater level of independence. The assistance dogs are fully trained to specific standards and are provided to disabled recipients free of charge. Each assistance dog costs the organisation approximately $20,000, which covers the two-year training period and follow-up support. The program has five main elements: breeding and puppy acquisition, foster puppy raising, intensive dog training, team training and annual handler/dog accreditation. The labrador and golden retriever puppies are placed with volunteer foster puppy raisers for 18 months and then go to the Assistance Dogs Australia training centre for a further six months of intensive training.

Assistance dogs are trained over this two-year period to perform specific tasks that will help their disabled recipients. Those tasks include opening and closing doors, turning light switches on and off, pressing pedestrian crossing buttons, and retrieving and picking items off the floor—tasks that are difficult or near impossible for people confined to a wheelchair. They can also pull the wheelchair and bark for assistance, if required. Assistance dogs are already making a dramatic difference to the quality of life for individuals with physical disabilities. Not only do these special dogs assist them physically; they also relieve loneliness and social isolation, helping their owners integrate more with their local communities.

That increase in independence allows them to get on with their lives, often attending college, getting employment or just mixing more. Assistance Dogs Australia has an ambitious training program ahead, and has to rely on corporate, community, individual and government funding to achieve its goals. The charity requires significant funding to achieve its goal of placing at least thirty dogs per year with disabled

recipients. Any member of the community can help by sponsoring a puppy, individual donations, puppy raising and fund-raising. That brings me to my final point.

The Companion Animals Act requires that local government councils provide at least one off-leash area for exercising dogs. Councils, in consultation with their communities, can declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period or periods of the day or on different days. However, there must at all times be at least one public place in the area of each council that is an off-leash area. Councils are locally elected, largely autonomous public bodies vested with powers to provide local government services and facilities within their areas of responsibility. In exercising these powers councils are principally accountable to their residents and are best positioned to provide those services.

Local communities may negotiate the number and location of leash-free exercise areas with their councils so that the needs of all residents, including dog owners and those members of the community that do not own dogs, are most adequately met. My home town of Bundeena has a fantastic off-leash area that is frequently used. I commend the council for that ongoing amenity. The Companion Animals Act review, which is currently under way, has considered various proposals in relation to off-leash areas received through the public submissions process. The proposal of the honourable member for Bligh has been considered along with those proposals.

Mr DAVID BARR (Manly) [3.52 p.m.]: I am more than happy to reaffirm in this debate the importance of companion animals to homo sapiens. We cannot overstate how significantly important dogs, cats and other little creatures are to the human species. Some people deride that as childishness, but the reality is that dogs and cats in particular are important to communities and people. That is an issue that legislators and councils must address. In the past we have not recognised that as much as we should have. Not a single human community does not have dogs. As a politician who doorknocks, I know that on the other side of almost all of those doors is a dog, sometimes two or three.

The coming together of dogs and humans is a fascinating story. An interesting area of study called archaeozoology postulates how that relationship commenced. About 12,000 to 14,000 years ago Canis lupus, the wolf, became Canis familiaris. Somewhere along the line wolves became dogs, which became part of the human community. Initially, wolves may have scavenged around camps, gradually come into closer contact with humans, ultimately become domesticated, and then become pets and objects of affection. Something along that line happened 12,000 to 14,000 years ago, and domesticated dogs have been with us pretty much ever since.

Some theories postulate that the relationship between dogs and humans has assisted the evolution of humans at some cost to the evolution of the wolf—in fact, the modern dog has a brain about 20 per cent smaller than that of the wolf—and that the arrangement between man and dog has perhaps been at a cost to the evolution of dogs. However, it has been of great benefit to humans. In earlier days the dogs acted as the nose, ears and eyes of a human community, allowing humans to engage in other activities. Those dogs became watchdogs, protecting human communities from all kinds of predatory dangers then existing.

In the limited time I have available I want to speak about how important dogs are today. My wife and I often walk down the scenic walkway at Manly, where dogs are allowed off the leash. As an example, almost every day an elderly lady takes her chow and pomeranian for a walk, carrying a little basket with her. After a while the pomeranian becomes tired and gets in the basket, and the lady carries it along. She then meets up with her friend, also an elderly lady of about 90, who also has a dog, and they talk and socialise. The dogs are important to them because they get out and walk and speak to other people. The dogs themselves are important to those ladies, but they are also important because the ladies get to meet other people. That sort of pattern is common throughout society. Dogs and cats are of significant importance.

Obviously, there are times of conflict in the sense that dogs and cats can be nuisances and predators. St Patrick's estate in Manly has a prohibition on companion animals because of the danger they pose to an endangered colony of long-nosed bandicoot. Similarly, dogs are not allowed in some areas along the foreshore of Manly because of the threat they pose to the little penguin colony. There are tensions at times. We must do more to enable people to enjoy their domestic animals. We must provide adequate spaces in which to take companion animals for walks, leashed and unleashed. There is recognition that the human species must do the right thing and pick up the litter that dogs drop and so on. The review of the Companion

Animals Act has been mentioned. The fundamental importance of dogs, cats and other animals to humans must be recognised. I think this will become even more of an issue as time moves on. I welcome this debate.

Ms CLOVER MOORE (Bligh) [3.57 p.m.], in reply: I thank the honourable member for Heathcote and the honourable member for Manly for their contributions. This is an important debate on an important issue. It is important to us as elected representatives and to our constituents. The 1998 Companion Animals Act did not meet the expectations of most people involved in the consultation process. It remains an inconsistent mix of support for responsible pet ownership and excessively punitive controls that undermine responsible ownership. I hope the current five-year review of the Act by the new Minister will respond to contemporary needs and expectations. I would like to restate that companion animals play an incredibly important role in our society, in which many people live on their own and many are alienated.

I remind the House that pets contribute to physical and mental wellbeing, and that the Baker Medical Research Institute in Victoria estimated that pet ownership saves Australia up to $2.2 billion a year in health care. Despite the proven benefits of pet ownership, too often the official attitude is that pets are not a legitimate part of life, and pet owners in New South Wales are made to feel like second-class citizens. We have a much more restrictive regime than other world cities, such as San Francisco, Berlin, Paris and London. Most owners are responsible and most pets are well behaved. When animals become a problem it is inevitably because they are not given the care they need. I ask the Government for changes to improve community support and education for responsible ownership. The Act must ensure that dogs can be adequately exercised, and that owners are able to spend quality time outdoors with their pets. For densely populated inner-city areas without backyards, this means improved access to open space, particularly public open space.

Unlike many European countries in which pets can travel with their owners on public transport, New South Wales provides no such guarantee. The unnecessary restrictions and inconsistent guidelines need changing to permit owners to travel with pets under their responsible control. Many people in our cities live in rented properties and apartments. They want change in the total bans on pet ownership routinely imposed in rented properties. The current Act imposes significant costs on pet owners for de-sexing, microchipping and impounding of animals. This must not prevent people on low incomes from owning pets, forcing them to break the law or lead to their beloved pets being killed in pounds. Animal welfare groups maintain that community education and practical help and encouragement for non-compulsory de-sexing is preferable to the current mandatory regime, which leads to people hiding pets, facing unaffordable fines or dumping animals.

The serious problem of impulse buying of pets by people not able to be responsible owners, which leads to animals being mistreated, dumped and killed, must be redressed. Although I routinely see owners responsibly managing their pets and responsibly picking up waste, action by local and State authorities is less evident. After nearly five years there have been no noticeable community education campaigns, as required under the Act. Because of the considerable benefits that pet ownership brings to individuals, the community and the economy, serious consideration should be given to limiting pet ownership. The needs of pets, pet owners and non pet owners are all legitimate. These needs must be appreciated and integrated with society and the environment to ensure that people and pets can live harmoniously in New South Wales in the twenty-first century.

Discussion concluded.

PETITIONS

Gaming Machine Tax

Petition supporting the increase in gaming machine taxes and welcoming the fact that all extra revenue will be spent on the health system, received from **Ms Angela D'Amore**.

Autism Spectrum Disorder

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

Mount Austin High School

Petition requesting funding for the installation of airconditioning in all learning spaces at Mount Austin High School, received from **Mr Daryl Maguire**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Alan Ashton**, **Ms Gladys Berejiklian**, **Mr Thomas George**, **Mrs Shelley Hancock**, **Mrs Judy Hopwood**, **Mr Malcolm Kerr**, **Mr Daryl Maguire**, **Mr Steven Pringle**, **Mr George Souris**, **Mr Andrew Stoner, Mr Andrew Tink** and **Mr John Turner**.

Cudgen Creek Seaway

Petitions requesting that the Cudgen Creek seaway at Kingscliff be cleared of silt, received from **Mr Steve Cansdell**, **Mr Andrew Fraser** and **Mr Russell Turner**.

White City Site Rezoning Proposal

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

Bushfires and Hazard Reduction

Petition requesting an inquiry into the causes of bushfires and their relationship to the lack of hazard reduction, received from **Ms Katrina Hodgkinson**.

Trunk Road 120 Upgrade

Petition requesting substantial upgrades to Trunk Road 120, known as the Megan Road, and installation of guard rails at Deep Creek and Bielsdown Creek, received from **Mr Andrew Fraser**.

Jingellic to Holbrook Road Upgrading

Petition requesting funding for the upgrading of the Jingellic to Holbrook road, received from **Mr Daryl Maguire**.

Tumbarumba to Jingellic Highway Upgrading

Petition asking that the Tumbarumba to Jingellic section of State Road 85 be sealed, received from **Mr Daryl Maguire**.

The Alpine Way Upgrade

Petition requesting funding to repair, upgrade and realign eleven kilometres of The Alpine Way between the State border at Bringenbrong Bridge and the beginning of Kosciuszko National Park, received from **Mr Daryl Maguire**.

Windsor Road Traffic Arrangements

Petitions requesting a right turn bay on Windsor Road at Acres Road, received from **Mr Wayne Merton** and **Mr Michael Richardson**.

Brunswick River Crossing Environmental Impact Statement

Petition requesting that an environmental impact statement for a crossing over the Brunswick River between Yelgun and Brunswick Heads be fast-tracked, received from **Mr Donald Page**.

The Spit Bridge Traffic Arrangements

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

Canberra Rail Services

Petition requesting retention of passenger rail services to Canberra, received from **Ms Katrina Hodgkinson**.

Redfern and Surry Hills Bus Services

Petition requesting improved bus services in Redfern and Surry Hills, received from **Ms Clover Moore**.

Community-based Preschools

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

Dunoon Dam

Petition requesting the fast-tracking of plans to build a dam at Dunoon, received from **Mr Thomas George**.

Wagga Wagga Electorate Fruit Fly Control

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

Circus Animals

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

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

QUESTIONS WITHOUT NOTICE

SHOOTING INCIDENTS

Mr JOHN BROGDEN: My question without notice is directed to the Attorney General. Given that shootings are now almost a daily occurrence in Sydney, with over 100 gun-related incidents since the election, will he now support a comprehensive approach to tackling gun crime that includes compulsory minimum sentences for serious violent crimes and a gun court?

Mr BOB DEBUS: I remind the Leader of the Opposition that New South Wales has the toughest firearm laws in Australia with penalties for the most serious offences under the Firearms Act and the Crimes Act of up to 20 years imprisonment. I should also say that statistics provided by the Bureau of Crime Statistics and Research, which I have found to be consistently more reliable than those from the Opposition, show that firearm offences are in fact continuing to fall. Over the past two years assaults with a handgun fell by 36 per cent; shoot with intent incidents involving a handgun fell by 26 per cent, and incidents of robbery with a firearm have remained stable.

Mr SPEAKER: Order! I call the honourable member for Lane Cove to order.

Mr BOB DEBUS: At the same time the Government has introduced standard minimum sentences for firearm offences; they apply to any offence committed after 1 February this year. Under section 7 of the Firearms Act a standard non-parole period of three years applies, which means that for a mid-range offence under that section an offender would be sentenced to a non-parole period of three years. I repeat: New South Wales already has the toughest firearm laws in Australia, nevertheless my colleague the Minister for Police

recently released a package of measures that are calculated to improve the comprehensive co-ordinated approach taken by police to illegal gun availability, detection, apprehension and prosecution. That package includes an intention to make sure that more matters are dealt with on indictment by the District Court, as well as the introduction of new aggravated gun offences.

As to the question of gun courts, the New South Wales Government continually assesses innovative ideas from overseas. The Attorney General's Department is examining the gun courts that have been established in the United States of America and investigating the potential for such an initiative to be applied here. However, at the present time I am not aware of any formal evaluation of those relatively new jurisdictions. In other words, we maintain an open mind towards the question of gun courts but we need to receive real evidence that they have a significant effect on the level of gun crime. That is an open question and one that we will continue to consider.

Mr JOHN BROGDEN: I ask a supplementary question. In view of the Attorney General's answer and his statement that we have the toughest gun laws in Australia, why is it that a bikie, convicted of an offence and on bail, had his bail extended despite the fact that he had an armoury in his home?

Mr Carl Scully: Point of order: Clearly, that is not a supplementary question.

Mr SPEAKER: Order! The Attorney General has dealt with the matters referred to in the question. The Leader of the Opposition has sought further information, and the Attorney should respond to that question.

Mr BOB DEBUS: I freely acknowledge that there is a totally legitimate community expectation that firearms offences will be treated with particular severity. Last week I indicated that I had concerns about the sentence imposed in the case raised by the Leader of the Opposition. At that time I indicated that I had requested a further report from the Director of Public Prosecutions concerning that matter. I point out that the matter was the subject of particular circumstances that may be explained more clearly at a later stage, after I have received the report. More generally, the case mentioned by the Leader of the Opposition highlights an issue about the limited capacity of magistrates to accumulate custodial sentences of any sort, not only those applying to firearms offences.

Over the past several months I have had detailed discussions with the Chief Judge of the District Court, the Chief Magistrate and other stakeholders about the present legislative inability of the Local Court to accumulate any sentence beyond an absolute limit of three years. That was the technical circumstance that affected the case referred to by the Leader of the Opposition. I inform the House that appropriate legislative amendment to overcome that specific problem has been agreed to.

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

NATIONAL COMPETITION POLICY

Ms MARIE ANDREWS: My question without notice is directed to the Premier. What is the Government's response to community concerns about the national competition policy and its impact on governance in New South Wales?

Mr BOB CARR: I can reveal that the Government stands to lose $51.44 million on an annual basis unless we very quickly implement reforms that would hurt farmers, pharmacists, dentists, optometrists, bottle shop owners and taxidrivers.

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

Mr BOB CARR: Let me make it very clear: the Government simply cannot afford to lose $51 million, which is double this year's funding for class size reduction in our schools, or the salaries of 750 of the 2,187 new nurses we have employed since January last year.

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

Mr BOB CARR: If the Commonwealth insists on putting a gun to our head, that is, cuts our funding, we will have no choice but to implement those reforms. It will be done in one omnibus piece of legislation that will be presented in this session of Parliament.

Mr SPEAKER: Order! The honourable member for Upper Hunter will come to order. There has been constant calling out and needless interjection, particularly from the Opposition benches. I remind Government members that interjections will not be tolerated while a Minister is speaking. Questions without notice seek information and members should extend to Ministers the courtesy of listening to their answers in silence. A number of members have been called to order. I will continue to call members to order and some may find themselves on three calls to order if this nonsense continues. Although it is late in the day, some members may leave the Chamber earlier than others.

Mr BOB CARR: I have written to the Prime Minister and the Federal Treasurer defending these vulnerable industries from unnecessary and illogical reform. Take for example liquor sales. The National Competition Council wants us to remove the needs test for issuing new liquor licences. That is what it has put to the Government. The needs test protects communities from being flooded with new liquor outlets, reducing prices and promoting alcoholism. We have just completed the Alcohol Summit, which covered liquor licensing. We told the Commonwealth that we did not want to make any changes before we have had a chance to work with the liquor industry, police and the community, or with better alternatives that could improve competition and protect the community.

Consider farmers, recovering from one of the worst droughts on record and struggling to get back on their feet financially. The National Competition Council wants us to remove compulsory mediation between farmers and banks, to get rid of it! There would be no compulsory mediation and that would mean that banks could move in, sue and evict farmers without being forced to sit down and negotiate. I know that small chicken farmers are prominent in the electorate of the honourable member for Peats, and when large processors have the whip hand in pricing, the National Competition Council wants us to take away their rights to collectively bargain to get the best price for their produce.

This Government has appealed to the Commonwealth about this. I have written to the Prime Minister and to the Treasurer about this issue. Let us take, for example, the medical professions. The community expects dentists, optometrists and pharmacies to be owned and operated by professionals, not by corporations that are not qualified to protect the health and wellbeing of our community. We have introduced reforms that allow for competition while protecting fundamental consumer rights. Even the Prime Minister said that he is "a strong supporter of maintaining the tradition of pharmacies owned and operated by pharmacists". So am I, and so are we all, but the NCC does not agree.

[*Interruption*]

Opposition members should be quiet; they might learn something. The NCC has persuaded the Federal Treasurer to write to the State and say, "Unless you reform this industry along these lines and unless you free up the market, New South Wales will lose over $50 million." There is a lesson to be learned by members of the Opposition. They should take their case to Canberra. There is a message for all the vulnerable industries that are represented on the hit list of national competition policy. They should take their representations to Canberra. No State government could absorb that sort of loss. Let us take as another example taxi licences.

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

Mr BOB CARR: At a time when taxi drivers are struggling to make a living wage, the NCC wants us to flood the market with licences because it simply does not understand the Sydney taxi market. The NCC thinks that this Government is deliberately withholding new licences. The truth is that anyone can go to the Ministry of Transport and buy a new taxi licence any day of the week. People are not doing that because we already have more taxi licences per head of population than Melbourne—which is held up as a paragon of virtue by the NCC—or Brisbane. The bottom line is this: Our position on liquor, farmers, medical professionals and taxis is justified and defensible. I welcome the Prime Minister's commitment that he will consider the arguments that we presented to him, but we need more. We need a guarantee that there will not be any cuts to New South Wales. We cannot take these cuts to the pool of money that we have to spend on schools and hospitals.

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

Mr BOB CARR: We do not want to make these reforms, but if the Commonwealth insists on the cuts and it keeps the gun pointed at the head of the State, we will have no choice but to implement its reforms—to implement Coalition reforms—because that is what the NCC reform agenda will become unless the Prime Minister intervenes. I will make sure that every farmer, every pharmacist, every taxi driver and every chicken farmer in this State gets the goods or the story on this. If the Prime Minister does not intervene it will become logically and inevitably the Coalition's reform agenda and it will be held accountable for that. We cannot afford a $51 million cut to funding for our schools and our hospitals. The message to affected industries and to Opposition members is this: Along with us, they need to convince the Coalition in Canberra. The clock is ticking, so they should write to Peter Costello and to the Prime Minister, argue their case and stop these cuts.

REDBANK 2 POWER STATION

Mr ANDREW STONER: My question is directed to the Premier. Can he guarantee that his Government did not kill off the development of the Redbank 2 power station at the request of or through pressure from EnergyAustralia as a way of effectively cancelling its contract to purchase electricity from Redbank 2?

Mr BOB CARR: Yes.

POLICE RECRUITMENT

Mr STEVE WHAN: My question without notice is directed to the Minister for Police. What is the latest information on police recruitment and retention?

Mr JOHN WATKINS: My predecessor, on the advice of the Police Ministers Advisory Council, formed a ministerial work party on recruitment, training and retention. The working party was chaired by a well-respected former Minister for Police, Peter Anderson, and included the Police Association President, Ian Ball, and officers from NSW Police and the police ministry. Today I am pleased to table the report of the working party. I advise the House that I am accepting the recommendations of that inquiry. I seek leave to table the report entitled "Ministerial Working Party on Recruitment, Training and Retention", dated September 2003.

Leave granted.

Report tabled.

Three of the 10 terms of reference were in relation to recruitment of police in New South Wales—an important issue. They centred on a joint proposal from Charles Sturt University and NSW Police to change the structure and content of the diploma of policing practice. This proposal, which was implemented in the first half of 2002, has resulted in substantially increased police numbers, with over 2,290 new police being recruited, trained and deployed in the 12 months up to August this year. I also report that NSW Police is receiving, on average, 450 inquiries per week about joining the New South Wales Police Force. That is 450 inquiries per week from citizens who want to join NSW Police. That demonstrates the high regard that our community has for NSW Police and the strong morale that is now present in that organisation. The working party was also asked to look at increasing the retention of recruits from non-English speaking backgrounds.

NSW Police has been more successful in recent years in increasing the numbers of officers from non-English speaking backgrounds, but the figure is still too low—it is only 7 per cent. That figure is up quite a bit on the average of recent years, which has been about 2 per cent, but we need to do better. I have asked the working party to do more work, in particular in the additional recruitment of women and in increasing the numbers of Aboriginal and Torres Strait Islanders within the force. Clearly, the demographics of NSW Police must and should reflect the community that they police. That is what makes a good police force. The make-up of the force reflects the community it seeks to police. The working party also found that the restructured course provided a greater proportion of practical policing. That means more recruits with practical skills when they leave Goulburn and go into local area commands.

Experts acknowledge that police recruits learn best by being placed in simulated circumstances and being forced to find solutions to difficult problems. Police recruits should and will be put through even more practical exercises in their future training. As I reported earlier this week, more than 90 experienced police

injured or incapacitated by their work have been able to secure new opportunities in the New South Wales Police Force after changes to restricted duties policies. That has meant that 91 officers who previously were on long-term sick leave or were unable to come back to a job that they love, have been welcomed back into local area commands and other specialist areas in the force. There has also been a dramatic reduction in the number of officers on long-term sick leave, which is good news throughout New South Wales. In fact, there was a 30 per cent reduction last year in the number of officers on long-term sick leave, which means that the figure is now down to 399 officers.

We also examined proposed improvements for leadership development programs. I asked the working party to consider advanced management courses jointly developed with the tertiary sector to assist senior management in NSW Police. A number of other reviews conducted by the working party have already been implemented and the benefits are being felt. The working party conducted a review of the pre-qualifying assessment system, that is, the system that allows police or people who wish to become police to prequalify before they are accepted into the New South Wales Police Force and before they qualify for promotion to the next rank. The ministerial working party identified 26 recommendations to address prequalifying assessment, and they have been implemented.

I remind the House that earlier this year I tabled in this Chamber a report that examined the process and consequences of some of the changes that were made to the Diploma of Policing Practice in 2002, several of which were quite contentious. The working party found little evidence that the heavy course load had led to increased drop-out rates. However, it found that the restructure had introduced a more practical focus, particularly during the probationary year. All in all, the Ministerial Working Party of Recruitment, Training and Retention has been extremely successful in achieving important outcomes regarding each of its terms of reference. I congratulate the working party on its efforts and look forward to the work that it will continue to do in relation to other issues that arise from its report.

CONSUMER PROTECTION

Ms VIRGINIA JUDGE: My question is directed to the Minister for Fair Trading. What is the latest information on efforts to increase consumer protection in New South Wales?

Ms REBA MEAGHER: I thank the honourable member for Strathfield for her question and for her ongoing interest in this area. New South Wales has some of the toughest fair trading legislation in Australia and the Government is committed to protecting consumers from predatory traders. In the past financial year the Office of Fair Trading successfully prosecuted 116 defendants for more than 570 breaches of fair trading laws. Total penalties of more than $700,000 were imposed. In addition, more than 540 defendants were issued with penalty notices, totalling more than $320,000, in relation to more than 800 offences. The message is simple: If one breaches fair trading laws and ignores one's obligations the consequences can be severe.

At present Office of Fair Trading investigators may inspect goods, copy documents, buy goods or takes samples. However, the market has changed considerably since 1987 when the Fair Trading Act commenced, and our approach to compliance and enforcement is changing with it. Many business records are now stored on computer files. In most cases the service of a notice to produce under the Fair Trading Act enables business records to be obtained. But there is a risk in some cases that this evidence may disappear.

The Carr Government is keen to ensure that our investigators are armed with the necessary tools and resources to meet the needs of a changing marketplace. Honourable members will be interested to know that I am looking at reforms to give fair trading investigators the necessary powers to seize evidence, such as computer hardware that is allegedly used to perpetrate consumer fraud. If there is a reasonable belief that a contravention of the Act has occurred, investigators could remove documents and retain possession of goods under appropriate authority. The loss of computerised records is a critical concern for the Office of Fair Trading, and we want to ensure that when it is necessary to do so, and when it will serve the public interest, investigators will be able retrieve these records and minimise the risk of loss of important evidence.

Honourable members will also be interested to know that we are improving the way in which the Office of Fair Trading interacts with other consumer affairs agencies here and overseas. A scam artist who feels the heat from one consumer protection agency will often shut up shop and move across the border to resume operations. For example, there are notorious itinerant traders who travel on circuits around regional Australia, preying on vulnerable, and especially elderly, consumers. These undesirables keep on the move to make it more difficult for the authorities to catch up with them. The key to effective results in these cases is

co-operative action and the exchange of information between agencies. We intend to give the Commissioner for Fair Trading express powers to enter into appropriate agreements regarding the release and exchange of information and to undertake joint investigations.

I also advise members of my intention to reform laws relating to pyramid selling. This odious practice concentrates on recruiting new members, who pay a fee, into a scheme rather than selling products or services. One of the most deceptive aspects of pyramid schemes is that they rely on people recruiting friends and family members in order to boost the numbers. This practice is prohibited under our laws, and fines of up to $22,000 for an individual and $110,000 for a corporation already apply for anyone who promotes or participates in such a scheme. More importantly, following recent amendments passed by Parliament, a person convicted of a second or subsequent offence under the Fair Trading Act faces up to three years in gaol. We intend to update our provisions relating to pyramid schemes to mirror those introduced in the Trade Practices Act. These changes will ensure greater uniformity in the prohibition of pyramid schemes. The laws in New South Wales are tough but we intend to keep building on them in order to provide the highest level of protection to the consumers of this State.

DR HANAN ASHRAWI UNIVERSITY OF SYDNEY PEACE PRIZE

Mr PETER DEBNAM: My question is directed to the Premier. Given that Hanan Ashrawi has for many years been an apologist for Middle Eastern terrorism and has refused to renounce that violence, will the Premier reconsider his planned endorsement of her and refuse to present her with the University of Sydney Peace Prize?

Mr BOB CARR: I have been a supporter of the State of Israel for about 30 years. In late 1977 I rented a room in the Sydney Trades Hall to set up, on my own initiative, Labor Friends of Israel in New South Wales. I invited Bob Hawke to launch it.

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

Mr BOB CARR: It has been my profound view for 10 years now that security for the State of Israel will be achieved only through a negotiated settlement with the Palestinian people. That is the only way there will be security for my friends, whom I have accumulated over many years, who live in Israel. We are reminded of that every day. The difficulties of putting such a settlement together are enormous. And we are reminded of that every day. As we see successive attempts in Oslo or at Camp David fail, we are reminded of this tragedy.

My position on the Middle East is as follows. There must be, first, a resolute condemnation of Palestinian violence without excuses or caveats; secondly, an unwavering affirmation of the right of the State of Israel to exist safely within safe and secure borders; and, thirdly, total support for a two-State solution—which is endorsed even now by the President of the United States of America—leading to the creation of the Palestinian nation. I repeat: That is the American position. On the question of the University of Sydney Peace Prize, I make the following comments. The foundation of Australia's oldest university decided last November to award its annual peace prize to Dr Hanan Ashrawi. Honourable members will be interested to hear that Mrs Kathryn Greiner served on the selection panel, and the selection panel's decision was unanimous.

Mr John Brogden: And she has since resigned.

Mr BOB CARR: That is irrelevant; the decision was unanimous. Kathryn Greiner served on the selection panel, and its choice was unanimous. I received the invitation to present the prize; I had no role in determining who would receive it. Why did I accept that invitation? I accepted because one should seize any opportunity to engage with Palestinians and to talk peace with them if one supports the right of Israel to exist. Over the many years during which I convened meetings, conducted interviews and stood on flat-top trucks outside the Soviet embassy, speaking in support of Jewish causes and the Israeli case, I formed the view that a secure peace will be achieved only if we drag as many Palestinians with us in that attempt. What does peace in the Middle East—peace that involves the Palestinians signing off on Israel's right to exist—mean? It means that Jews in their homeland will be able to go to Shabbat service without the fear of a bomb going off.

Mr Peter Debnam: Point of order: This will be your Cabramatta. My point of order is on relevance. The question related to the Premier endorsing an apologist for terrorism. Talk about that, Bob!

Mr SPEAKER: Order! The Premier is clearly giving a response that is relevant to the question.

Mr BOB CARR: Kathryn Greiner was on the selection panel which unanimously awarded the peace prize. It is vital that we take all opportunities to press the case for peace and to say to all in the Palestinian leadership that they must prosecute those behind the suicide bombings. Freedom for their people does not lie in terror but through dialogue. I remind critics that Israeli leaders have sat down with Dr Ashrawi. It is a silly proposition to advance that Israeli leaders can meet Dr Ashrawi but Australian leaders cannot. That is a ridiculous proposition. I do not endorse militancy on the part of the Palestinian leadership. I urge peace on them and I will do that in the interests of playing a small role to encourage dialogue, which is something we all ought to do, as far as we are from the Middle East.

In the past 10 to 15 years I would have had hundreds of meetings with visiting Israelis. I have had very few with visiting Palestinians. The last I had was with a Palestinian Christian leader. I might say that whenever I have an opportunity to speak to Israelis I will press the case for peace, and do what I can to state that Australians want to see dialogue, they want to see a two-state solution—I believe that would be the majority Australian position—they want to see the just rights of the Palestinians recognised, and they also want to see a secure Israel living within universally recognised boundaries, without the intrusion of bombs and other manifestations of terrorism. One leader of the Jewish community has recognised a track record in my case of at least 25 years supporting the State of Israel.

I have always said that the Palestinian leadership must denounce terrorism and chase the murderers out of their midst. I will re-state my position before Dr Ashrawi and in any forum I can with Israelis and Palestinians. Any Australian leader from either side of politics ought to be doing what he or she can to engage Israelis and Palestinians in this sort of exchange. I did not pick Dr Ashrawi for the prize—a selection panel did. I told honourable members who served on it and that the choice was unanimous. When I meet Dr Ashrawi I will say that violence only ever serves to retard the Palestinian cause. I will say that from my knowledge of Israel, Israel will never consent to the creation of a Palestinian State under the duress of terror. No. An end to violence is the absolute and indispensable pre-condition for effective peace talks. Only when that is accepted can Israel confidently approach the bargaining table and make the sacrifices necessary to create a Palestinian State.

Of course, Israel does not help its cause by overzealous responses to terror or by the unwise settlement activity of a small minority. But none of this can ever justify the wanton destruction of innocent human lives by terror. The best case in the world, the most convincing argument, is nothing while militants bomb and terrorise the only people who can set them free, namely, the Israelis. Yes, there should be a Palestinian State side by side with Israel, at peace with Israel. But you cannot bomb your way to statehood. You cannot bomb your way to peace. And it is the care for peace that I intend to press when I meet Dr Ashrawi.

ABORIGINAL COMMUNITY DEVELOPMENT PROGRAM

Mr PETER BLACK: My question is directed to the Deputy Premier, and Minister for Aboriginal Affairs. What is the latest information on the Aboriginal Community Development Program?

Dr ANDREW REFSHAUGE: I thank the honourable member for his question and for his interests in Aboriginal Affairs, particularly in the Far West. For the past five years the Government has been improving the living conditions of Aboriginal communities throughout New South Wales through the Aboriginal Community Development Program [ACDP]. This program is providing decent housing, waste disposal, and clean water. It is reversing unacceptable health, housing and unemployment circumstances experienced by too many Aboriginal people.

The ACDP is a $240 million program providing basic rights for hundreds of Aboriginal families. The ACDP is not just about houses, water and sewerage: It is about rebuilding communities that have suffered from neglect and cultural dispossession since European settlement. It is also rectifying the neglect that has unfortunately resulted in much publicised health and social problems for Aboriginal people. The ACDP is about creating jobs, traineeships, apprenticeships, and safe and functional homes. It is working well: 580 jobs have been created for New South Wales Aboriginal people, including 220 jobs through apprenticeships and traineeships; 450 people have benefited from new housing; 1,600 people have benefited from improvements to existing housing; 1,600 people have benefited from better quality water and sewerage services; 3,800 people have benefited from basic health and safety improvements; and the living conditions of more than 5,000 Aboriginal people across the State have been improved.

Unlike other previous capital works programs, the ACDP enables local indigenous people to determine locally where money should be spent. Also, through the community working parties made up of local community leaders and business groups, communities are able to monitor the implementation of works and ensure each program is meeting community needs. The ACDP is changing lives by building the self-esteem and confidence of hundreds of Aboriginal people in towns as far west as Bourke, as far north as Weilmoringle and as far south as Dareton. For example, Jan Arrow-Smith from Coonamble has spent the previous nine years living with her husband and four children in a house that leaked profusely when it rained and filled with dust from the silo across the road if the windows were left open.

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

Dr ANDREW REFSHAUGE: In Jan's words it was not the best place to raise kids. The water was never very good, with lots of rust in it, and she was always concerned about the health of the kids. But a year ago Jan, her husband and her 23 year-old-son, Aaron, moved into a new home—all made possible through the ACDP. Jan is now houseproud and says that the program lifted the spirits of the entire community. Aaron has also benefited from the ACDP, working as a builder in his third year of an apprenticeship. Jan says that he is learning a lot and it is really building his self-esteem and pride. She says that the program has really lifted the spirits of the Aboriginal people in Coonamble.

Through the ACDP we are also working with the Housing for Health Program that was developed by Dr Paul Zisello and Dr Paul Filairis. The safety of houses is an important part of making healthy environments in which Aboriginal people can live. The program has looked at improving plumbing and electricity, fixing damaged and unsafe areas, and replacing switches, taps and plugs. The project uses local Aboriginal registered tradespeople to undertake repair work, encouraging employment and helping to ensure the sustainability of work. Seven major projects have been successfully working in Moree, Bellbrook, Brewarrina, Armidale, Kempsey and Willow Bend. Projects are also under way in another 12 communities.

So far, 674 houses have been fixed through the Housing for Health Program. New South Wales has the biggest Housing for Health Program and, until recently, all other States combined had fewer Housing for Health projects than New South Wales. The ACDP is also connecting communities to town water supplies and sewerage systems, often for the first time ever. Over the past five years almost $2 million has been spent to complete 44 major projects in 22 communities, connecting 1,600 people to better-quality water and sewerage—some having clean water for the first time ever. Another 34 projects are now under way.

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order.

Dr ANDREW REFSHAUGE: In regard to employment, the program is developing jobs, which are absolutely essential in communities where work is scarce. In fact the ACDP has delivered some 250 new jobs through accredited traineeships and apprenticeships alone. More than 100 others have been created from casual work. When people have a job, they have a plan for the future. This helps to reduce alcohol and drug abuse, domestic violence and antisocial behaviour.

The ACDP also has enabled Aboriginal-run companies, like Bunjum Aboriginal Corporation on Cabbage Tree Island, to continue to run a viable business by improving houses in the area; creating jobs and training opportunities for the whole community; assisting local economic development by channelling money back into the community through associated businesses, such as suppliers of construction materials; and employing apprentices and trainees. Just this year Bunjum engaged another six trainees in a range of industries, such as carpentry and joinery. To ensure long-term and real benefits to communities, the ACDP guidelines stipulate that local Aboriginal tradespeople and community members must be employed and trained throughout the life of the project.

Another example of the success of the program is Anthony Smith, the Manager of the Elimatta Housing Aboriginal Corporation, which builds and repairs houses in Gulargambone and Coonamble. Thanks to the ACDP, Elimatta and another company have built five new houses, with Elimatta currently being in the process of building ten new houses and a block of three units. This business hires twelve trainees, six of them as second-year apprentices in carpentry and joinery and one as a painter. All these jobs are a direct result of the ACDP. Anthony Smith says:

> The whole community benefits from the work of the ACDP, not just those who will get new or improved housing—the money that the trainees earn is spent in the community.

Because of the ACDP, doors have been opened up in these communities, with training and new skills that will stay with the community, allowing future employment and sustainability of developments that have occurred.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber from both Government and Opposition benches.

Dr ANDREW REFSHAUGE: The ACDP is about ensuring that we improve the lives of all members of the community without leaving anybody behind. It takes time to build those relationships. It takes time to train builders, carpenters and plumbers. It takes times to design better homes. And it takes time to create better living environments. New South Wales continues its commitment to this program. It is interesting to note that while this Government was spending up to $7,500 per house through the Housing for Health Program continuing, the Commonwealth's spending has been only half of that amount.

While this Government has spent a total of $240 million, the small amount of money being provided by the Commonwealth for Aboriginal housing is about to be realigned, with about $18 million for Aboriginal housing in New South Wales likely to go from New South Wales to the Northern Territory. In no way would I suggest that the Northern Territory does not need extra support for housing, but when the Federal Government has a $7.5 billion surplus, taking away money for Aboriginal housing in New South Wales, where there is a crying need for it, is absolutely despicable. I hope all members of the community, but particularly members of Parliament, will get in contact with the Federal Government and say: Sure, give more funding for the housing of Aboriginal people in the Northern Territory, but do not take away funding for housing of Aboriginal people in New South Wales.

POLICE RADIO NETWORK UPGRADE

Mr PETER DRAPER: My question without notice is directed to the Minister for Police. Given the vast areas patrolled by police officers in country electorates, can the Minister notify the House of his plans to fix police communications in the Oxley command within the electorate of Tamworth, and other commands in country New South Wales?

Mr JOHN WATKINS: It is good to get a question from a local member who supports local police. In the past 24 hours the shadow Minister for Police has denigrated, insulted and slandered police, from the commissioner to serving police. Having a good country radio network is essential for police officer safety, especially in country New South Wales, where communities experience isolation and problems caused by distance. This includes the Oxley Local Area Command, based in Tamworth. I am pleased to report that officer safety across New South Wales has been boosted and communications have been improved by the $8.2 million set aside this financial year to complete the upgrade of the police radio network in rural and regional New South Wales.

More than a hundred individual upgrades will take place across the State in Tamworth, Dubbo, Grafton, Wagga Wagga, Newcastle and Warilla radio networks. This investment will improve officer safety and the ability of country police to send and receive vital information to local stations and crews that are out on patrol. It will eradicate more radio black spots and install updated equipment, which will increase the reach, clarity and effectiveness of the police radio communications network. It will also include upgraded portable radios used by our frontline officers on the beat and in cars. It completes the $20.5 million upgrade that was begun in 2001-02. When the upgrade is complete the network, known as VKG, will have greater coverage than any mobile telephone network in this State.

The latest upgrade will benefit the major country radio hubs, including Tamworth, where $1.2 million will be spent on enhancements in the Barwon, New England and Oxley local area commands; Waratah and Grafton, where $1.8 million will be spent on projects in Newcastle, Waratah, Lake Macquarie, Brisbane Water, Tuggerah Lakes, lower Hunter, Manning, Great Lakes, Coffs Harbour, Tweed, Byron and Richmond local area commands; at Dubbo, where almost $900,000 will be spent on projects in the Castlereagh, Darling River, Orana, Mudgee and Barrier local area commands; in Wagga Wagga, where $1.6 million will be spent on projects in the Cootamundra, Griffith, Albury, Deniliquin and Wagga Wagga local area commands; and at Warilla, where $1.6 million has been set aside for projects in Wollongong, Shoalhaven, Goulburn, Monaro, Camden and the far South Coast local area commands.

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

Mr JOHN WATKINS: Finally, the communications group based in the Chifley Local Area Command will receive $1.08 million in improvements. The projects will include radio black spot reduction, communication centre upgrades, systems development, logistics and operations support, replacement of older equipment and the purchase of new radio terminals. A better radio communications network means safer police and safer communities. It means faster responses from our police to assist our communities. I know that police and the country communities they serve so admirably will welcome these improvements.

SYDNEY PARK IMPROVEMENT PROJECTS

Mrs KARYN PALUZZANO: My question without notice is directed to the Minister for Western Sydney, and the Minister Assisting the Minister for Infrastructure and Planning. How is the Government helping to preserve and improve parks across Sydney?

Ms DIANE BEAMER: Parks and open spaces in and around Sydney are some of this city's greatest assets. They range from the historic Centennial Park, close to the city, to the Bicentennial Park at Homebush Bay, to the vast hectares of the Cumberland plain in western Sydney, historic parks found in those suburbs, sporting fields, and the small corner reserves. They provide spaces for the community to relax, exercise and play. The Carr Labor Government is making sure our parklands and open spaces are maintained, improved, preserved and enhanced.

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

Ms DIANE BEAMER: Through the planning process we are making sure that every major development achieves the right balance of residential and commercial open space. Half of the ADI site has been retained as open space and some 20 per cent of the new development at Rouse Hill will be retained as open space. We are making sure that those developments have the right balance. All major developments need the right balance, but not just with major reserves, the big parks, and the large developments: the Government is committed to helping our local parks. Today I am pleased to inform the House that I recently approved more than $1.2 million in assistance for 17 Sydney park improvement projects. These funds, provided under the Government's Metropolitan Green Space Program, are matched dollar for dollar by local government. We have the commitment from local government and the State Government.

I am pleased to inform the honourable for Ku-ring-gai that $86,000 has been allocated for the Ku-ring-gai Bicentennial Park. Baulkham Hills Shire Council will receive $56,000 for the Wisemans Ferry Park. The Council of the Shire of Hornsby will receive $40,000 for Fagan Park. Hunters Hill and Lane Cove councils will receive $34,500 towards the conservation management plan and new signage on the Lane Cove River. We are not neglecting the Leader of the Opposition, the honourable member for Pittwater: Pittwater Council will receive $100,000 for a cycleway, tree planting, solar lighting, signage and an irrigation system at Winnererremy Bay reserve. Waverley Council will receive $157,000 to extend the Bondi to Bronte coastal walk. Camden Council will receive $59,000 for the Gundungurra Reserve.

The City of Canada Bay and Strathfield will share $80,000 for the Powells Creek Harbour to Hinterland project. Holroyd City Council will receive $25,000 for a Central Gardens master plan. Liverpool City Council will receive $70,000 for an integrated conservation management plan and rehabilitation of the Grange. Marrickville Council will receive $100,000 for the Tempe recreation reserve. One I am very proud of: Penrith City Council will receive $190,000 for stage one of the Great River Walks, along the east bank of the mighty Nepean River. Sutherland Shire Council will receive $100,000 for the Como pleasure grounds. In all, 17 projects throughout Sydney will receive a total of $1.2 million, which is excellent for the parks and the people of Sydney.

Questions without notice concluded.

LOCAL GOVERNMENT STRUCTURAL REFORM

Privilege

Mr SPEAKER: Order! Before members vacate the Chamber I want to rule on a matter of privilege. Following consideration of the matters raised by the honourable member for Burrinjuck during Tuesday's sitting, together with former Speakers' rulings, I advise the House that I have resolved that a breach of privilege has not been established. I refer to the ruling given by Speaker Cooper in 1857, which is based on

May's *Parliamentary Practice* and local precedent, and has been the guiding principle in this Assembly since that date, having been upheld by subsequent Speakers. Speaker Cooper stated:

> A question of privilege … could not be considered, inasmuch as it has no reference whatever to any proceedings in this House, or to the conduct or language of any person not being a member of this House in connection with any proceedings in this House.

The actions complained of by the member have not prevented her from exercising her freedom of speech in the House, nor from attending the service of the House. This is not to say that the member's complaints and the issues they invoke are not serious. Given the nature of our representative government, I consider that any actions that are intended to impede members from raising the concerns of their constituents in public meetings or forums raise serious issues. Such actions may even be considered a contempt of the House. However, as there has been no impairment of the member in relation to her duties in connection with the proceedings of the House I cannot rule that a breach of privilege has occurred. The honourable member for Burrinjuck has advised the House that she has informed the police, the Director-General of the Premier's Department, and the Minister for Local Government about the incident, and the matter should be pursued through those other avenues.

AUSTRALIAN STOCK HORSE

Ministerial Statement

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.14 p.m.]: The New South Wales Government is securing the international reputation of the Australian stock horse, an Aussie icon that has links to the nation's colonial past. We are giving the Scone-based Australian Stock Horse Society $67,000 to employ a development officer who will develop extra export opportunities for this unique, true-blue breed. The bloodlines of the Australian stock horse date back to the First Fleet, with horses brought out in those early days being selectively bred for strength, stamina, reliability and versatility.

Australian stock horses have been immortalised by Banjo Paterson, revered by the military, and favoured by graziers. They are the choice of polo players, campdrafters, dressage riders and other equestrians, including showjumpers. Few things are more Australian. No-one could fail to be moved by the incredible spectacle of Australian stock horses at work. Country people know the value of this breed, and any Sydneysider who has seen these horses starring at the Royal Easter Show will welcome the State Government's support for the Australian stock horse. The Australian Stock Horse Society, which has 1,500 members Australiawide, was formed in 1971 to preserve and promote the breed. It now employs 10 people.

The dream of the society to export this remarkable horse was fuelled partly by the opening ceremony for the 2000 Olympics, which incorporated probably the most impressive showcase of the Australian stock horse ever seen. This is a demonstration of another legacy from the 2000 Olympics held in Sydney. The opening ceremony presented the Australian stock horse to billions of television viewers all over the world, and reinforced its reputation as the breed for every need. The Hunter is well known as the centre for the State's thoroughbred industry, which injects $100 million a year into the New South Wales economy. This grant will further enhance the region's reputation as the Kentucky of Australia.

Mr IAN ARMSTRONG (Lachlan) [5.16 p.m.]: It is with great pleasure that I respond to the Minister. I was one of the founding members of the Australian Stock Horse Society and I have continued to be a member since its formation. My wife and I still show stock horses. I was heavily involved in the world's longest continuous ride, from Broom to the Opera House, which took place during the 2000 Olympics. The Australian Stock Horse Society is the largest breed society of horses in this country. Considerable exports have been made, particularly of campdrafters and polocrosse horses. The Australian Stock Horse Society embraces campdrafting horses, hacks, working horses, polocrosse and polo horses, as well as harness horses and, from time to time, jumpers.

Australian stock horses were heavily involved in the 2000 Olympics. They provided many of the fill-in spots between equestrian events. Many of the horses that jumped for Australia were registered with the Australian Stock Horse Society. The Government's support for the society is most welcome. I am quite sure that there is a significant market, particularly in the United States of America and Zimbabwe, for Australian stock horses. Some of the bloodlines, such as the Abbey and Cadet, are unique and are eagerly sought out. It is good news that this wonderful association, which is made up of very modest people, has been recognised in this way. I join with the Minister in wishing them well in this project.

BUSINESS OF THE HOUSE

Divisions and Quorums: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing orders be suspended to provide that there be no divisions or quorums be called for the remainder of this sitting.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Friday 17 October 2003 at 10.00 a.m.

Mr ACTING-SPEAKER (Mr John Mills): Order! It being after 5.15 p.m. business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

ROCKDALE PLANNING AND DEVELOPMENT SUMMIT

Mr FRANK SARTOR (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [5.22 p.m.]: I draw to the attention of the House a matter of great importance to my constituents in the Rockdale electorate. For some years, development has been a controversial issue in my electorate. During the recent election campaign, development emerged as the key issue for the Rockdale community. Residents were continually expressing their concerns to me about overdevelopment and poor quality development in the Rockdale area. Honourable members will recall the inquiry by the Independent Commission Against Corruption [ICAC] into the handling of development matters by the Rockdale City Council. That added to community concern about development approval processes.

On being elected as the honourable member for Rockdale, my number one priority was to convene a planning and development summit. The summit was held in August and brought together Rockdale City Council, developers, State agencies, and the Rockdale community to discuss improvements to design quality and development processes in the area. I am pleased to inform the House that the final report on the summit has been completed. Key recommendations involve actions that are required to be taken by Rockdale City Council. They include, first, council taking more of a leadership and management role in determining the rezoning process, rather than reacting to proposals by developers, and, second, councillors acting collectively, not individually, when processing significant development applications. Too often developers lobby individual councillors, and individual councillors become caught up in the process. A council's position on development should be worked out collectively with all councillors being involved, and should not be done by individual councillors lobbying and holding discussions.

Third, the council should ensure that all planning frameworks, instruments, policies and documents relating to a development are readily available to the community. Fourth, the council should continue to commission effective urban design studies to encourage positive architectural and urban design outcomes. In that regard, the summit supported the continuing role of the design review panel. Fifth, the council should establish precinct improvement committees for key precincts within the area—for example, the Brighton-Le-Sands shopping centre, the Rockdale shopping centre, and other key precincts. Sixth, there should be new processes for dealing with significant or controversial development applications and for developing more effective education about planning and development processes. This could involve early briefings at the development application stage, or prior to the development application stage, of all councillors in relation to large developments or, alternatively, the use of an expert development advisory committee.

Finally, architectural competitions should be used for key development sites to improve the quality of development in Rockdale. I will formally convey the report to Rockdale City Council shortly. I urge the council to consider the recommendations and respond to the community in the shortest possible time frame. The summit was a success, thanks to the involvement of local residents, developers, councillors and businesses. Two hundred and seventy five people attended the summit over two days—an indication of the level of concern in the community. Participants included Gus Khalig, Harold and Margaret Sweeney,

Douglas Morris, Carmen and Helena Mifsud, John Sanidas and Fred Scott. I particularly thank the Hon. Diane Beamer, who attended, opened and spoke at the conference in her capacity as the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), for her support and commitment to better planning and development. Her involvement and personal assistance with the summit was very much appreciated.

I also thank the honourable member for Kogarah, Cherie Burton, for her involvement in and support for the summit, the Hon. Doug McClelland, AC, who chaired the summit and did a brilliant job, and the staff of the Department of Infrastructure, Planning and Natural Resources, including Michael Keough, Ian Steep, Anna Murray and Petula Samios, who did a great job in organising a seamless two-day summit. I thank also the Mayor of Rockdale City Council, Yvonne Bellamy, as well as the staff of Rockdale City Council, including the general manager, Chris Watson, and Karl Mezgailis, the head of planning, and his staff at the council. Special thanks go to the keynote speakers, who included Chris Johnson, the Government Architect; Brendan Crotty, the Chief Executive Officer of Australand; Gary Prattley from the Department of Infrastructure, Planning and Natural Resources; Caroline Pidcock, the President of the Royal Australian Institute of Architects New South Wales Chapter; and John McInerney, the President of the Royal Australian Planning Institute.

I offer particular thanks also to local residents Michael Freedman from the Arncliffe Concerned Citizens Association, Debbie Welsh-Edwards from the Brighton-Le-Sands Chamber of Commerce, Sean Frazer from the Rockdale Chamber of Commerce, and Alan Russell from the Concerned Citizens Association. The contributions of the speakers were invaluable in informing the Rockdale community about planning in Sydney. I also thank the numerous community groups that took part, including the Rockdale Rugby Club, the Intellectual Disability Foundation of St George, Kyeemagh Infants School, Arncliffe Public School and Rockdale Public School, the St George Bowling and Recreation Club, the Concerned Citizens Association and the Tumbling Teddies Child Care Centre. It could not have been a planning summit without the input of the investors, developers, and planning and urban design professionals. [*Time expired.*]

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.27 p.m.]: I take this opportunity to congratulate the honourable member for Rockdale and Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts on initiating the planning summit. He was tenacious in visiting my office to discuss the summit with me and my staff. The Rockdale community also should be congratulated on the mature way in which it has discussed development of urban design in the its area.

The summit is an example of what can be achieved when all the stakeholders in planning, government, bureaucracy, local government, community groups, and residents work together. The summit is not the end of a process; it is the beginning of a process of gathering information that the council needs to develop a plan and go forward. That is one form of assistance that the council will have when making deliberative decisions about urban design within its boundaries. The honourable member for Kogarah and the Minister both made great contributions to the summit and deserve the support of the House for the proactive approach they adopted. They involved the community in identifying the issues of concern and also in looking at ways in which issues can be resolved.

We all understand the pressures that residents experience as a result of growth, particularly in urban areas of Sydney, and the pressure that builds up in the community when so much of Sydney is being enveloped by people who come to this great city to live. One thousand people move to Sydney each week—the city is somewhat a victim of its own success. But events such as the Rockdale planning and development summit enable local government to better manage conflicts that occur within their areas. I congratulate all those involved in the summit. I particularly congratulate officers of the Department of Infrastructure, Planning and Natural Resources, who were very much at the forefront of contributing to the great success of the summit.

CENTRAL COAST TRANSPORT SERVICES

Mr CHRIS HARTCHER (Gosford) [5.29 p.m.]: The Central Coast is fairly sparsely populated. Residential areas are spread out in clusters, with higher density housing in places like Terrigal, Erina, Gosford, Bateau Bay, Warnervale and Woy Woy, but very sparse populations in suburbs like Picket's Valley, Holgate, Matcham, and to some extent Kariong and Somersby. With population naturally developing in this form, it is important to connect these residential centres with one another via good, solid and reliable

transport links. The State Government is responsible for providing a level of reliable service to the residents of the Central Coast. The promises the Government made in many instances won it the votes of the people of the Central Coast—votes it needed to ensure it held three of the four Central Coast seats. But the Government has failed the people of the Central Coast. It has made promises without conviction and plans without reason, all to the detriment of Central Coast residents.

Today I will detail some of those broken promises and ill-considered plans. Labor's unsuccessful candidate for Gosford committed the Government to upgrades of both The Entrance Road and Avoca Drive, funding for which should have been in the 2003 State budget and the total cost of which was promised at $29 million—that is, $13 million for Avoca Drive and $16 million for The Entrance Road. Of course, this was dropped in favour of $1 million each for planning. At this rate, the Government will complete these road upgrades at some time around 2018. This is in stark contrast to the Opposition's promise to have these roadworks completed by 2007.

I am reminded of other Central Coast roads and transport projects that have been promised, but not delivered, by the Government. There is the recently abandoned fast rail link. The Labor Party's candidates in 1999 took out huge full-page advertisements detailing their promise of an $800 million track-straightening project. I can still remember the faces of the current members for The Entrance, Peats, and Wyong staring back at the people of the Central Coast as the advertisement promised millions of dollars if only the people of the Central Coast re-elected them. But we all know what happened. The Carr Government committed itself to $800 million and then gave only $1.2 million for planning.

When all was quiet, the Treasurer, the Hon. Michael Egan, admitted what the residents of the Central Coast had expected all along: the fast track plan was a sham. Recently the Legislative Council passed a motion requiring the Hon. Michael Egan to apologise to the people of the Central Coast for this deception. The situation with bus services on the Central Coast is also a matter of concern. The Minister for Transport Services promised a review of bus services and said this was being done through the Barrie Unsworth bus review. But of course nothing has happened. An invitation has been extended to Mr Unsworth to visit the Central Coast, but he has not replied. There has been no inquiry by the Unsworth group into bus services on the Central Coast.

Transport on the Central Coast remains the same, with no review of services and no chance of a cheaper and more accessible bus service. It will still cost $5.90 to get from The Entrance electorate to the train station in my electorate, a 20-minute trip. Then it will cost $8.00 to get all the way to Sydney, an hour and a half away. That illogical fee system is a blow to the people of the Central Coast who are required to travel to Sydney for employment, yet the Unsworth inquiry is not prepared to consider the implementation of a government bus service for the Central Coast.

Having failed in those areas, we now have thrust upon us the terrible threat of 1.5 million container movements on the already overcrowded F3. At all hours of the day the F3 is subject to instant closure following the most minor accident. If the Government persists in adopting the Premier's plan to transfer container shipping to Newcastle, 1.5 million containers will travel south on the F3. The Government has no proposal to upgrade the F3, which is a Federal Government roadway. The Government has no proposal to vary or establish a new freeway to the Central Coast or to establish a new train line to the Central Coast.

Instead, transport companies will have no choice but to flood the F3 with massively increased truck traffic. Tens of thousands of truck journeys will be added to the already often-congested freeway. Commuters on the F3 will have to dodge more heavy vehicles, and inter-city and arterial roads will come to a standstill under the pressure of massively increased truck movements. The Coalition would love to see jobs created in Newcastle but the Government needs to fix the problems it has already created in that area before it visits a new problem on the people of the Central Coast.

Transport services to the Central Coast are vital. Hundreds of young and old people are dependent on public transport, particularly bus services, to get around. The bus services are heavily structured around the railway system, not on a cross-country basis. The Central Coast needs a full and comprehensive inquiry into its bus services. As I said, the Unsworth inquiry has shown no interest in the Central Coast. I call upon the Government to direct the Unsworth inquiry to look at the Central Coast and its bus needs.

TWEED SHIRE COUNCIL DEVELOPMENT APPROVALS

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.34 p.m.]: Today yet another development application [DA] passed by the Tweed Shire Council came under very close scrutiny. The council is renowned for problems flowing from a reckless group of councillors who seem to continually disregard staff recommendations for planning and DA matters. Stakeholders—being private certifiers Davis Langton's representatives, Eric Bailey and his associate; council planning staffer Ross Cameron; building foreman Lindsay McGavin; developer B and C Schokman of Cleveland, Brisbane; Gold Coast representative Campbell McLennard; my affected constituents Amy and Jason Vidler and Sandy Lambert; as well as my representative—met on site today to discuss my constituents' ongoing concerns arising from the DA passed recently by the Tweed Shire Council.

On 25 August my office made representations on behalf of Amy Vidler to the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) regarding the private certifiers. The passing of this DA has a long history. In 2001 Sandy Lambert visited my office for advice on how to voice his objections to council regarding this proposed aged-care facility. I advised him to lobby the councillors, attend community access meetings, and have councillors attend a site meeting to ascertain the issues surrounding the residential estate's objections. The residents formed the Tweed Highlands Action Group and individually wrote letters of objection, along with the action group's signed petitions, including the names and addresses of those in the estate, which is bounded by Piggabeen Road and Walmsley Road.

Traffic issues would have arisen from the size of the proposed development with 95 units and 25 independent-living units in four separate buildings and associated health-related and community facilities. All this was planned for a site that everyone deemed to be far too small. Councillor Warren Polglase attended the first action group meeting and advised residents to meet with developers to discuss the issues. He indicated that he would support the residents in their objections. The residents attended and spoke at the community access meeting of Tweed Shire Council, prior to the DA going before council. They stated the seven points of concern that Daryl Anderson, Town Planning and Development Consultant, had raised. Mr Anderson had been retained by the residents and prepared an independent report on the development and whether the DA was inconsistent with the provisions of State environmental planning policy 5.

The original DA was rushed through council at its last meeting before Christmas, on 19 December 2001. Councillor Polglase, who had just been voted mayor, abstained from the vote. The amendment to the development consent was issued on 23 January 2003. Today a member of my staff arranged a meeting with the private certifiers and council planners after the neighbouring residents had again approached my office with concerns regarding the closeness of the facility to their boundary. The DA stated that there would be a buffer of three metres from the boundary with deep-planted trees to form a border, as the facility looks directly over Amy and Jason's backyard. However, the builder had conformed to the DA on the boundaries.

The council had issued the neighbouring residents with a concept plan that was not 100 per cent reflective of the actual DA. That concept plan showed deep-planted trees that were to provide some privacy but it did not take into account with the three-metre buffer that overhanging eaves supported by columns would encroach up to less than one metre from the boundary, and that a pathway, not planted trees, was proposed along the boundary. Today there was a two-hour meeting between the stakeholders in an attempt to achieve some compromise to give those people some form of privacy from that overdevelopment.

The private certifiers were very co-operative, as were the council staff. They all understood that the residents were the victims of a huge facility being built less than one metre from their boundary and approximately 10 metres from their back door. All stakeholders agreed that the facility should never have been passed in a residential estate and that the three-metre buffer was virtually nonexistent. The developer reiterated that it had complied with the specifications of the DA passed by council. The developer indicated that it was prepared to negotiate high fencing and the promised deep-planted trees. At the private certifier's request the developer indicated it may delete a proposed pavilion that is shown on the plan that will face straight onto the Vidlers' back door. All of today's effort was in an attempt to rectify yet another anomaly that Tweed Shire Council has created, once again against its own internal planning advice. That has occurred on a number of occasions at a number of other sites. [*Time expired*.]

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.39 p.m.]: I congratulate the honourable member for Tweed on again bringing his very real concerns about Tweed development issues to the attention of this Chamber. He has been a very strong advocate for sensible development in the area and he has been vociferous in his

opposition to the nonsense applications that were approved in the Tweed. I congratulate him on being so strong in his support of his constituents who are concerned about developments of this nature in the Tweed.

PITTWATER TO COFFS HARBOUR YACHT RACE

Mr ANDREW FRASER (Coffs Harbour) [5.39 p.m.]: Every year in the first week of January the Pittwater to Coffs Harbour yacht race is held during the Festival of Sail. Last year it came of age: it was 21 years old! Approximately 80 boats competed in that race, which was started by the Leader of the Opposition, who represents the Pittwater electorate. The yachts race up the coast to Coffs Harbour, where they moor, and the crews stay on their boats or in local accommodation. The celebration extends for a week. The Coffs Harbour Chamber of Commerce has a Festival of Sail Committee, chaired by the chamber's president, Peter Lubans. I am a member of that committee along with a number of community representatives. We each try to assist the committee in the smooth running of the festival, which puts Coffs Harbour on the map.

Local businessman Mr Ian Hogbin, who sails in the race, stated that economic forecasts show that the race could be worth up to $3 million per annum to the area. That sum ignores the value of return visits later in the year by people who have been introduced to Coffs Harbour. The moorings in the harbour are insufficient for the number of boats that are using that harbour. Over the past 18 months, the Festival of Sail Committee has held discussions with council and other government departments. That committee established that it would cost $18,000 to provide temporary underwater moorings in the greater harbour area, not in the marina. One of the proposals put forward would have meant pulling up those moorings every year. However, if we spend more money on engineering designs, those boats, which would be able to remain in the water, would not interfere with fishing boats or anything else. It would also mean that we could double the size of our fleet to perhaps 100 or 120 boats. Unfortunately, because of the lack of moorings in the marina this year, the Pittwater Cruising Yacht Club said it would limit race entries to 60 boats.

This race, which is fast becoming the alternative to the Sydney to Hobart Yacht Race—in fact, last year the fleet in this race was larger than the fleet in the Sydney to Hobart Yacht Race—could be lost to Coffs Harbour. The Government is well and truly aware of this problem. I have written to the Minister for Tourism and Sport and Recreation about working with local council, the local chamber of commerce and the marina licence holder to provide short-term and long-term alternatives to accommodate these boats. This event is far too valuable to the people of Coffs Harbour and the lack of moorings in the harbour should not interfere with it. Long-term plans are afoot to build another marina or to extend the existing one, but the short-term problem relates to the lack of about $60,000.

I am sure that council would be only too happy to talk with the Government about sharing the cost of providing temporary moorings in the harbour to accommodate events such as the Pittwater to Coffs Harbour Yacht Classic. The Government should talk with council and try to put in place some temporary moorings so that the fleet can be expanded this year. The construction of those moorings in the outer harbour area, which would only take about a week, would require a commitment from the Government and an allocation of about $30,000 or $40,000. On behalf of Mr Lubans, the Coffs Harbour City Council and the Festival of Sail Committee, I ask the Government to work with us, to respond to the correspondence that we have sent to it, and to assist in funding these moorings so that this great event, which is in its twenty-second year, will continue to get bigger and better next year and in future years.

SOLDIERS POINT-SALAMANDER BAY UNITED NATIONS IN BLOOM AWARD

Mr JOHN BARTLETT (Port Stephens) [5.44 p.m.]: I have often said in this Chamber that Port Stephens has one of the best volunteer communities in New South Wales. I refer today to the national award that was won last year by Soldiers Point and Salamander Bay and to the international award that it won this year after entering the United Nations in Bloom competition, which received entries from all over the world. Commitment, co-operation, contribution and capability were the words that Judge Dick Olesinski used in Hobart on 20 April when he announced that the Soldiers Point-Salamander Bay Tidy Towns Committee was the national winner of the Tidy Towns Award last year. The committee was invited by the Keep Australia Beautiful Council to enter the international United Nations in Bloom project. I am pleased that the honourable member for Wentworthville is in the Chamber, as she is committed to that Tidy Towns project.

Salamander Bay and Soldiers Point came first in the under-20,000 population category. Soldiers Point, which has a population of 3,000, beat a number of entries from around the world. The Soldiers Point-Salamander Bay Tidy Towns Committee ranked Port Stephens first in the five assessment categories, which

included enhancement of landscape, heritage management, use of environmentally sensitive services, community involvement and planning for the future. Even though the Soldiers Point-Salamander Bay area is good in all those categories, I believe that its magnificent community involvement contributed to it winning this award. Soldiers Point-Salamander Bay was ranked first over all the entries that were received from towns that had populations of less than 20,000. As I said earlier, Soldiers Point has a population of only 3,000. Gold, silver or bronze medals can be awarded for any of the five categories to which I referred earlier, so it is possible for an entrant to come first and to be awarded five bronze medals. However, at this event Soldiers Point-Salamander Bay, which came first, was awarded four gold medals and one silver medal.

It became a benchmark for all other entrants, which is an indication of the hard work that was done by volunteer organisations in the Salamander Bay area. I was pleased with their effort. On the last occasion I congratulated individuals on their contribution in this area. They had won an Australian award. Today they are the winners of an international award. I am proud of their achievement. I briefly mention the members of the Soldiers Point-Salamander Bay Tidy Towns Committee and Landcare group. They include Sandra Ball, Simon Brooke, John Christiaans, Frank Cutting, John and Joan Eckersley, Neville and Roma Gardner, Lindsay Harvey, Walter and Margaret Lamond, Beverley Lee, Wallace and Eileen McLeod, Mervyn McIntyre, Patrick and Connie O'Rourke, Marcia and Don Pirie and David Sams from the Refused and Reused Community Recycling Centre. Councillors from Port Stephens included Brian Watson Wills and John Nell. Council staff included Geoff Dann and Rosemary O'Rourke.

Other volunteers included Judy and Eddie Ball, Sue Sams, Marlene Brooke, Roy Hughes and Ian Diemar, as well as volunteers from the Refused and Reused Community Recycling Centre and the Mambo Wanda 355B Committee. I congratulate all those people who, once again, have put Port Stephens on the map. That wonderful award represents years of work. Many hours of work were put into the preparation of the presentation for this international conference. I say on behalf of the people of Port Stephens and the New South Wales Parliament: We are proud of you. You have really done us proud.

SOUTHERN HIGHLANDS ELECTORATE HEALTH SERVICES

Ms PETA SEATON (Southern Highlands) [5.49 p.m.]: I challenge the Carr Government to commit to much-needed improvements to health services and facilities in the Southern Highlands electorate and, in particular, at Bowral hospital. This evening I wish to refer to three issues. I refer, first, to the failure of the State Government to provide insurance under the Treasury Managed Fund for general practitioners [GPs] treating private patients at Bowral hospital. I refer, second, to the unacceptably long waiting lists for surgery. I refer, third, to the problems that are being experienced because of the need to upgrade facilities at Bowral hospital, particularly in the children's ward, the physiotherapy area and in the surgical theatres.

Over the past few days a number of doctors have contacted me to tell me that they are extremely concerned about the Government's refusal to cover GPs at Bowral hospital under the Treasury Managed Fund Insurance Scheme, which covers GPs who are providing important services to private patients in public hospitals. Increasingly, many of our public hospitals rely on those private patients and private services to create the critical mass that is required to provide the things that we need. Local GPs must be able to treat private patients at Bowral hospital. A number of doctors have expressed concern to me about the fact that they have had to consider their future private treatment activities, which include caesarean deliveries and a number of other essential services at Bowral hospital, because the Carr Government refuses to admit that Bowral hospital is a country hospital and that they are country doctors.

I do not understand how the Carr Government can possibly claim that Bowral hospital is a city hospital for the purposes of insurance cover, because the GPs who treat private patients at Bowral hospital are rural doctors in terms of the Federal Government's classification and they work at Bowral hospital, which has all the characteristics of a rural hospital. These doctors are paid under the Federal Government's rural doctors scheme so they are rural doctors. The fact that Bowral hospital comes under the South Western Sydney Area Health Service does not remove the characteristics and needs of a rural community.

Liverpool Hospital, which is the base of the South Western Sydney Area Health Service, and Bowral hospital are nothing alike. They are entirely different types of hospitals. The Federal Government understands that GPs in our area are addressing rural needs, and that is why they are classified as rural doctors. So to classify the doctors' activities at Bowral hospital in the same way as doctors' activities at Liverpool Hospital and other hospitals that are considered city hospitals is ludicrous. I call on the Carr Government immediately to include Bowral hospital under the Treasury Managed Fund Insurance Scheme for those purposes.

Waiting lists at Bowral hospital have been an issue for a long time. I have raised many individual patient needs in this place. I simply highlight a number of ongoing unacceptably long waiting list problems. In one case a 65-year-old women who lives by herself is awaiting a gallstone operation. Although she is in constant pain and is often unable to sleep at night, she has been advised that there is a 12-month wait. In another case a 79-year-old man living on his own needs a full knee reconstruction. He is in a great deal of pain but has been advised that there is a 12-month wait. Another patient, who is 69 years old and has osteoarthritis that is extremely painful and crippling, needs reconstructive knee surgery.

Another patient, who is 71 years old, needs both knees replaced. He is constantly falling over as a result of the problem. He was referred to a local orthopaedic surgeon in June 2002, and was eventually operated on in August 2003, as a result of the waiting list problems and lack of access to the theatre. In another case a 45-year-old person needs a hip replacement; he was placed on the waiting list in November 2002 but was not operated on until June 2003. He was taking pain relief medication and antidepressants as he was in so much pain. In yet another case a patient needed a tonsillectomy operation. She had severe tonsillitis and was bedridden for two to three days at a time. This young mother of several children was told that she would have to wait three months but in fact waited a year for surgery. These waiting lists are unacceptable. Doctors have expressed concern about a lack of access to sufficient theatre time. They are concerned that, while the hospital's operating theatres are staffed for two eight-hour sessions per day, five days a week, only four hours of elective operating at best is allowed per list. That is unacceptable. We need to reduce waiting lists. We need to solve the Treasury Managed Fund problem and we need to upgrade facilities at Bowral hospital.

LIFELINE SUTHERLAND

Mr BARRY COLLIER (Miranda) [5.54 p.m.]: On 27 September I had the honour of officially opening Lifeline Sutherland at Frank Vickery Village in my electorate. I felt humbled to have been asked to do so by those who give so much of themselves. There were other thoughts and feelings which I am sure all present at the opening shared with me: first, being thankful and grateful that Lifeline has established a counselling service in the shire in this its fortieth year of service; second, standing in admiration and in awe of the depth of compassion, personal commitment and sharing of Lifeline volunteers, their co-ordinators and trainers; and, third, feeling inspired by the outstanding generosity, support and backing of shire clubs, businesses and individuals of this great community project that is Lifeline Sutherland.

Lifeline is the largest and best-known volunteer telephone counselling service, taking more than 400,000 calls nationally last year. Lifeline Sydney alone took more than 20,000 calls in 2002-03, and a growing number of those were from the shire. When I think of Lifeline I think of meeting challenges—the very private challenges that life throws our way; challenges from left field, from unforeseen events; events that make us feel that life is unfair and at times brutal; events that destroy our dreams and shatter our faith in human nature or lead us to question our faith and confidence; events that test those among us who appear to be the toughest, the strongest or the most resilient; the sudden death of a loved one; a broken relationship; a drug or alcohol addiction; financial problems; and domestic violence. These are among the multitude of challenges we face and the reason why men and women, young and old, may need guidance and a helping hand.

A comforting, caring and compassionate voice on the end of a telephone available 24 hours a day can, and often does, mean the difference between the darkness and the light, between hope and despair, between separation and reconciliation, and even between life and death. That is Lifeline—helping us to meet life's challenges. With an increasing number of calls from the Sutherland shire, and about 20 per cent of its volunteers living in the shire but travelling to the call centre in town, Lifeline set itself a goal: let us establish a centre in the shire and train 100 new volunteers. That goal was set just over a year ago. Here was this marvellous volunteer organisation setting itself a goal to set up a local service, staffed by trained local volunteers with the potential to make a real difference to those in crisis and a positive contribution to the welfare and wellbeing of the people of the Sutherland shire as a whole.

Lifeline had already joined the Sutherland Shire Suicide Safety Network, adding its expertise to that and other community organisations. Here we have Lifeline, a volunteer organisation, facing a challenge. People in the Sutherland shire like nothing better than a challenge. On 26 July 2002 Sutherland District Trade Union Club took up the challenge, and threw down the gauntlet to other clubs, local businesses and me to help meet the establishment costs of Lifeline in the Sutherland shire. While the State Government committed $10,000 to the project, the tradies were instrumental in raising $66,000 in cash. To top that, the club provided facilities in a nearby property rent free for Lifeline to train local volunteers. Tradies supporters

as well as Century 21 franchisees, the Gymea Chamber of Commerce and the Sutherland United Services Club all contributed. To quote Anne Lenehan-Jones of Wesley counselling services, "Tradies involvement has been phenomenal", from hosting an initial supporters breakfast and making an ongoing financial commitment, to the Tradies staff volunteering their own time at a successful fundraising book fair. To Tradies President Graham Hill and the club's chief executive officer, Mr Tim McAleer, we thank you and your members for your efforts.

The generosity and support shown by the Tradies, Frank Vickery Village and others typifies the wonderful community spirit we enjoy in the shire. We have come a long way in the short time since the Tradies threw down that challenge. Having opened Lifeline Sutherland, we now have on board 30 volunteers already, another 20 are in training. We are halfway to meeting our goal of 100 Lifeline volunteers from the shire in just over a year. I thank all our volunteers for taking up the challenge and for their unselfish contribution. I congratulate the Wesley Mission, Frank Vickery Village. In particular I thank Sonya Bradford, the co-ordinator for Lifeline Sutherland, and the operations manager, Anne Lenehan-Jones, for their faith and hard work in getting Lifeline Sutherland up and running.

Of course, there are challenges ahead: the challenges of awareness and of continued support. Awareness of this wonderful facility in the community is vital, and I encourage all the people in the shire to promote awareness that this helping hand is available. When one considers that 61 per cent of callers are female and 30 per cent are male, we need to foster awareness that it is okay for blokes to seek assistance too. If anyone doubts the need for Lifeline services in Sutherland shire, just think of this: in the first three days of its operation Lifeline Sutherland responded to 60 calls. My congratulations to Lifeline Sutherland, Wesley Mission and all the volunteers I am deeply honoured to have opened Lifeline Sutherland.

LISMORE TURF CLUB EVENTS

Mr THOMAS GEORGE (Lismore) [5.59 p.m.]: On Friday 3 October I had the honour of attending the country racing awards at Randwick. I pay tribute to Stan Hayes and his committee, and to the Chief Executive Officer of the Country Racing Council, Brian Judd, for a wonderful night that recognised the contribution made to country racing by race clubs, individuals and organisations. On the night I was honoured that the Simon Niveson Special Achievement Award went to Anzac Cummings, who has devoted his life to racing in the Northern Rivers region. I pay tribute to country racing. Recently, the Lismore Cup was held at Lismore Turf Club. I am pleased to see the Minister for Gaming and Racing in the Chamber because he attended the cup meeting as our special guest. I pay tribute to Lismore Turf Club, which began promoting the event three months ago with a rodeo held at the racetrack.

Then on the horses' birthday, 1 August, the club held a black and white ball, including dinner, which was well attended. It was a slightly different promotion to continue highlighting the cup meeting. The festivities continued some weeks later with the *Northern Star* fashion parade held at the turf club, which proved extremely successful. The following weekend there was a truck show and a parade through the main streets of Lismore. More than 100 trucks joined the parade and were later displayed at the racetrack. The trucking industry then sponsored a race day in support of the Our Kids Program at Lismore hospital and local preschools. The event also promoted the upcoming Lismore Cup race meeting. In the week before the Lismore Cup a successful golf day generated much interest.

The Lismore Cup was the most successful race meeting ever held by the Lismore Turf Club. It was the culmination of the hard work of Ron Marriott and his committee, Michael Timbrell and his workers, and the club's many sponsors. The Southern Cross University has offered great support to the club, and its involvement has certainly paid dividends. The Lismore Cup was a prelude to the Masters Games, which were held in Lismore the following weekend—but I will speak about that in another private member's statement. A half-day holiday was declared on Lismore Cup day. More than 10,000 people attended the race meeting and enjoyed the great atmosphere and the many hospitality marquees. Many families and young people were among the crowd. If that meeting is any indication, the future of racing in the Northern Rivers region is in good hands. The Lismore Turf Club capitalised on that community interest and held a very successful meeting.

Unfortunately, the Minister for Gaming and Racing did not win a prize in fashions on the field—we tried to get one for him—but he still enjoyed himself. I thank the Minister for finalising a governors' licence for the Lismore Turf Club, which I know is most appreciated. I am sure that he will comment on that issue in a moment. I must also pay tribute to Col Keane and his family, who waited for 15 years to have a runner in

the Tooheys New Lismore Gold Cup. Col owns the renowned local business Eagles Plumbing Supplies Pty Ltd. Col's horse, Our Eeyore, won the cup. Sadly, the horse is destined for a career in Victoria as a hurdler, but it provided local punters with much enjoyment on race day. I congratulate the Lismore Turf Club on its great achievement.

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [6.04 p.m.]: I congratulate both the honourable member for Lismore and Lismore Turf Club on their far-sightedness in considering how best to use the club's facilities. I understand that the club function centre can accommodate several hundred people and that the area surrounding that centre can also be used for functions and other events. The current licence limits the activities of the club but the new arrangements that are being put in place will give the club an opportunity to establish a business centre and generate more income. That will be good for the club, the community and the surrounding area.

The Lismore Cup is the biggest event on the local racing calendar. Cup days and other country races are important to the structure of the racing industry. I have talked to representatives of metropolitan, provincial and country racing—each level is equally important—about their community service obligations. Racing is part of the social fabric. The Lismore Cup, which I attended, was not just a race meeting but also a celebration of the local community. Race meetings are about building communities and supporting the social fabric in local areas. I have stressed repeatedly to the administrators of commercial operations in all three racing codes that they have a responsibility to their communities. Country racing is the roots of the tree and, if the roots are nurtured, the tree will grow tall and strong. We must recognise that the economic rationalist model does not apply to racing. People become involved in local racing because they want to: they are volunteers. I congratulate the Lismore Turf Club on its achievements and reiterate my support for all country racing clubs.

RUNNING STREAM COMMUNITY HALL FIFTIETH ANNIVERSARY

Mr GERARD MARTIN (Bathurst) [6.06 p.m.]: On Sunday, 28 September I was invited by the Running Stream Recreation Reserve Trust to join its members in celebrating the fiftieth anniversary of the opening of its community hall. The celebration incorporated a village reunion, and more than 300 people turned up to reminisce and to celebrate the achievements of the very dedicated trust members. A highlight of the day was when I had the pleasure of presenting long service certificates to current and former trust board members on behalf of the Minister for Rural Affairs, the Hon. Tony Kelly. Those members were Bert Reeves, with 36 years service; Ron Oliver, with 30 years service; John Chadwick, with 27 years service; Sandy Sim, with 25 years service; David Sim, with 25 years service; and Betty Mackander, with 21 years service. That made a total of 164 years of dedicated service to the Running Stream community, and particularly the recreation reserve trust.

A plaque was placed in the hall to commemorate the anniversary. I noted with interest that the current trustees were all those who had been honoured with long service certificates except for Ron Oliver, who stepped down after 30 years. Neva Lilley, a well-known local figure, has been appointed in his place. The trust has continued to improve the hall over the years and on Sunday commissioned the installation of internal toilets. That may not sound like much to celebrate, but for years members have used the toilet block at the former Running Stream school nearby. I assure honourable members that it can be a challenge bolting about 150 metres across the paddock from the hall to those conveniences on a cold winter's night!

It is believed that the first hall was built on the site just before 1914. Various alterations and additions were made to the building until 1928 to make it more serviceable. Unfortunately, on 27 October 1952 a fire destroyed the hall. However, in true country spirit a public meeting was held at Running Stream in November that year to discuss the halls replacement. A committee was elected comprising members with the same surnames—Oliver, Sim, Reeves and Bartlett—as the current members. The committee considered how the hall could be rebuilt. Plans were submitted and it was proposed that E. Bartlett and R. Jones act as the building committee. A committee of nine members was elected to do all the other work—order the materials, raise finances and so on. A motion was moved to finance the building with interest-bearing debentures at 2.5 per cent. The hall was built by voluntary workers from Running Stream, under the supervision of Mr Bartlett. Mainly local timber was used in the construction and it was supplied by the colourful legendary Sim Brothers of Brooklyn at Running Stream.

The hall was used as a school meeting room, but children had to be kept under strict supervision and were not allowed near the construction site. All that time ago they were aware of occupational health and safety. The hall has been used mainly for social functions—as most country halls are. Over the years the

Country Women's Association used it as a base. Only recently a group of young mothers in the area formed a children's playgroup called Rugrats, which operates from the hall on Mondays. I was pleased that last year the Minister for Community Services provided a grant to enable them to set up equipment. The original builders of the hall did not realise it would be used for that purpose.

Country halls in small villages are coming back into their own. New people are moving into country areas. The families who have lived in Running Stream for generations are the backbone of the community—the Sims, the Olivers and the Reeves. Bert Reeves still serves as secretary-treasurer after 36 years service, and I am sure he will for many more years to come. It was a pleasure to join with the trustees and all the people who travelled from all over the State and from interstate to celebrate the wonderful village of Running Stream and see the pride they displayed in their hall, the fulcrum for the social events in that village.

PLANTATION POINT, VINCENTIA, SAILING CLUB DEVELOPMENT APPLICATION

Mrs SHELLEY HANCOCK (South Coast) [6.11 p.m.]: This evening I speak about a planning and development issue that last week was the subject of an extremely well-attended public meeting, which I attended, at the Huskisson Community Centre: the submission of a development application for a sailing club in a beautiful location called Plantation Point in Vincentia, part of my electorate of South Coast. This application has been lodged directly to the Department of Infrastructure, Planning and Natural Resources due to the proposal being classified under State environmental planning policy [SEPP] 71 as a tourist facility within the coastal zone. As such, it immediately became a State significant development. Therefore, the determining authority is the Minister for Infrastructure and Planning and not Shoalhaven City Council. Unfortunately, the department did not respond to an invitation for a departmental representative to attend the public meeting and did not hear the concerns of residents or hear from Shoalhaven City Council. Nevertheless, the meeting was an effective way for council to provide as much information as possible regarding this application and to answer questions from the community.

The subject land was created in 1968 as part of a general subdivision at Plantation Point, creating residential allotments, and the headland and areas adjacent to Nelson Beach and Barfleur Beach were dedicated as public reserve. This particular lot was subdivided from the public reserve area and zoned separately as 5a, special uses, yacht club. Unfortunately this has now become an anomalous zone and contrary to the objectives of SEPP 71, coastal protection. Several community members have quite correctly pointed out that whilst the application appears to comply with the special use zoning relating to community facilities and services, it does not comply with the definition under Shoalhaven local environmental plan 1985, which specifically excludes clubs, as clubs are defined as being buildings used as the premises of a club under the Registered Clubs Act 1976.

On this point alone the Minister should refuse the application, as it will clearly involve liquor sales and gaming machines, which are prohibited under the zoning. Legal advice sought by the local council confirms that if the proposal were to be registered under the Registered Clubs Act then it would appear contrary to the current zoning and not permissible. Whilst elements of the proposal purport to be for a sailing club it appears the dominant use will be for a registered club. There are an enormous number of concerns regarding this application and I am sure they have been articulately expressed by the community in its 400 or so letters of objection to the Minister. I am sure the Minister has read those letters and listened to the concerns, in particular the issue of the permissibility under the current zoning. SEPP 71 is a policy created to implement measures to ensure coastal protection of foreshore areas.

It is clear to me and to the communities of Vincentia and Huskisson that the proposal is a gross overdevelopment of the site in the foreshore environment of Jervis Bay. I feel confident that, despite the anomalous zoning, the Minister will refuse this application. Unfortunately, the problems will not end with a refusal. There needs to be some strategic vision about this area. Whilst this parcel of land remains in private ownership and under the current zoning, there is the distinct possibility that future applications will be forthcoming so the owners of this land can enhance its value. The community fears this uncertainty more than anything else. It fears future applications and perhaps some future approval on land that clearly should be zoned public reserve. Prior to the State election in March the Government promised to purchase a parcel of land in a nearby location due to ongoing concerns about its zoning and ownership. The site clearly should have been protected for the community as part of the coastal environment of Jervis Bay. The site was at Captain Street and the election promise was fulfilled, costing the Government about $2 million. It was a good decision by the Government to protect coastal lands along the New South Wales coast but now it must dig deep again to purchase this site at Plantation Point, Vincentia, for the same reasons. Shoalhaven City Council did enter negotiations to attempt to purchase the site some years ago but was unsuccessful.

The only solution to this dilemma is for the Government to talk to Shoalhaven City Council and consider purchasing the site. At the conclusion of last week's public meeting the community moved a motion. Apart from calling for the rejection of the development application it called upon Shoalhaven City Council and the New South Wales Government to work together to bring the yacht club site at Plantation Point, Vincentia, into public ownership so that the unique character of the area can be preserved for future generations. Shoalhaven City Council endorsed these resolutions at its meeting on Monday night, which I attended. I now call on the Government not only to take the easy option of refusing this application but also to work with council to purchase this site. Refusal of this application and purchase of the site is the only resolution. I look forward to a proactive response from the Government regarding Plantation Point at Vincentia.

NORTHERN NEW SOUTH WALES SOCCER FEDERATION 120TH ANNIVERSARY

Mr JOHN MILLS (Wallsend) [6.16 p.m.]: It was my great pleasure to attend, with my wife, Trudy, a function organised by the Northern New South Wales Soccer Federation on 24 September at the Wallsend RSL Club. This is the Northern New South Wales Soccer Federation's 120th year. Its inaugural function to mark that year was a tribute to the players from Northern New South Wales who played a game against Manchester United at Newcastle in 1967. The federation was formerly the Northern Districts British Football Association and was founded on 9 September 1884. The federation honoured past players and officials from the team that played against Manchester United in 1967. The game was at Newcastle No. 1 Sportsground on 12 June 1967 at 3 o'clock in the afternoon. The Manchester United team boasted names such as Bobby Charlton and Nobby Styles—both of whom had helped England win the World Cup in England the previous year—George Best, an Irish international, and Denis Law, a Scottish international—all brilliant players.

There were special presentations to the players and officials who were able to attend the function at Wallsend last month, including an autographed sheet, a reprint of the souvenir program from 1967 and a compact disc or a digital video disc of NBN Television's broadcast of the second half of the game. The commentator was Brian Newman of NBN, and it was a wet and rainy afternoon. We all had a lot of fun watching the replay. I shall inform the House of the officials who were present. Bob English was the then secretary of the federation. He is now deceased, but his daughter Kerry Hinds attended. Wal England of the management committee was there. Basil Rufo—I know him as Basilio Rufo—from the full council of the federation was there. Basilio was the tailor of the first suit I had made for myself from Rundles after becoming a member of Parliament. Harry Hetherington, the historian of the Northern New South Wales Soccer Federation, and a member of the full council, and Bill Bobbins of the full council were also there.

One of the linesmen from the game, Arthur Roberts, was present. Arthur is also a life member of the Central Newcastle Swimming Club and grandfather of Andy Roberts, who has been the captain of the Newcastle United soccer team for the past couple of years in the National Soccer League. Families play an important part in soccer in the Hunter. Jock McBride, the coach, was present. The players who were present for the celebration included Bob Cameron from Adamstown club; Col Curran from Adamstown—then a 19-year-old, who went on to represent Australia; Jimmy Doolan from Newcastle Austral's club; Jim Dorman from the Awaba club; Steve Dunne from the Lake Macquarie club, who is now deceased, was represented by his father, Noel; Willie Gallagher from the Austral's club; Ray Howells from the Adamstown club; Joe Lanzoni from the Newcastle Austral's club; Ray Lloyd from the Newcastle Austral's club; Horst Schneider from the Wallsend club; and Jimmy Wood from the Lake Macquarie club.

At the RSL club that night was somebody who was not identified, but we were assured he was present. On the wall was a red, silkscreen-printed banner—about the length of the Opposition front bench—that had advertised the game and the tour of Australia by Manchester United. In 2003 the Northern New South Wales Soccer Federation has a great souvenir banner. I am told that the person was pleased to see the replay of the second half of the game on the television that night because he missed most of it when he got the banner, wrapped it under his arm, jumped the fence and took it home.

Lots of other soccer identities were there, such as Bill Turner whose 15-year-old cup for schools is famous, Bobby Frame, and life member Con Mitsios. The Northern New South Wales Soccer Federation, 120 years old, is the seventh soccer State federation in Australia. The north was pleased that in the recent reorganisation of Australian soccer a way was found for the status quo to be retained for northern New South Wales soccer in the new regime, at least for the present. That is good for the employment of coaches in the

Hunter and emerging players who have good opportunities to develop their talent. The north has the highest per capita rate of registrations in Australia. I commend General Manager, Garry Screen, and President Bill Walker for their very successful leadership of the Northern New South Wales Soccer Federation. I look forward to them surviving and prospering for another 120 years.

SOUTHERN AREA HEALTH SERVICE AND MID WESTERN AREA HEALTH SERVICE FINANCIAL OBLIGATIONS

Mr IAN ARMSTRONG (Lachlan) [6.21 p.m.]: I want to bring to the attention of the House a very serious matter concerning the capacity of the Southern Area Health Service [SAHS] to meet its financial obligations to its providers. Last week, the owner/manager of a major hardware provider at Young telephoned me in relation to an unpaid account of $2,300 that has been owed to him since 13 May by the SAHS. His attempts to get his account paid or get an indication of when he can expect money have been futile and frustrating. On one occasion he was told that the SAHS would pay $1,481.70 of the total account. On another occasion he was told that the SAHS did not owe him any money. My office made contact with the SAHS and the acting chief executive officer investigated the matter.

The provider says he will not do any business with the SAHS in the future. He has black-listed them because they will not pay. He has had enough. His gripe is that the account system of the Southern Area Health Service is of Third World standard. They cannot check a paper trail. When a purchase is made by Young hospital an invoice containing an order number is activated and signed by the hospital staff member. If goods are delivered to the hospital the invoice is signed and a copy given to the hospital. When his account goes out at the end of the month a copy of the invoice is attached and sent to the SAHS where the provider says it then disappears into a black hole. He sends out an account at the end of each month displaying outstanding invoices, but it appears nobody takes any notice. When contact is made with the SAHS they cannot find any of the paperwork.

This is not an isolated incident as it has happened in the past. That is why the owner is no longer interested in doing business with the SAHS: it is not worth the trouble. How many other businesses are caught up in the same loop? Last week, the owner told me that he has received some payments going back to July, but he is still being used as a banker for the SAHS. He has no agreement that he will act as their banker and give credit to the SAHS. This private enterprise supplier has done his job. There has been no quibble about the goods, delivery has been taken and signed, but the SAHS will not honour its obligations and pay his accounts.

If it were a private enterprise, no doubt the supplier would move to have the SAHS put into administration and have a liquidator appointed. A similar incident occurred two months ago in relation to the Mid Western Area Health Service. A second-hand dealer in Forbes was owed approximately $400 and it took him nearly four months to recoup his money. That health service simply said it did not have the money to pay. It is one thing for the Government to talk about all the wonderful environmental issues it will deal with—I wish them luck in that regard—but the bottom line is that unless it can pay its accounts, it will not be in business. In this world if companies do not pay accounts, their reputation is impugned, they are black-listed as undesirable on a credit reference listing. Indeed, they can expect a company such as Credits Payable in Boorowa to tell them they are in liquidation.

I call on the Government to clear up whether it can honour the outstanding money owed to providers of services to the Southern Area Health Service and the Mid Western Area Health Service. The Government needs to provide guarantees in writing with forward payments. The Government has to put up deposits so that people can do business with them with confidence. At the moment the confidence is gone, the money is outstanding and the area health services are in financial disgrace.

LIQUOR INDUSTRY DEREGULATION

Ms ANGELA D'AMORE (Drummoyne) [6.25 p.m.]: Today I want to advise the House of a crisis that is currently occurring in the liquor industry in New South Wales due to the National Competition Policy. On Thursday 2 October, I met with a delegation of small business owners who operate liquor stores. The delegation included Warren Bovis, Executive Director of the Independent Liquor Stores Association, Sandro Lucchitti from the Independent Liquor Group Co-Op, Mario Di Mauro from Haberfield Cellars, Anthony Pitronaci from Chiswick Cellars, Bill McJannet from Cabarita Cellars, Neale Bellamy from Platinum Liquor at North Strathfield, Hamish Black from B and S Wines at Concord West, Vince Vartuli from Homebush

Cellars at Homebush, Joe Ricoluti from The Wineman at Campsie, and Frank Lazzarino from Bankstown Cellars at Bankstown.

The delegation expressed strong concerns relating to the viability of the liquor store industry under the proposed changes by the Federal Government for a new system of licensing for packaged liquor retailers in New South Wales. I commend the delegation for providing me with a thorough understanding of the issues that face their industry as a result of deregulation. Once again the Federal Government threatens to withhold $12.86 million from the New South Wales Government payable under the National Competition Policy Agreement, unless the State Government commits to discontinuation of the needs test and submits an alternative system of licensing and regulation of liquor retailing. This money is needed by the State Government to pay for core government services such as essential medical services and the education needs of our children.

The total budget for the Gaming and Racing portfolio is currently $13 million, the very amount the Federal Government is threatening to withdraw from the State Government. The deregulation of the industry has the potential to put hundreds of small business owners out of business unless an appropriate system of licensing and regulation is put in place. If the needs test is replaced with what is referred to in the industry as the public interest test across the board, the consequences will be disastrous for the packaged liquor sector that supplies currently 60-70 per cent of liquor purchased in New South Wales and is mainly small family businesses. The outcome would be destruction of the gains made under the harm minimisation principle, responsible service of alcohol would become increasingly difficult, there would be a proliferation of licences, within a short time the independent packaged liquor sector would be consumed by the two leading supermarket chains, and small business owners who have invested a large sum into the purchase of their liquor licence would incur huge costs and find themselves without the specialised business they purchased.

The recent Alcohol Summit facilitated by the New South Wales Labor Government reinforced the view that the Government and industry can work together to achieve a greatly improved system of licensing to replace the current system that relies on the needs test, one which will comply with the requirements of the National Competition Council and deliver in terms of community protection. The Independent Liquor Stores Association and its members are trying to manage a new licensing system for packaged liquor retailing in New South Wales, but time is needed for the appropriate consultation to occur and alternative licensing models to be recommended. It is my understanding the Premier wrote to the Federal Treasurer Peter Costello on Friday, 10 October, seeking a postponement of the response of the New South Wales Government with regard to the needs test until after the recommendations of the Alcohol Summit have been examined. No-one wants to see our local liquor stores being put out of business due to deregulation.

The delegation outlined a comprehensive plan to meet the National Competition Policy and maintain local liquor stores in our suburbs, and highlighted further concerns. They are concerned that having many small business owners in the liquor industry brings true competition and that deregulation of the industry, which has the potential to make it easier for large supermarket chains to unfairly compete with small business, will not increase competition but will kill small business and thus reduce competition. Another concern expressed by the delegation was that large supermarket chains will not promote the responsible service of alcohol or the expertise and service offered by longstanding small business.

Multinational supermarket chains often employ underage and untrained junior staff. Alcohol is not a commodity product and needs responsible retailers to provide it to the public. Just as pharmacies have restricted licences enabling them to sell potentially harmful products, so does the liquor industry. The liquor industry has had 150 years experience in selling alcohol and has pioneered in recent years the responsible service of alcohol and appropriate training. Profits and wages of small businesses are reinvested in the local economy rather than returned to shareholders.

In light of the time frame the New South Wales Government is committed to working with the stakeholders in an attempt to secure an extension of time from the Federal Treasurer for the consideration of the National Competition Policy Review. An extension of time is necessary in order to fully assess the national competition principles. This matter can only be resolved if the Federal Government is willing to accommodate the industry's request for additional time to consult with the industry. One can only hope that the Federal Government values our small businesses in New South Wales in the same way as the State Government does.

HORNSBY COMMUNITY AUCTION

Mrs JUDY HOPWOOD (Hornsby) [6.30 p.m.]: It gives me pleasure to speak about the inaugural Hornsby Community Auction. Before I do I wish to mention, much to the chagrin of the other side of the Chamber, that it is Foot Health Week. I pay tribute to our hard-working, dedicated and excellent practitioners in the podiatry profession. I also take the opportunity to wish all of the Higher School Certificate students in my electorate and throughout New South Wales well in their examinations next week. I also pay tribute to my local clubs and clubs generally. The Hornsby Community Auction is just one example of the contribution that clubs make to our community. Hornsby RSL provided the venue at no cost. It was not written up as a financial contribution to the community. Hornsby RSL club is a wonderful place to hold a function, and Hornsby RSL regularly offers its venues, and at no charge for a good cause.

The inaugural Hornsby Community Auction came from an idea I had last year after attending the Bradfield Community Forum. I asked a great deal of questions about the forum and found that a number of groups and charities joined together, formed a committee and held at least one function per year to raise money. The community groups then divided the proceeds. It was a means of fundraising where smaller groups were not disadvantaged. I thought it was a great idea, and put it on the backburner. The secretary of the Lions Club of Hornsby, Pauline Henebry, whilst undertaking a course needed a project to showcase her skills in this area. I suggested she create a Hornsby Community Forum, and she did. The inaugural Hornsby Community Auction, as she named it, was held on Friday 19 September. Pauline Henebry did a great and methodical job in organising the auction. I have the agenda, which provides information about the various groups that participated.

In order to participate in the Hornsby Community Auction, a charity or community group only had to supply items to the auction. Any group that supplied items to the auction became part of the Hornsby Community Forum and would benefit from the funds raised on the auction night. The participants in the Hornsby community auction were: the Country Women's Association of New South Wales, Hornsby district branch, of which I am a proud member; the Hornsby Gang Show, of which I am patron; Fusion Australia, Sydney North; the Lions Club of Hornsby, of which I am a proud member—and I am also a member of the parliamentary Lions Club; the Hornsby Historical Society, of which I am a member; the Australian Volunteer Coast Guard Association; the Hornsby Heights Neighbourhood Centre; the Soroptimist International of Hornsby; St John Ambulance Australia, New South Wales, Hornsby Ku-ring-gai Division; Easy Care Gardening; the Rotary Club of Waitara, of which I am a member; Hornsby and District Chamber of Commerce and Industry, of which I am a member; and the Hornsby Arts Society, of which I am a great supporter. I believe that every area needs to promote its cultural activities.

I would like to mention Greg Bepper, President of the Hornsby and District Chamber of Commerce and Industry, who was a fantastic master of ceremonies on the night. A silent auction was held—at which 43 items donated by the organisations I have referred to were sold—plus a live auction. Lance Murchison was our very able auctioneer and Mick Joffe, a local caricaturist, attended and drew caricatures of various people, including me. It was all part of the fundraising activities of the night.

FAIRFIELD HARNESS RACING CLUB

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [6.35 p.m.]: I draw the attention of the House to the problematic proposals for management of the harness racing industry by the board of Harness Racing New South Wales. As I understand, the Harness Racing New South Wales board currently consists of four members, rather than the usual five. I am advised, and it has been reported, that one member of the board recently resigned in protest over proposed restructuring of the industry involving the closure of the Fairfield harness race track.

In June 2003 the board of Harness Racing New south Wales released a strategic plan for the harness racing industry. Of all the clubs in the metropolitan region only the Fairfield club is to be closed. The strategic plan did not provide any adequate criteria on which such a decision was based. The Harness Racing Act 2002 provides that Harness Racing New South Wales must not refuse to register a harness racing club and must not suspend or cancel any registration unless it believes a club is not financially viable or it would be in the best interests of the harness racing industry as a whole to do so. There is irrefutable evidence to show that Fairfield Harness Racing Club not only is financially viable but is thriving, and it continues to contribute to the growth and welfare of the industry. Its closure will be to the detriment of the industry. The consultation document does not provide an argument to contradict this assertion.

On 9 September 2003 the Fairfield Harness Racing Club took action in the Supreme Court to prevent Harness Racing New South Wales continuing its planned closure of the racecourse. The parties came

to an agreement whereby Harness Racing New South Wales would supply to Fairfield Harness Racing Club the criteria it used to come to its decision about the closure of Fairfield harness racecourse. I had requested the same information in this place. The recently resigned member of the board confirmed that no criteria had existed at the time the board first came to the decision to close the Fairfield harness racecourse.

On 22 September Harness Racing New South Wales supplied the Fairfield Harness Racing Club a document setting out the criteria it used to decide between Bankstown Harness Racing Club and Fairfield Harness Racing Club. This document is flimsy at best. It pitches neighbour against neighbour and fails to consider the proposed rationalisation in the context of the whole industry. As I suspected, the criteria used are narrow, limited and defective and undermine the board's statutory objective of managing the industry for its prosperity. The criteria supplied by the board have left untested an erroneous assumption that a choice must be made between Bankstown Harness Racing Club and Fairfield Harness Racing Club. The criteria have not been used statewide, nor throughout the metropolitan area. Neither the document nor the board has provided an adequate reason why the other metropolitan racing clubs should not also be vetted before a decision is made. Has Harold Park been subjected to the same scrutiny as Fairfield and Bankstown?

The board purports to be making a decision about the future of the harness racing industry, yet it has refused to take account of the financial forecasts. Even on last year's figures, Fairfield Harness Racing Club is thriving while Bankstown Harness Racing Club is in financial trouble. The operating profit for Fairfield Harness Racing Club for the year ending 30 June 2003 was $115,000. In contrast, Bankstown Harness Racing Club made a loss of $205,000. The net current assets of Fairfield are $256,000. In contrast, the liabilities of Bankstown exceeded its assets by $13,000 in June 2003. Earlier this year Harness Racing New South Wales suspended the Bankstown licence due to its financial distress. Bankstown's accounts for 2003 show it has a cash overdraft of $78,921. While Bankstown's financial viability is doubtful, the operating profit of Fairfield has increased 114 per cent in the last financial year, on pre-depreciation figures.

In addition, the Fairfield Harness Racing Club greatly outperformed both Bankstown and Penrith in TAB sales in the first week of October. The Fairfield Harness Racing Club had total TAB sales of $620,709 in five days. The Bankstown Harness Racing Club had $196,622 less and the Penrith club $265,445 less. Furthermore, the Fairfield club's management is achieving increasing amounts of income independently from TAB payments. Their Betting Auditorium will net $150,000 this financial year. The Fairfield club also has secured $80,000 of sponsorship funding for special races throughout the current financial year. The board's criteria consider the existing physical facilities at each track. This advantages, quite legitimately, the Bankstown track. However, the criteria conveniently fail to consider the potential and current plans for improvement of facilities. Fairfield is the only track in the metropolitan region that has the capacity to be extended to 1,000 metres. Harness Racing Victoria has provided clear evidence that 1,000-metre tracks increase betting revenue and improve safety for races. Fairfield track will receive support from Fairfield council to build a 1,000-metre track and has commenced the planning stages of these works. [*Time expired.*]

DR HANAN ASHRAWI UNIVERSITY OF SYDNEY PEACE PRIZE

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [6.40 p.m.]: Last weekend while visiting a St Ives shopping centre I was stopped by a resident who raised with me strong concerns about the announcement that the Premier was to present the Sydney Peace Prize to Palestinian Authority politician Hanan Ashrawi. The resident became quite emotional about what she saw as the legitimisation by the Premier of the award of a peace prize to a person who has failed to preach peace in relation to the events in the Middle East. Subsequently this week I received a number of letters from local residents on the same issue. It is timely that I raise this issue tonight. Earlier in question time the Premier was asked about the same issue.

I should state at the outset that I have never before questioned the Premier's commitment to the State of Israel. Indeed, as a strong supporter of the State of Israel myself, I have repeatedly publicly acknowledged the bipartisanship support for Israel in this Parliament as evidenced by the Premier's statements and past involvement in the cause. In the Premier's reply to the honourable member for Vaucluse today he outlined his views on the Israeli-Palestinian situation. He said his views were predicated on three points which, in his terms, were: firstly, the "resolute condemnation" of Palestinian violence against Israeli civilians and, also in his words, "no excuses or caveats"; secondly, the right of the State of Israel to exist within secure borders; and, thirdly, total support for a two-State solution to the current situation as endorsed by the approach enunciated by United States of America President Bush.

But, like those residents who have raised this issue with me, I now question the Premier's ongoing commitment to Israel because of his decision to participate in the award of the Sydney Peace Prize to Hanan Ashrawi. Despite the unanimous award by the committee of the prize, I simply do not believe Ms Ashrawi has a track record of courageously or consistently seeking a peaceful resolution of the Israeli-Palestinian conflict that would merit such an award. Too often she has been an apologist for the acts of terrorism against Israeli civilians that the Premier says he resolutely condemns—"no excuses or caveats". When forced by public sentiment to condemn such attacks, she has been careful to do so on pragmatic and not moral grounds—that is, the damage they do the Palestinian Authority's attempts to maintain world sympathy and support.

Among the sickening images following the attack upon the World Trade Centre and Pentagon on September 11 were scenes of Palestinians, including children, celebrating the news. Hanan Ashrawi claims such celebrations either did not occur or were limited—despite the evidence of independently confirmed television footage of Palestinian policemen and members of all factions singing and dancing at the news from the United States. Ms Ashrawi's support for the Premier's second principle—the right of the State of Israel to exist—is also questionable given her statements opposed to continuing Jewish immigration to Israel and her urging to existing migrants to "go back to where you belong". There is evidence of her repeated rejection of the legitimacy of the existence of the Jewish State.

Ms Ashrawi also fails to support the Premier's third principle—his commitment to a two-State solution. Again her comments display a pragmatic and not moral commitment to separate States. The fact is that, as documented, Hanan Ashrawi is neither a moderate nor a peace activist. The Australia-Israel and Jewish Affairs Council documents Hanan Ashrawi's support for the 1990 Iraqi attack upon Kuwait and her support for the 1991 military coup attempt against former Soviet leader Mikhail Gorbachev. Does such a record warrant the award of a major peace prize? I say no.

The Sydney Peace Foundation says its peace award is given to people "who have made significant contributions to global peace, including improvements in personal security". There are families in Israel mourning the loss and injury of civilians subjected to Palestinian terror attacks who would strongly dispute Ms Ashrawi's eligibility for this award. She certainly has not displayed the same long-term commitment to peace as past recipients of the Sydney peace award like Archbishop Desmond Tutu, Sir William Deane or Mary Robinson.

I simply fail to understand why the Premier, given his history of support for the cause of Israel, and his publicly enunciated principles guiding his current views on achieving a peaceful solution in the Middle East, persists in participating in this award program. I have no problem with the Premier meeting Ms Ashrawi and urging her to sign up to his principles. It would be responsible to take every opportunity to do so with any Palestinian leader visiting this State. But Hanan Ashrawi clearly does not currently ascribe to the Premier's own coda for Middle East peace, and as a result Mr Carr should not legitimise Ms Ashrawi's history by participating in this award ceremony.

I can only concur with the sentiments expressed to me by residents within my electorate. I can only urge the Premier to rethink his actions. They cause distress and offence to people in this country committed to the existence of the State of Israel and the securing of a genuine peace in the Middle East. At a time of continuing terrorist attacks against civilians in the State of Israel there should be, as the Premier says, no excuses and no caveats on the rejection of such attacks. It is a time for all of us to unite against terror. It is not a time to endorse an apologist for such tactics. We speak in a Chamber in which there is displayed a mace presented to us by Sydney's Jewish community. That mace represents not only the vice-regal position of this place but also the rule of law. It is a rule of law that Hanan Ashrawi does not sign up to. I am ashamed at the Premier's defence of his participation and place in the Sydney Peace Prize in the face of that mace being in this Chamber.

FEDERAL GOVERNMENT MEDICARE POLICY

Mr DAVID BARR (Manly) [6.45 p.m.]: This week the director of the Raglan St Medical Centre, Dr James Barnes, announced that that centre would no longer bulk bill. It is one of the last centres in Manly to be bulk billing. This evening I wish to speak about Medicare, what the Federal Government is doing and how that is impacting on communities across the State. Bulk billing is in decline, I believe, because of an ideological thrust by the Federal Government to get rid of Medicare as best it can. I remind the House that the predecessor to Medicare was Medibank, which, under the Fraser Government, had five changes made to it. In the end Medibank disappeared. I believe it is the agenda of the Howard Government to eliminate

Medicare. This is an issue of great importance to everyone in Australia, but particularly to the people of New South Wales and the electorate of Manly.

I believe the schedule fee at the moment for Medicare is about $29. That is patently insufficient for doctors to cover their costs. They get 85 per cent of the schedule fee, which has not been increasing at the rate of inflation. Consequently, more and more doctors are pulling out of bulk billing and in the process the whole of the Medicare system is being jettisoned. That is happening because of the squeeze put on doctors by the Federal Government. I would point out that the Federal Government gives a rebate of 30 per cent on private health insurance. That costs in the order of $2.3 billion, though its efficacy has yet to be demonstrated.

Health fund refunds have been tightened recently, but until then it was possible for subscribers to receive reimbursement for some of the cost of lifestyle products, such as running shoes and tennis racquets. So, while the Federal Government has been putting large amounts of money into health funds, subscribers have been receiving some of that funding for the purchase of lifestyle products Meanwhile, our public hospitals have been suffering. The thrust of what the Federal Government is doing means more and more patients, particularly in rural areas, will present at the casualty wards of public hospitals, putting even more pressure on them.

It is important to reflect on the five key principles of Medicare. The first is universality: that all people have the same rights and entitlements. The second is access: that access to care is based on health needs, not on ability to pay. The third is equity: that Medicare is funded through general taxation and the Medicare levy, which is graduated according to taxable income, namely 1.5 per cent on individuals with incomes of $50,000 per annum, and 2.5 per cent thereafter, unless individuals have private health insurance. The fourth is efficiency, with administration costs being kept low, because with bulk billing there is no need for people to be going to Medicare for reimbursement, and no need for doctors to be chasing up patients who have not paid their fees. The fifth is that Medicare is simple.

They are the virtues of the Medicare system. It has been operating since 1983 and it is fundamental to our health system. We spend about $50 billion a year on health costs, which is about 8.5 per cent of gross domestic product. That figure has been stable for some time and there is no reason for the Commonwealth Government to dismantle the system to achieve ideological goals. This is being done not on the basis of good public policy or economic sense but because of the Commonwealth Government's ideological drive to privatise the health system as much as possible and to push people into private funds and a user-pays system. That is contrary to the fundamental principles of Medicare and to the principle of universality, which has us pay taxes according to our ability in return for the provision of services. This will impact severely on families, who will now pay considerably more for medical visits. It is counterproductive to good public policy, and it is outrageous.

ARMIDALE RAIL SERVICE

Mr RICHARD TORBAY (Northern Tablelands) [6.50 p.m.]: Armidale lost its rail link to Tamworth in 1989 as a cost-cutting strategy implemented by the Greiner Government. It was restored in 1993 by the Fahey Government. Now the Labor Government wants to go down the same track, using the same rhetoric that was used 14 years ago to justify an unjustifiable proposal. The economic argument simply does not stand up and it ignores the social and environmental issues that will impact on the Northern Tablelands communities that rely on this form of public transport.

Victoria and Queensland are investing heavily in regional rail services. Victoria is committed to spending $535 million on infrastructure and 78 new high-speed diesel railcars that will be operational in 2005. Queensland has upgraded all of its regional rail services in recent years with a tilt train running between Brisbane and Cairns and airconditioned sleeper services now extended from Brisbane to Charleville, Rockhampton to Longreach and Townsville to Mount Isa. At the same time, the New South Wales Government has run down its CountryLink service with little spending on new rolling stock or maintenance and upgrading of track and infrastructure. The Government's support for CityRail is expected to total $1,300 million in 2003-04, but its support for CountryLink in 2002-03 totalled just $149 million. The cuts to CountryLink rail services are therefore likely to bring about minimal real-dollar savings but will have a major impact on affected regional communities.

The Government's $l,300 million support for CityRail has blown out from $498 million in 1989. Over the same period, CountryLink costs have declined from $206.6 million to $149 million. The Parry report appears to be endorsing a strategy of penalising efficiency gains. The report also lacks any

independent critical analysis of the case for curtailing regional rail services. It makes statements of opinion that have been uncritically lifted from the State Rail Authority regarding passenger loads and the speed of the train journey. The statements are either vague or incorrect, yet they have not been verified by the chair of the inquiry. The passenger numbers on the Armidale to Tamworth link mentioned in the report are imprecise. The average number of passengers travelling between Armidale and Tamworth is more than 60 per train. Communities north of Tamworth occupy 41 per cent of the train's capacity when it is operating as a three-car set, leaving less than 60 per cent for passengers from Tamworth south. Many people are unable to obtain train bookings from Armidale, which illustrates that the service is often running over capacity.

Passenger figures for the Xplorer service to Armidale in the three years leading up to 2003 are likely to have been seriously affected by the notorious unreliability of the train sets at that tune. I have raised that issue a number of times in this House. An improved servicing regime this year has restored some confidence in the service. Passenger numbers were at their lowest at times when the train service had to be replaced with buses. Patronage figures of 17 on the Tamworth to Armidale section of the journey referred to by some government officials appear to be deliberately misleading and in no way representative of actual service utilisation, even during the most unreliable period. Although consideration is given in the Parry report to matters such as congestion costs in its examination of city operations, no such community costs are included in the analysis of CountryLink services; for example, increased road traffic and the drain on emergency and medical services, particularly for elderly people. Elderly passengers find bus travel stressful and even unmanageable. There is no room to move around and no refreshments, and bus toilets are virtually inaccessible to them. The same applies to parents with young children and people with disabilities.

Across regional New South Wales there is enormous concern that CountryLink as a whole is at risk and is being sacrificed to meet the blow-out in costs to provide public transport in Sydney. The people in our region totally reject the concept of replacement of rail services with buses, which are less efficient, increase the length of journeys and are unsuitable for many elderly and disabled passengers. Putting more buses on the roads and encouraging more travel by car will further congest the road network, create greater maintenance costs for the Government, cause inconvenience for road users and add to traffic congestion in Sydney. There has been almost no effort to investigate the return of rail freight business to areas like New England, and no attempt to rationalise the number of concession fares to make way for more full fare-paying passengers. In fact, the proposed cut to the service has come without detail or consideration and it makes no economic, social or environmental sense. I condemn the proposal to close the Armidale to Tamworth link. I have the support of thousands of people in Armidale and the surrounding district and other regions in New South Wales who fear that their CountryLink service will be the next to go.

Private members' statements noted.

The House adjourned at 6.55 p.m. until Friday 17 October 2003 at 10.00 a.m.