

# LEGISLATIVE ASSEMBLY

Thursday 30 October 2003

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

**Mr Speaker** offered the Prayer.

## DEFAMATION AMENDMENT (COSTS) BILL

### Second Reading

**Debate resumed from 16 October.**

**Mr DAVID BARR** (Manly) [10.00 a.m.]: The Defamation Amendment (Costs) Bill seeks to prevent a court from making an order for payment of a plaintiff's costs unless the amount of the damages ordered to be paid to the plaintiff exceeds \$25,000. The reason for this is to discourage frivolous actions before the District Court or before the Supreme Court. Now with the amendment to the Supreme Court Rule 33, which will not include defamation actions, more cases will be heard before the Supreme Court. My concern all along has been the issue of costs. Many law reform areas have focused on the issue of damages and the capping of damages, but very little has been done in relation to costs, and really nothing has been done in relation to costs in defamation. I have argued that costs are the punitive aspects of defamation actions.

Costs are the great inhibitors of free speech. If someone fears a defamation action against them, the fear is not necessarily that the action has any justification but rather that the defendant knows that defending the action will incur significant costs. New South Wales is the defamation capital of the world on a per capita basis. We have to ask the question why is it that there are so many more defamation actions per head of population in New South Wales than in other jurisdictions, and far more than in the United States of America? It is because the law is out of kilter. At the moment the law works in favour of the wealthy and the powerful. The small person does not really get a look-in. The law can be used to inhibit free speech, and my primary concern about defamation actions is the inhibition of free speech.

The Legislation Review Committee has made some comments about the bill. I commend that committee, which is under the chairmanship of the honourable member for Miranda, for a really terrific job. It is a huge task to go through all the bills that come before this House and to analyse them and make some comment. The committee stated that it understands that the purpose of the bill is to provide a disincentive for potential plaintiffs to bring actions based on a trivial injury to reputation, or which do not have a reasonable chance of success. This is particularly aimed at reducing the incidence of wealthy plaintiffs using defamation to suppress free comment and reducing the significant costs of a defamation action that can burden a defendant even in the absence of a significant injury or a meritorious case.

That is a spot-on summary of what the bill is all about. The idea is to discourage people bringing actions unless there has been a serious injury. One of the problems we face is that we have not really provided an appropriate cause of action for more minor matters and an appropriate venue to bring actions where there may be some slight damage. What happens as cases balloon out? They end up in the District Court or the Supreme Court with costs spiralling, and both defendant and plaintiff end up on a roller-coaster ride that costs megabucks. And it could all be for something that is fairly small to begin with.

There needs to be an appropriate cause of action and an appropriate remedy. The court system is not providing those at the moment. It is an abject failure and it is about time that this House addressed the issue. My theme all along has been that as they exist now defamation laws inhibit free speech. This Chamber is about free speech. This Chamber should be concerned about the shackles on free speech that the defamation laws present. I believe that rather than looking at the costs aspect of damages and trying to tinker with the incredible complexities of defamation law, we should cut straight to the heart of the matter and provide a disincentive for people to bring actions unless they have a very strong case, unless their reputation has been severely hammered by a publication. I believe that we should be discouraging defamation actions and we should perhaps be looking at other venues and other causes of action.

At the moment the law is entirely unsatisfactory. It has been unsatisfactory for a long time and it seems that governments and parliaments find it all too difficult to deal with and it ends up in the hands of the vested interests of the courts and the barristers, who have an interest in maintaining the law because it is a good source of revenue for barristers. It is about time we stop this and it is about time that we look realistically at concepts of reputation instead of looking back to notions of reputation that existed prior to the 20th century. I ask that the House support this bill as a necessary step to bring some sanity to this whole defamation issue. I commend the bill to the House.

**Debate adjourned on motion by Mr Bryce Gaudry.**

## **GOVERNMENT SCHOOL ASSETS REGISTER BILL**

### **Second Reading**

**Debate resumed from 16 October.**

**Mrs JILLIAN SKINNER** (North Shore) [10.07 a.m.]: In July, in my introduction to the Government School Assets Register Bill, I outlined the situation regarding the press commentary about the state of our school buildings, in particular, the rundown condition of schools. Many school communities had written many times to the Government seeking to have their buildings either upgraded or replaced. I spoke about the report of the inquiry into the provision of public education, more commonly known as the Vinson report. Professor Vinson had suggested that it would be more equitable in terms of planning and funding if we were to keep a register of school buildings so that we could plan ahead, give proper priority to the conditions of those schools and the communities they serve and let people know when their buildings were going to be replaced or upgraded.

I spoke to my colleague the honourable member for South Coast, who of course is a member of their council. The honourable member told me that the council prepares forward plans for its capital works and prioritises the work that needs to be done. The council has done this for years, and it takes the politics out of the upgrading of facilities because everyone knows where they stand. That motivates me more than anything else to introduce this legislation. Recently the media has given much attention to the run-down state of our schools, which a quick glance at newspaper clippings reveals. The *Sunday Telegraph* of 14 September published an article about Wingham Brush Public School. The article explains that the school was founded during the thriving timber industry and currently has an enrolment of 300 students, and states:

Holes have mysteriously appeared in the oval—and stairs have parted from a building.

Students and teachers at Wingham Brush Public School have had their worst fears confirmed: the ground they are standing on is literally sinking.

A story in the *Sunday Telegraph* of 20 July headed "School runs out of room" states:

Teachers at a western New South Wales School have been forced to cut classes, claiming they do not have enough teaching space.

Although enrolments at rural schools have tended to decline, student numbers at Narrabri High School have grown from 626 in 1996 to more than 700.

But teachers and local New South Wales Teachers Federation representative Marie Stanford, said the Education Department had failed to respond to the school's increased needs.

On Sunday 29 June the *Sunday Telegraph* ran an article about staff at a western Sydney school who were considering taking legal action against the Department of Education and Training because of unhygienic and dangerous working conditions. The article referred to statements by teachers at the William Stimson School at Wetherill Park who said they were forced to wash children's toileting aids in the hand basin. Obviously the cramped conditions of this special education unit were not suitable. Staff also claimed that demountables leak when it rains. An ABC program on the same date referred to my call on the Government, prompted by the article in the *Sunday Telegraph*, to develop a list of all schools and the capital works that need attention.

An article in the *Daily Telegraph* of 1 July headed "School white-anted" refers to parents and teachers battling to improve conditions at one of the State's most neglected schools, Waniora Public School at Bulli. That school had been the subject of earlier media attention because it faced a dangerous new foe, termites. The school has no classroom heating or airconditioning. The parents stated that most extracurricular programs had to be

cancelled. The school lobby, canteen and school toilets are housed in modified temporary buildings. A number of schools have demountable classrooms, and the Government has made a commitment to replace them. Unfortunately, not all of them have been replaced.

When the Coalition sought advice about how many demountables still exist, the advice was not forthcoming. Even using freedom of information legislation, the extent of the use of portable or temporary buildings in our schools is not publicised. A register would enable everyone to know what was available, the shape of the schools and when their facilities needed upgrading or replacing. Professor Vinson, who received numerous submissions from both teachers and parents, raised a number of these matters in his report. He states that a survey of 18 schools by the Teachers Association in northern New South Wales found:

Half need more staff toilets, and one has none. Eight have inadequate space in the staff room and two do not have a staff room. Eleven schools need more, or much more provision of wet weather protection for staff and students. Demountable buildings are not being used as originally intended for temporary accommodation. We have 48 demountable buildings, with 39 used as classrooms. These classrooms make up nearly a third of the classrooms in use. One has been on site since 1969, another since 1976.

The staff of one country primary school wrote:

Our school was established in the 1870s. It has an enrolment of approximately 600 students who are housed in 22 classrooms, 10 of which are metal demountables and the remaining 22 are wooden. ...

At least 11 classrooms leak and have done for some time. In two classrooms at least, water runs down inside the back wall possibly behind the electrical conduit and power point. In another room, leaks in the ceiling resulted in water collecting in the fluorescent light. Leaking rooms have also resulted in many resource books being ruined and children's books being damaged. At least eight classrooms have inadequate carpet. The carpet either smells due to the leaks or is old, dusty and stained. In one room the carpet is fraying across the room where one rust coloured piece is joined to another maroon coloured piece. At least six classrooms have basic structural problems, such as piers with no footings, piers that are cracked, buckled noticeboards on the back walls, gaps in walls that you can see daylight through. At least eight classrooms have problems with excessive temperature (37-40 degrees) during the warmer months. There are two toilets for 30 staff.

Both the Commonwealth and the State governments provide capital works funding for schools. In fact, although it is not itemised in the recent New South Wales budget, \$84.1 million of the \$441 million capital works budget is Commonwealth money. For example, about \$2.5 million of the \$3.694 million upgrade at Bega High School listed in this year's asset acquisition budget paper, is Commonwealth funding. The State Government is responsible for determining capital works and allocating funds from the pooled Commonwealth-State funds. Funds are allocated from either the major capital works program, works over \$500,000, or the minor capital works program, works under \$500,000, to build a new or upgrade an existing asset, with the highest priority going to schools in areas of population growth. Professor Vinson pointed out in his report:

Another category of capital investment concerns upgrades, refurbishments and additions. These are projects that relieve a long-term reliance on demountables, or occur in schools that require extensive refurbishment because of uneconomic or substantially inappropriate facilities.

Certain standards (called first level and second level criteria) are applied to establish distinctions between claimant projects.

At the first level the criteria include enrolment growth, extent of permanent facilities in comparison with enrolments, unmet health and safety requirements, the extent to which existing facilities can be made to fill their require purposes, isolation, and the absence of acceptable options.

At the second level use is made of the computerised Asset Management System to establish further priorities. The criteria include: calculations of shortfall and over provision of space, total usable floor area expressed as a ratio per student; current and potential usages of all space; and graphic modelling of the proposed development options.

Priorities for minor capital works are established using the same principles.

Professor Vinson reported that members of the inquiry team believed that the notion of a project having merit but not being able to be funded deserves more attention than it has received. He stated:

Understandably, the existing policy focus is on assessing priority claims. The policy states that the upgrading of existing schools is determined on a relative basis, taking into account needs, deficiencies, the equity of existing facilities provided, and community expectations.

Professor Vinson suggests:

The availability of the foregoing rating data on applications for major and minor capital works raises the possibility of this information being used as a measure of unmet need.

The latter calculation could be of great utility in assessing the resources needed to bring our school infrastructure to an acceptable standard.

The basic planning questions would include: How many projects of anticipated cost over a specified period have been rejected and for what specific reasons? How many projects have been accepted but are unable to proceed because of a deficiency of funds?

The same logic can be applied to the planning of maintenance.

Since in New South Wales there is an annual assessment of the condition of schools, with each element being rated against objective standards, it ought to be possible to quantify the broad condition of schools and estimate for policy purposes the size of outstanding maintenance liabilities.

School maintenance is carried out under the facilities maintenance contract system where contractors, selected for each school district after a public tender, are required to maintain schools, providing such services as painting, plumbing and electricity infrastructure. The contractor carries out a condition assessment every year. The cost of essential, urgent repairs is covered by school global maintenance funds. Urgent repairs that exceed the budget have to be approved by the Department of Education and Training. It is often the older schools that need the most costly repairs. Of the almost 2,300 public schools in New South Wales, 1,100 are heritage listed.

According to Professor Vinson, data on applications for major and minor capital works and annual school maintenance assessments provide information that could measure unmet need. He received submissions calling for "an effective and transparent asset register within the school system". Behind this request is a belief that such a system would enable the full utilisation of existing facilities and the appropriate and equitable targeting of new capital expenditure. Several submissions to the inquiry called for this effective and transparent asset register, which has given rise to the preparation and introduction of this bill for the Parliament's consideration. I shall now highlight the nuts and bolts of the bill. Clause 4 provides that a register, containing two reports, must be kept and published. Clause 5 defines the schools status report. Clause 5 (2) (e) states that the report is to contain:

particulars of the amount of any additional funding request by a government school for urgent maintenance during the financial year to which the report relates and the amount of any additional funding granted for that purpose, together with a statement of reasons for any refusal to grant any such additional funding.

Clause 5 also sets out the matters that each school status report must contain. The status report is to be included in the annual report of the Department of Education and Training under the Annual Reports (Departments) Act 1985. Clause 6 requires the director-general to prepare and submit to the Minister, within the period of four months after the end of each financial year, a school building plan with respect to building and maintenance work in government schools for the next three financial years. The school building plan must contain information about particulars of works of a capital nature that are to be carried out during the period to which the plan relates, the estimated time frame for completion of the works and the estimated cost of carrying out the works.

The plan must also include particulars of the money to be allocated, out of the money appropriated by the New South Wales Parliament, to carry out works of a capital nature, together with the criteria by which decisions are made about the allocation of that money and how those criteria are applied. It must also include particulars of the money to be allocated, out of the money appropriated by Parliament, to carry out maintenance work for each government school, together with the criteria by which decisions are made about the allocation of that money and how those criteria are applied. The bill provides that a copy of the school building plan is to be included in the annual report of the Department of Education and Training under the Annual Reports (Departments) Act 1985.

It is high time that the Government came clean about the extent of the deterioration in our schools. It must be accountable to the community for its management of this important resource. It is not good enough for repeated complaints to be locked away in departmental filing cabinets and for the Minister to stave off further attention by announcing an audit or making ad hoc announcements of capital funding. I refer, in particular, to media announcements by the Minister only two weeks ago in which he indicated to local schools, particularly country schools, that they would receive some money for school upgrades and school maintenance. However, that allocation was a pittance and went nowhere near the sort of commitment needed to bring schools up to scratch. The Minister is hoping that this will keep schools quiet for a time, that they will stop complaining and repeatedly writing letters to the department and to him.

Proper planning is needed so that parents and citizens associations, principals, teachers and the broader school community need not go through the process of writing numerous letters, holding public meetings and

bringing in the television cameras to highlight the terrible conditions under which teachers and students are working. Schools that desperately need attention only receive it when they publicise their plight through the media and, even then, many fixes are only stopgap solutions.

I conclude by referring to a school in the Minister's electorate that was the subject of considerable media attention when he first became Minister for Education and Training. North Newtown Public School has cracked buildings, mouldy carpets and buckets are needed to catch water pouring in through leaking roofs, and so on. I was astonished to learn that the Minister for Education and Training first visited that school only when he became Minister, despite the fact that the school is in his own electorate and he had been the member for more than 18 years. At first I could not believe that. I suggest all honourable members visit their schools to assure them of our support for this bill, which will establish a school assets register to enable effective planning for the future of their schools. This bill provides a thorough, open accounting of education in this State and I commend it to the House.

**Debate adjourned on motion by Mr Bryce Gaudry.**

## **CHILD DEATH REVIEW TEAM**

### **Reports**

**Mr ACTING-SPEAKER (Mr John Mills)** tabled, pursuant to part 5 of the Commission for Children and Young People 1998, the following reports:

Annual Report—July-December 2002

Fatal Assault and Neglect of Children and Young People 2003.

**Ordered to be printed.**

## **LOCAL GOVERNMENT AMENDMENT (NO FORCED AMALGAMATIONS) BILL**

### **Second Reading**

**Debate resumed from 17 October.**

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [10.30 a.m.]: The Government opposes this bill. The Opposition's bill is not about supporting local government. The Opposition is about increasing the burden on local councils and the communities they serve. The Opposition misunderstands how the Local Government Reform Program is working. The Government has three options for the ratepayers of New South Wales. We can stand by and watch unviable councils slowly die, and let ratepayers suffer, we can do what Jeff Kennett did in Victoria where he redrew all the boundaries himself, ignoring the views of the community, or we can encourage the councils to come up with options for their own future, and provide them with leadership and assistance. All councils across the State have responded to our call for reform—and we are encouraged by the quality of those responses. Councils across the State are working with their communities to develop proposals to improve their operation.

Many of the submissions suggest boundary changes or voluntary amalgamations. Others have developed innovative ideas for improved services. Some suggestions include: boundary changes along catchment management areas, voluntary amalgamations, joint tenders; staff sharing and merged administrations. The Government is serious about reform—getting a better deal for ratepayers—and although not everyone will always be pleased, residents and ratepayers will be the ultimate winners. We have made a tough call because we know that this is in the best interests of local councils and their communities. We are now moving to the next stage. The Government is making sure that communities are involved in this process every step of the way. That is why we have announced more than \$2 million to increase community involvement in reforming local government. This money will go towards regional reviews to be held in areas where the proposals are complex and across a number of councils.

The regional reviews will give local communities the opportunity to take an active role in shaping how councils can best respond to their needs. They will look at possible structures, taking into account local needs and the provision of local government services on a regional or natural resource catchment basis. They will make sure all ideas are considered and recommend the best of them. As part of the reviews, the independent facilitator will talk to community groups, councils, individuals and government agencies to ensure all

stakeholder have a say. The Government will continue to pursue the reform program because it is committed to ensuring that viable, financially robust councils serve local communities. Last year 116 councils spent more than they earned in income. The Department of Local Government has 30 councils on financial watch. That figure should be zero.

Each council should, at a minimum, be fully self-sustaining and have something set aside to cope with unforeseen shocks. Our reforms are aimed at improving councils' financial positions and increasing their ability to service their communities in the future. Proposals contained in the Opposition's bill would require the independent Local Government Boundaries Commission to poll residents and ratepayers who will be affected by a proposed amalgamation of councils or by a substantial boundary change to a local government area to ascertain their attitude to the proposal. At present, when there is a joint amalgamation proposal, a thorough process of community consultation is already required under the Local Government Act. Advertised public meetings, public submissions and postal polls or surveys of electors must be held, or a formal poll must be conducted. In his speech on this bill, the honourable member for Coffs Harbour expressed concern at the cost of structural reform being borne by ratepayers. He said:

If the Government continues with its structural reform process... it must give an assurance to those residents that there will be no extra costs to them.

This is precisely what this bill seeks to do. As I mentioned before, the Minister for Local Government is currently considering a range of proposals with respect to local government reform, including amalgamation, boundary alteration, resource sharing and other reform options. The Opposition's bill would require the boundaries commission to conduct a postal ballot in relation to proposals from every council in the State. The Opposition's bill will then require the boundaries commission to analyse the poll result and include that analysis in its report to the Minister for Local Government on each proposal. Previous postal surveys have cost around \$30,000 for each council for each proposal. In the past these costs have been borne by the councils affected, and ultimately the ratepayers and local communities.

If each proposal for amalgamation or substantial boundary alteration is to be the subject of a postal poll and more than one proposal for an area is received, the costs of conducting such polls would be an enormous burden on ratepayers. I would suggest that this money would be better spent on providing services for residents and ratepayers. The Opposition's bill would also require the boundaries commission to conduct a public hearing in relation to each proposed amalgamation or substantial boundary alteration and have regard to the matters raised at the public hearing. Again, such an exercise would involve substantial costs, and it is councils and their ratepayers who would have to foot the bill. As an example, the Sproats inquiry was conducted in 2000-01 over a six-month period involving eight suburban councils and public hearings. The cost of this inquiry was approximately \$320,000. Councils cannot afford to spend that sort of money, and it is the ratepayers who will wear that cost.

**Mr Andrew Fraser:** Point of order: The legislation is clear in its intent. The Parliamentary Secretary is misleading the House by the comments he is making. I suggest that before he makes such statements, he should read the legislation, and not read a speech that has been prepared for him by someone else.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! I am aware of a ruling by Speaker Rozzoli that a disagreement with another member's point of view is not a basis for a claim of misleading the House. I will endeavour to find that ruling. However, there is no point of order. The Parliamentary Secretary may continue.

**Mr NEVILLE NEWELL:** As I was saying, the Government has already commenced regional reviews in three areas in which the proposals are complex and extend across a number of councils, and there are more reviews on the way. This is a practical solution. It helps councils to build on the good work they have already done in consulting with their local communities and other councils in preparing proposals for structural reform. Meanwhile the Opposition just wants to add another financial burden to councils. There is a clear and transparent framework currently in place for dealing with structural reform in local government, which is assisted by the important work of the boundaries commission and the regional reviews. The honourable member referred to the decision of the Land and Environment Court arising from the challenge by South Sydney City Council to the alteration of its boundary with Sydney City Council. He failed to mention the decision of the New South Wales Court of Appeal.

The decision of the New South Wales Court of Appeal upheld the boundaries commission's processes. In fact, the decision of the Court of Appeal was even confirmed by the High Court of Australia, so it is careless of the honourable member to suggest that the boundaries commission was found to have been remiss in its

duties. The Government's reform agenda is cost effective and will achieve the required reforms to local government, while making sure that residents and ratepayers are fully consulted. As I have explained, the Government's Local Government Reform Program seeks to improve the financial position of local councils. This in turn will allow local councils to better serve their communities now and in the future. We are committed to encouraging councils and their communities to come up with options for their own future, and to providing them with leadership and assistance. Our policy of no forced amalgamations stands. But, in the best interests of the ratepayers of New South Wales, we will continue to pursue reform. I oppose this bill.

**Ms KATRINA HODGKINSON** (Burrinjuck) [10.39 a.m.]: The Local Government (No Forced Amalgamations) Bill would amend the Local Government Act 1993 to ensure that the attitude of residents and ratepayers of a local government area to any proposal to make a substantial alteration to the boundary of an area, or to amalgamate the area with any other areas, is ascertained before any recommendation to proceed with the proposal is made, and for related purposes. I cannot think of an area that would be more appropriate for this bill to be enacted than the Burrinjuck electorate, my local area. Honourable members are well and truly aware of what occurred during the Australian Capital Territory regional review—the farcical review that occurred last month during the parliamentary break. A series of farcical public meetings, which were advertised literally only a couple of days beforehand, were held.

Eight meetings were held over a seven-day period. They were advertised in the *Sydney Morning Herald* and the *Queanbeyan Age* only a couple of days before they were held. I imagine the Department of Local Government would be aware that residents in the areas surrounding the Australian Capital Territory read the *Canberra Times*. But did the department advertise the meetings in the *Canberra Times*? No! Indeed, the public meeting at Boorowa was not even advertised in the *Boorowa News*. The whole thing was an absolute joke. The meetings were held during the school holidays. Notice of them was late. There was a long weekend. They were only one hour in duration. Many of them were held in the middle of the day. They were described as the best kept secret in town. The local sentiment at the meetings was simply, "Leave us alone."

Professor Daly and the local government representative, Robert Bulford, were poorly prepared for the meetings. They estimated that only 50 people would attend the meetings, but some were attended by more than 500 people. And if they had bothered to take notice of the local sentiment in the lead-up to these regional reviews they would have known that local government meetings often have between 400 and 600 people in attendance. A meeting had been held in Boorowa six weeks previously and 600 people turned up at the local central school to talk about local government. What were Professor Daly and Robert Bulford thinking?

The sentiment expressed at the meetings is that this local government reform is simply a further centralising of services by this bureaucratic Labor Government. Ratepayers will have to travel further to pay their rates, which no doubt will be higher. They will be worse off. They are worried that their local areas will be left out of improvement programs and funding. They are worried that councillors will be elected from larger centres and rural areas will be left unrepresented. There will be a loss of employment in country towns, with spin-off effects. Often, local councils are the largest employer in a local community. For example, Aged Services is the largest employer and the local council is the second largest employer in Crookwell, and the local council is the largest employer in Boorowa. It is probably the same in Gunning.

If regional councils are developed, urgent jobs in town will be delayed. The sentiment is, "If it ain't broke, don't fix it." I must say that it is not broken in my area. During the election campaign Labor promised that it would not force councils to amalgamate. I stood on a stage at Goulburn Soldiers Club with the Labor candidate for the Burrinjuck electorate, who was asked: Will there be forced local government amalgamations if the Labor Government is re-elected? He said unequivocally, "No, there will not be any forced amalgamations. Local government will not be interfered with." It is a joke that regional reviews are happening only a few short months after the election. What an absolute joke!

The Minister for Local Government, the Hon. Tony Kelly, issued a press release on 17 September. I got a call from the general manager of Yass Shire Council, who said that he had discovered these regional reviews were taking place only when he read the local paper. Here we have the Minister for Local Government not even consulting local councils, which are about to undergo the biggest shake-up they have ever seen. About 300 people attended the meeting in Crookwell. The councillors at the meeting were not allowed to speak. I spoke for two minutes; I simply said that I would be representing the people in the Parliament. As an elected State representative I was not allowed to speak on a State Government matter at subsequent meetings.

**Mr Andrew Fraser:** It's absolutely disgraceful.

**Ms KATRINA HODGKINSON:** It is an absolute disgrace. At the end of two meetings, one at Gundaroo and one at Boorowa, I went up on stage and took the microphone to let people know that I was in the audience, that I had heard their concerns, and that I would be representing them in the State Parliament on this bill—

**Mr Andrew Fraser:** As you are doing now.

**Ms KATRINA HODGKINSON:** —as I am doing today. After the Mulwaree meeting I was physically pushed away from the microphone—equipment owned by Goulburn Soldiers Club—by a representative of the Department of Local Government. That is simply unforgivable. I now understand that the honourable member for Clarence has been invited to speak at all of the regional review meetings held in his electorate. I am glad that raising that matter publicly has had an effect, because it was disgraceful. The bullying tactics that have been used are absolutely disgraceful.

The hall was packed for the regional review meeting at Gundaroo on 3 October. Many people wanted to comment and we heard some moving submissions about the fact that there is no child care in Gunning. Working mums would have to travel for several more hours if they worked in Canberra or elsewhere. Gunning school is small, and one fewer child enrolled could mean the loss of a teacher. Council employees spend money locally; they keep businesses afloat. Those who spoke at the meeting included the former shire mayor, Mr McKay, Shirley Petty, Tom Petty, Kevin Tully from Biala, Paul Wyer, who is a contractor who relies on staff at the council, Jeff Strang, Peter Andrews from Gunning Post Office, who is a small business owner who depends substantially on Gunning Shire Council and the RTC for postal contracts, and Bill Heffernan from Biala.

Several people spoke at the meeting held at Murrumbateman on 7 October, and the Yass regional review was a smaller meeting. Sid Dobbin said, "Will you be coming back to Yass at a more convenient time, because farmers can't get to a 12.30 p.m. meeting and people working on the main street can't leave their shops?" That meeting was only an hour long. The whole thing was an absolute joke. The *Yass Tribune* of Friday 10 October ran a story that the Australian Capital Territory was looking to expand its borders. People could not get answers to their questions at these meetings on the regional reviews. It was very confusing all round.

About 500 people attended the meeting in Mulwaree shire. The meeting was delayed by 20 minutes to enable the room size to be increased to accommodate more chairs. Professor Daly said that there had been a logjam of submissions from Mulwaree shire. I do not know how many submissions were received from residents, but an answer on yesterday's Questions and Answers paper states that only one submission was received from Mulwaree Shire Council. At the meeting David Humphries spoke passionately about the need to ensure that Mulwaree Shire Council remains a single entity shire council. Darryl Dubair from Gundary also spoke. Terry Haines from Middle Arm wants to keep things as they are. Mal Cross from Gundary said, "We live in a democracy that is designed to have elected representatives." Rachel Oates-King from Greenwich Park said, "Our council is terrific. We don't have a problem. We want to carry on as we are so let us go home and scrap the whole idea."

Daniel Vera from Tarlo said, "Bob Carr doesn't like doughnuts or councils under 5,000 people. This doesn't make sense to me. If we get swallowed up we'll cease to be an entity. We live in villages. We are not city folk. It's not fair. Bob Carr is taking on a *Yes Minister* stance. If it's been announced it must go ahead." Rachel Davies from Marulan said, "We'll have no councillors under an amalgamation. Do you look at major changes to local government first and then look at boundary changes next?" Craig Mizon from Taralga spoke very well. Lisa Cooke from Mulwaree and Albert Berman from Towrang also spoke. There were many speakers that night. It was a passionate and strong meeting. Of course, people tend to get personal at these strong and passionate meetings. I will not put in *Hansard* some of the comments made at the meeting; I think honourable members get the message. In an article entitled "People's choice" in the *Goulburn Post* of 10 October Louise Thrower said:

The depth of residents' feeling at last night's regional review meetings may very well determine the nature of a City submission to the inquiry being undertaken by Professor Maurice Daly.

There has been plenty of media attention in relation to this matter. Another headline in the *Goulburn Post* on the same day states "Shire has spoken". In relation to the meeting in Goulburn, the headline in the *Goulburn Post* of 13 October is "'Pull together' say meeting's speakers". At the Goulburn regional review meeting the former mayor of Goulburn City Council, Tony Lamara, spoke well. Lindsay Cosgrove said that he was ashamed that 95 per cent of the audience was from Mulwaree. He said, "Why aren't more Goulburn people here? Three councils have been trying to pick the carcass of Mulwaree Shire Council. Our council now doesn't communicate with us. We don't know what is going on."



That was the tone of the meeting. Father Peter Mylonas said, "Let's not start attacking each other. Mulwaree has its richness and lifestyle. We have a vibrant city buzzing during the week and on weekends. They are two very separate areas. Mulwaree Shire Council is a very rural shire council. Goulburn City Council is a very urban council." Keith Simpson, who spoke passionately, said that father would be pitted against son. The President of Wollondilly Gardens, Ken Payne, spoke very well. The former editor of the *Goulburn Post*, Maryann Weston, said that there had been an absence of consultation, and that a plan put forward by Goulburn City Council would affect local residents for years.

Maryann also said that neighbour has become pitted against neighbour. Goulburn and Mulwaree communities have to work together, and she hopes that an opportunity for future consultation is given. I also received a copy of a large submission from the Riverina Eastern Regional Organisation of Councils [REROC] into the inquiry into local government amalgamations in New South Wales. The submission was signed by Councillor Braybrooks, the chairman of that organisation. The submission sets out in simple, straightforward terms, REROC's response to the terms of reference. I seek leave to table the submission.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! The standing orders make no provision for private members to table information. If the honourable member for Burrinjuck wishes to leave the submission on the table, other members may avail themselves of the opportunity to read it.

**Ms KATRINA HODGKINSON:** Thank you, I will leave it on the table. On a recent regional tour I passed through Braidwood. I stopped at the Braidwood Visitor Information Centre and purchased a tea towel on which is printed "Tallaganda Shire" and a depiction of the surrounding roads and towns. A lady at the visitor information centre told me that this tea towel could soon become a collector's item. People are very nervous about local government amalgamations. The meetings I attended were very passionate and left me in no uncertainty about the reaction and response of local people to the proposal. This morning I have put my argument as passionately as I can. No-one should have to go through the same experience I went through with these regional reviews.

Obviously I would rather have spent the parliamentary break, which coincided with the school holidays, with my daughter and my husband doing things around the electorate. Instead, this series of meetings regarding the regional reviews was rushed upon us. I attended every meeting, as a local member should on a topic such as this. This proposal has caused much angst and anger in the local community. I hope that members on the Government benches who represent rural areas will vote with the Opposition on this bill.

**Mr GREG APLIN (Albury) [10.52 a.m.]:** I support the Local Government Amendment (No Forced Amalgamations) Bill because seldom in country areas has so much angst been caused by a rushed decision, which bears no relationship to any announcement prior to the election. That is one of the central points that people feel very concerned about; they feel well and truly let down by the Government because it has pushed them into a situation that has pitched council against council. This proposal has caused anxiety, concern, tribulation and, in some cases, enmity between organisations that should be working co-operatively for the benefit of the local people, and thereby contributing to this great State.

Much time, energy and anxiety has been put into this proposal—yet for what purpose? If the proposal had been thought out and subjected to community consultation, people would have met and seriously discussed its benefits. But no benefits have been outlined. There is no doubt that the Premier and the Minister for Local Government have many small, rural shires clearly in their sights. We know that principally those are the 43 country shire councils in New South Wales with a total income of less than \$10 million and populations of fewer than 5,000. The Premier and the Minister made a number of broad-brush statements, including that those councils are not viable and cannot provide effective and efficient service deliveries to their residents. Of the 113 shires association members, 27 are on the Department of Local Government financial watch list.

Let me make it clear: The above statements do not apply to the Culcairn Shire Council or the Hume Shire Council, both of which are targeted under this current pressure by the Government. In case the Minister stands by his recent words that people were, as he said "volunteering" submissions to him, let it be remembered that the Premier said he would crack the whip if no submissions were forthcoming. I do not call that volunteering submissions, I called it reacting. If there was no reaction it was clear that amalgamation was to be imposed on the councils—hence this bill for no forced amalgamations. Clearly the bill is in response to the words of the Premier, a matter from which he cannot escape.

I had the honour—I suppose it could be called that—of introducing the Minister at a dinner celebrating the 100th anniversary of local government in Corowa. On that night the Minister spoke well, and steered clear

of being too political. However, he made it very clear that he intended there to be change and a legacy following his ministry. It is quite clear that amalgamation is being imposed, it is not of a voluntary nature. Culcairn Shire Council has worked closely with a number of community organisations to provide a level of facilities that would otherwise be unachievable. That is one of the strengths of local government in rural areas. Culcairn council is a vibrant, financially stable unit of local government. The 2002 Audit Report commended the council on its efforts in maintaining and improving its financial position. That council is not on the department's financial watch list, as Culcairn council says very clearly in its outline to its residents.

All councils and ratepayers have held community meetings, because they are so concerned. It is unusual for a matter to be of such deep concern in a country area that it can attract upwards of 500 people to community meetings. Those meetings were held during periods when the people felt really under threat. The Culcairn Shire Council is involved in significant resource-sharing activities, as is the Hume Shire Council with the Riverina Eastern Regional Organisation of Councils [REROC] and neighbouring shire councils; and there are demonstrated benefits to the residents of Culcairn shire. After all, one of the thrusts of this move by the Government is to ensure that there is a spreading of resources and a sharing of resources. This is already taking place and I encourage that. It is worthwhile for country areas to do that, but let the Government consult, not impose.

Let us also remember that the Culcairn shire is one of the largest employers within the shire and any amalgamations would have a devastating impact on the economic and social integrity of the communities. This holds true for many of our regional local governments. The Culcairn, Hume and Corowa shires do not support amalgamations that are not community driven. They see the process currently undertaken by the State Government as an attack on local democracy. Local employment and local control of the communities are under threat. I have spoken at some rallies on that issue. I looked for the benefits, for the consultation, and I called for that soon after the announcement in May. What is happening now? Belatedly we are achieving something, only a small step in that direction, called regional reviews. One area that has been targeted, the Hume shire, has not yet been advised of the regional review which might affect its future, its very viability, its very livelihood.

Hume has been targeted for amalgamation within Albury. Its rates, its services, are under threat. It is clear to everyone that rates do not stay at the same level but increase when councils are subsumed into larger councils. Newspaper headlines focus on concerns about super-councils, because that is just down the track. All these concerns are being expressed because the Government is not expressing itself clearly and does not have a clearly laid out agenda. Therefore, conjecture has arisen that super-councils, based perhaps on catchment areas, may be created. Is that truly the Government's intention? Does the Government intend to impose super-councils, based on catchment boundaries, throughout New South Wales? If that is so, let the Government be clear about it. At this stage the Government is causing angst, and that is not productive.

The Government promised there would not be forced amalgamations. People remember that. The first pre-requisite for amalgamation is to ask does the community want it? That is the question that the people are asking, and the Culcairn shire residents have answered with a resounding no. The Hume shire residents have been equally outspoken in that regard. Regional community identity would be lost if smaller councils are subsumed into larger councils. Citizens have expectations about local government, as it is the one area in which they can contribute and have direct control. People would feel powerless if they were forced to be part of a super-council that is responsible for an enlarged area. There is a strong sense of community pride in the shires. If the boundaries are stretched, that sense of belonging and community involvement will be lost.

It is not so much the number of people; in regional areas it is the kilometres, the tyranny of distance, and this Sydney city-based Government does not remember these problems. I can give a myriad examples of centralisation where the major administration has moved into a foreign area with no local knowledge. This is what we fear about forced amalgamations. The experience of local government in Victoria is very close to those people living on the border. They could give many examples to show that this has not been of benefit to local communities. The Government would do well to consult and look before imposing.

The Culcairn shire has built an economically viable and wealthy shire. Why should this be redistributed into other shires where such wealth is lacking. Bureaucrats seem to think that bigger is better. We believe it is not. Culcairn shire residents are kept extremely well informed by their local council, which keeps in touch with them and has an open-door policy. Will that be the case under a super council? Experience again suggests that will not be the case. Culcairn shire is already resource sharing with the REROC. It saves an incredible amount of money through this process. That is to be encouraged and will continue into the future unless changes are forced upon the shire. Accessibility and approachability are some of the central issues of local government at the moment.

One of the problems that has occurred with local government—and we look south of the border—is the loss of shire staff jobs. As I mentioned, so often the largest employer in country areas is the council. Another problem is the inequitable rates policy that comes about, and the downgrading of shire offices and senior staff that we have seen in other areas where amalgamations have occurred. We could go into considerable detail on the amount expended on consultants' fees, but let us steer clear of it. It is a problem that should be avoided.

The general loss of service, the loss of accountability and transparency in governance, the loss of assets, especially the fire sale of plant, the loss of council dealings with local businesses—that is, their relationship with banks, post offices and the tender process—and the loss of tourism status are all things that could happen in a large amalgamated area. After all this, there is the alienation of the community from the decision-making process. Is this not what local government is all about? We do not believe there is a future in forced amalgamations. That is why I support this bill and commend it to the Government.

**Mr ANDREW FRASER** (Coffs Harbour) [11.02 a.m.], in reply: Over the past four or five months one of the saddest things I have had to do is travel around New South Wales and speak to councils that have been told by the Government that if they do not lodge submissions for structural reform—the other description for structural reform is amalgamational boundary adjustment—the Government will do it for them. Those councils, across the length and breadth of New South Wales, expressed their concern to me and basically said they do not want to do it, but the Premier and the Minister for Local Government are forcing them to do it. Communities have now been divided.

I have said this before in this debate, and I reiterate it: there are predators and prey. Councils have been forced to look over their fences into their neighbours' backyards and have said, "We will take a slice of your turf," for no reason other than the Government, in its blind rush to reduce the number of local government areas in New South Wales, has forced communities to make submissions that they did not want to make.

**Ms Katrina Hodgkinson:** Some councils have made multiple submissions.

**Mr ANDREW FRASER:** As the honourable member for Burrinjuck says, some council areas have made multiple submissions. The Yarrowlumla area has made nine submissions. There is a state of confusion within councils. As a result, to the chagrin of the people in regional New South Wales, the Minister has decided to implement these regional reviews, and has allocated \$2 million for that purpose. That is \$2 million of taxpayers' funds which, as the Parliamentary Secretary said this morning, would have been far better spent in other directions. If the Government had attended to the unfunded mandate on councils and kept them abreast of legislation and regulations they had to implement and fund, without assistance from the Government, this name and shame list that the Minister puts out on an annual basis would not exist.

I am the first to admit that some councils in New South Wales seek, and will continue to seek, voluntary amalgamation. In the Peel Valley area, the Tamworth, Parry and Nundle shire councils decided to tell the Government they would amalgamate. Rather than being content with that, the Government decided to include Manilla. Currently circulating in Manilla is a petition signed by 50 per cent of the community—more than 10,000 names are on that petition—saying they do not want an amalgamation and, if they are forced to amalgamate, they do not want to go to Tamworth, they would rather go to Barraba. The Minister then got a bit more greedy and included Barraba and Quirindi in the assessment. So a total of six councils could be amalgamated in the Peel Valley.

There have been private talks between Quirindi and Tamworth councils, which agreed that when the carve-up comes Quirindi can have Werris Creek and Currabubula and a bit from the western side of the range at Murrurundi, and everyone will be happy. While they were doing their deals behind closed doors the Minister had another idea. He decided he would amalgamate six councils. What started in the Peel Valley as a process supported by the community to amalgamate three councils has yet again turned into a civil war. Murrurundi is a small community with a small, proactive council that has the full support of the community. It is financially sound, but it does not meet the criteria that the Minister and the Premier laid down. It does not have a turnover in excess of \$10 million and does not have more than 5,000 ratepayers.

Therefore, under the broad, sweeping statements made by the Premier and the Minister, according to the Local Government and Shires Associations media releases, it is not a viable council. It is. If the Government takes 43 jobs out of Murrurundi it will kill that community. The business centre in the town at Murrurundi will die. I am sure the Parliamentary Secretary did not read the speech that was prepared for him before he came into the Chamber. He said that the proposal we are putting forward will destroy communities. What the Government

is proposing under this structural reform—or forced amalgamational boundary adjustments, which it really is—will kill those communities. It will destroy small towns like Murrurundi. Their representation will be less than it has been.

The Parliamentary Secretary lives in one of the smallest electorates in New South Wales; many local government areas in New South Wales are much larger than his electorate. Those people do a very good job for very little remuneration. It is basically costs returned. The constituent representation in these local government areas will diminish. There is no guarantee that a ward system will be brought in. It is quite possible that a super council in Tamworth incorporating Quirindi, part of Murrurundi, Barraba, Bingara, Nundle and Parry shires will not have representatives from those areas. People living in those outlying areas may not have any money spent in their local government areas, because they have no representation.

If the representation is focussed on the major centre, it is obvious that the funding will be spent on the major centre. It is obvious that those people will be forgotten. Conversely, if councils are amalgamated, a council may be in a very strong financial position and may inherit road works and bridge works that this Government has failed to fund over the past eight years. People in the larger areas will end up with rate increases because they have to fund vital infrastructure in outlying areas that the Government has ignored for eight years. Some councils—for example, Orange, which is one of the highest rating councils in New South Wales—have indicated that following a takeover they will increase rates. And they will increase rates substantially, not just by 5 or 10 per cent. Yarrowlumla Shire Council has informed me that the base rate will increase by 150 per cent if the council is taken over by Queanbeyan City Council.

**Ms Katrina Hodgkinson:** Will there be rubbish collection services?

**Mr ANDREW FRASER:** The honourable member for Burrinjuck inquires whether there will be rubbish collection services. There will be no collection services. The only rubbish we get from the Government is the rubbish that comes out of this House. The people of Yarrowlumla shire will be disadvantaged by a neighbouring council, in concert with their new local member, taking over the their council. On a couple of occasions the honourable member for Monaro has criticised me in the House. I know that he is a new member, but if he wants to attack me personally he should do so by way of substantive motion. He should also explain to the Parliament and to his constituents in Yarrowlumla shire why on 19 February 2003 the *Tallaganda Times* reported him as saying:

Labor continues to have a policy of no forced amalgamations and that the policy will be in force during the term of the next Carr government.

The only reason the council would become amalgamated would be if the council wanted to.

In supporting Queanbeyan council's proposed takeover, the honourable member for Monaro has deserted the people of Yarrowlumla. He has lied to his electorate by publicly stating there will be no forced amalgamations. Representatives of Yarrowlumla Shire Council have informed me that the shire does not want to amalgamate. Under the process commenced by the Minister for Local Government there is a proposal for a rural lifestyle council, which I believe has some merit. The proposal, once again, takes into account councils in surrounding areas.

There is great angst in the community. A review was undertaken in the southern shires. Although neighbouring councils are eyeing Boorowa, it did not believe that it was to be altered. At a meeting in the area the overwhelming sentiments of the people were expressed by Nick Burton-Taylor and Andrew Mitchell. The meeting was told, "We are not part of the Australian Capital Territory region. There is no community of interest." Many speakers were passionate and articulate. Mr Mitchell said to the 500 people at the meeting, "To lose the council is the beginning of the end of our local services." That sums up the attitude of all councils in regional New South Wales. For example, in the Orange and Bathurst area, the people of Evans shire are distraught at the prospect that their council will be wiped out by an amalgamation.

The headlines in local newspapers read: "Evans in 'super' council proposal", "Canobolas city?", "Cabonne will fight", "Noxious weed funding linked to amalgamations", "Merger decision before council", "City's suspect motivation for merger", "Councils 'flying blind' on boundary reform", "Davis says Carr, Kelly must talk", and "Councils' debate lacks leadership". A headline in the *Western Advocate* on 29 September states: "Martin leads anti amalgamation protest". When I read the headline I thought that relatives of the honourable member for Bathurst were going to fight the Government. But the article states:

MP stands up to his own party

Few politicians would have done what Gerard Martin did at Oberon on Saturday.

Mr Martin braved snow and wintry weather to protest against the Labor party's changed policy on NSW local government reform.

He walked shoulder to shoulder with Mayor of Oberon, Bob Hooper and Oberon No (forced) Amalgamation Group (NAG) chairman, Geoff Bestwick in the Daffodil Festival parade.

"Very, very few politicians would have done what Gerard Martin did", Mr Bestwick said yesterday.

Good on him! I will be pleased to see the honourable member on this side of the House when we divide on the bill. The Government will have to get another teller. Obviously, from what the honourable member told the people of Oberon, he will be voting with this side. The article continues:

People cheered Gerard, he won a lot of friends.

"Few politicians would have done what Gerard did, marching against an obvious turnaround in ALP policy since the March elections, when Labor said there'd be no forced amalgamations."

"Gerard feels very strongly Labor went into the election saying it wouldn't force amalgamations and the ALP is now forcing changes," Mr Bestwick said.

"He feels strongly about it, just as members of Oberon council and NAG does.

Mr Bestwick said snow and cold weather ruined the Daffodil Festival parade.

The cold weather was as a result of the bucket of cold water thrown on the community by the Premier and the Minister for Local Government. Good on the honourable member for Bathurst! I will be pleased to see him on this side of the House when we divide on the second reading of the bill. I will write to all the people he told he would support in their quest for no forced amalgamations to tell them that the honourable member for Bathurst has backed his rhetoric in the electorate by voting with the Coalition. The honourable member for Monaro will also be supporting us, because during his election campaign and after his election he told his electorate that there will be no forced amalgamations.

The people in Yarrowlumla will be proud of the honourable member for Monaro for voting with the Coalition today. If he does not, it will be proof that he has been untruthful. In the past few weeks the honourable member for Monaro has tried to slander my name in this House on behalf of his good friend Mr Pangallo. In a debate in this House I labelled Mr Pangallo's council a "Labor-led council". If Mr Pangallo does not support the Labor Party, why did he, on 17 March, write to every household urging residents to vote for the honourable member for Monaro?

**Mr Thomas George:** A good touch.

**Mr ANDREW FRASER:** It is a good touch. The cost of distributing that letter to 30,000 households amounts to \$15,000, plus printing. Who paid for that? Was it the Labor Party or the council? I want Mr Pangallo to answer my questions. He can circulate defamatory material about me and have his good friend the honourable member for Monaro back him up in this House, but I want him to answer my questions. He should tell us where the money came from and why he backed the Labor Party.

**Ms Katrina Hodgkinson:** Perhaps the honourable member for Monaro could tell us.

**Mr ANDREW FRASER:** Perhaps the honourable member for Monaro could tell us, but the honourable member told his electorate that he would not support forced amalgamations.

**Mr Thomas George:** Where is he now?

**Mr ANDREW FRASER:** He is probably hiding in his office. I challenge the so-called Country Labor faction—and one of the loudest voices of the faction, the honourable member for Murray-Darling, is present in the Chamber—to support this bill, which enshrines democracy in New South Wales for those who support their local government. The bill does not prohibit amalgamation. It provides that if there is to be an amalgamation of more than one shire a poll must be taken. Further, it provides that if a boundary is to be changed by more than 10 per cent a poll must be taken. I refer to the comments by the Parliamentary Secretary in his speech this morning. The honourable member for Tweed should read the bill rather than just read a prepared speech.

The bill provides that the Department of Local Government—therefore the State Government—will pay for the cost of the poll. The ratepayers will not pay for the poll. The ratepayers will pay for this policy that is being forced on them by the Government. Interestingly, there is not much happening in the electorate of Tweed. Is it because the margin of the honourable member for Tweed is too fine? On numerous occasions in this House he has attacked his local government. But he has not suggested any reforms by way of amalgamation or boundary adjustment, because it would be political suicide.

**Mr Thomas George:** Even the ratepayers have asked for it up there.

**Mr ANDREW FRASER:** As the honourable member for Lismore said, some of the ratepayers have asked for amalgamation, but the honourable member for Tweed has said nothing about it. He does not want an amalgamation or a boundary change in his district because he knows that he will pay for it electorally in 2007. If the Minister had had any sense, if he had not opened that top drawer the first day after he was elected and found the file left by Harry Woods and signed off by the Premier, he would have said, "Right, we will have the elections in September this year as originally intended, and we will open the process to public comment over the next four years of structural reform." I have suggested to the Minister on a number of occasions that structural reform can come in many forms.

The Minister need only look at the regional organisation of councils in Newcastle to see that it is doing a fantastic job. I am meeting with that organisation in a couple of weeks. The councils are combining on a number of fronts to ensure that all ratepayers in their respective local government areas get the best bang for their buck and the best local representation possible. The Riverina Eastern Regional Organisation of Councils [REROC] has been up and running for five years. It has spent \$100,000 a year in operational costs and in the process managed to save ratepayers \$5 million. That is what structural reform is all about.

Why not talk to those councils about sharing resources? Why not talk with them about what the people want? For example, they could have council X looking after information technology issues and pouring resources into that area and council Y looking after road maintenance and building. That is what the REROC is doing and it is doing it well. However, unrepresentative super councils are being forced on the area, councils are losing staff and income, and towns such as Murrurundi are running a "Bugger off Bob" campaign. Those people do not wish to see their community of interest destroyed, their rates increased and services diminished. That is the bottom line.

I have asked the Minister and the Premier on numerous occasions to provide a guarantee that under these so-called amalgamations the people of New South Wales will not be disadvantaged and will not face increased rates but will enjoy increased services. We have not been given that guarantee, which demonstrates that the process is flawed. I will happily support the Government if it goes ahead with the council elections as intended in March with the current boundaries and then undertakes a four-year process of structural reform in full consultation with the local community. The Minister indicated last week that council elections will be delayed.

**Mr Peter Black:** No he didn't.

**Mr ANDREW FRASER:** Yes he did. The honourable member for Murray-Darling shakes his head. The Minister indicated publicly in last Saturday morning's *Sydney Morning Herald* that there will be delays in local government elections. If these arrangements for boundary adjustment, merger or amalgamation are not completed by 16 December—and it is impossible to meet the current requirements of the Act and have them completed by then—the elections could be delayed by up to five months.

**Mr Peter Black:** You said that they would generally be delayed.

**Mr ANDREW FRASER:** Elections will be delayed in 50 council areas in New South Wales.

**Mr Peter Black:** The rest will proceed in March.

**Mr ANDREW FRASER:** The rest will be delayed. Elections in those areas in which candidates have already been preselected to maintain the Labor blend of the council will go ahead. That is guaranteed. Only the out-of-sight, out-of-mind areas in regional New South Wales will be affected. It will be very interesting to see how welcome the Hon. Tony Kelly is in his home town of Wellington.

**Mr Tony McGrane:** It is in my electorate.

**Mr ANDREW FRASER:** I was about to mention the honourable member for Dubbo. The Minister was general manager of Wellington Council. The amalgamation of Wellington and Dubbo councils is opposed by local communities. The former mayor of Dubbo knows that it will not work. When he goes home at the weekend the Minister sends his kids out to get the newspaper because he is not game to go down the main street. Of course, I am joking. I feel sorry for the Minister in the other place because he realises what is going on. He is implementing an agenda imposed on him by the Premier—an agenda which was originally designed by Harry Woods, the previous Minister, and which will see regional and rural New South Wales disadvantaged. The people of those areas do not want that agenda.

I urge Country Labor members and the Independents in this Parliament to support the Opposition. As I said, we know that the honourable member for Monaro will support us because he stated publicly in February this year that he would not support forced amalgamations. We know that the honourable member for Bathurst will support us because he walked with the people to support the campaign for no forced amalgamations. I ask honourable members to support the people of regional and rural New South Wales by voting for this legislation, which will give them a democratic process and an opportunity to voice their opinion on structural reform or amalgamations and boundary adjustments, because that is what this is about. I challenge the Minister to abandon this process, to have all the council elections in March and to undertake structural reform over four years with full public consultation. I commend the bill to the House.

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

**The House divided.**

**Ayes, 30**

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

**Noes, 46**

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

**Pairs**

Mr Roberts	Mr Iemma
Mr J. H. Turner	Dr Refshauge

**Question resolved in the negative.**

**Motion negatived.**

**LOCAL GOVERNMENT (NO FORCED AMALGAMATIONS) BILL****Removal**

**Mr SPEAKER:** Order! In accordance with Standing Order 164, as the question on the second reading of the Local Government (No Forced Amalgamations) Bill, which was introduced by the honourable member for Coffs Harbour on 4 September, has been determined, I direct that the order of the day for the second reading of an identical bill of the same name received from the Legislative Council on 17 October be removed from the business paper.

**CARR LABOR GOVERNMENT THIRD TERM OF OFFICE****Debate resumed from 16 October.**

**Mr ANDREW TINK** (Epping) [11.36 a.m.]: The motion moved by the honourable member for East Hills asks the House to note that this Labor Government is the first government in Australia's history to be elected for three consecutive four-year terms. I would add to that motion the words "by deceit". On the last occasion I referred to a number of brochures circulated in connection with the election campaign that were dishonest and deceitful, and in fact contained lies. I am sure that those brochures materially affected the votes of a number of people who put this Government back in office, and that had those people known the truth they would not have voted as they did. On the last occasion I went through a number of examples. But the cracker of all was that during the election campaign the honourable member for Cabramatta circulated an infamous brochure that said, amongst other things, "Gaol, not bail, for repeat offenders". As we all now know, and as legislation that passed through the Parliament since the election has proved, that was a complete and utter lie.

The Premier—this must be his idea of a joke—then had the temerity to make the honourable member for Cabramatta the Minister for Fair Trading. On 17 September the Minister lectured members of this House about the importance of not making false and misleading statements in documents. As the honourable member for Cabramatta, she was happy to circulate false, deceitful and lying documents so that she could get as many votes as possible to ensure she was re-elected. However, as Minister for Fair Trading—appointed by the Premier as a joke after the election—she now says it is wrong to issue false and misleading statements.

**Mr Paul Lynch:** Point of order: My point of order is that the honourable member for Epping is now launching a personal attack upon the honourable member for Cabramatta, the Minister for Fair Trading.

*[Interruption]*

Despite the interjections from the Opposition, if the honourable member for Epping wishes to launch such an attack, he must do so by way of substantive motion. He cannot launch into that sort of attack when the motion before the Chair does not relate to that issue.

**Madam ACTING-SPEAKER (Ms Marianne Saliba):** Order! I uphold the point of order. The honourable member for Epping will keep his remarks relevant to the motion.

**Mr ANDREW TINK:** I am indebted to the honourable member for Liverpool for his point of order, because he summarises my point precisely. I suspect that the honourable member probably privately agrees with my sentiments. The Government's deceit does not stop with those sorts of brochures; it extends to a range of other matters. For example, before the election public statements were made about the issue relating to the Rail Infrastructure Corporation and the terrible tragedy that resulted from the Menangle bridge incident, which occurred in the middle of the election campaign. Prior to the election the then Minister for Transport said, "On 11 March I received a briefing note from the Rail Infrastructure Corporation."

When the Minister went down to the Independent Commission Against Corruption [ICAC] after the election his sworn evidence was, "That did not happen until 25 March". He gave one version of events in the lead-up to the election and another version of events to the ICAC. That is the type of lying and deceit that got the Government its third term. Unlike the honourable member for East Hills, we say there is absolutely nothing to celebrate about the Government's third election, which was won through lies and deceit. It gets worse. The same Minister spoke before the election about the tremendous initiative of bus transitways. So appalling was his superintendence of the public transport network that he was removed from that portfolio after the election. It was another of the Premier's little jokes, another of his little deceits—"We will let this guy promise the earth until 26 March, then we will move him".



Who was put in to replace him? They put in a troubleshooter, Michael Costa, who promptly said, "This transitway nonsense the Minister for Transport was going on with before the election is complete garbage. It doesn't work." That is on the post-election record. The people of Western Sydney, including those in the electorate of Smithfield, were diddled by all the claims about a transitway, which the current Minister says are nonsense.

That is also the case in my electorate with the Chatswood rail link. Up until the time of the election we had all these promises from the Minister for Transport about how there would be a link from Parramatta to Chatswood. More deceit! No sooner was the election over than the Premier, well knowing that the proposals of the Minister for Transport could not be delivered from a budget point of view, promptly moved him on and Mr Costa again came in to sweep up the mess and break another election promise. That is further strong evidence of the deceit behind the Government's re-election.

In the past few days the shadow Minister for Education and Training has been doing a great job dealing with the deceit on education issues during the Government's re-election campaign. As recently as 29 October the shadow Minister pointed out that the Government is trying to dodge questions about its dishonest claims before the election that there would be no job cuts and that its education promises were fully funded. As recently as this week the shadow Minister for Education and Training has been trying to get that matter up for debate in this House. But the Government uses its numbers to prevent the matter being debated because it is an embarrassing reminder of a pre-election promise. The Government says, "We don't want to hear this, you are not having your debate."

What the Government has done to clubs will come back to haunt it big time over the next few years because it will have a devastating knock-on effect on the club movement. Before the election Michael Egan, the little guy who comes in here from time to time to talk to us without us being able asked any questions about his budget—

**Mr Alan Ashton:** Point of order: we have had a fairly robust debate but I do not think there is any need for the honourable member for Epping to reflect on the size of certain honourable members of Parliament, in the upper House or lower House.

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

**Mr ANDREW TINK:** That person—however he is described, whatever his height—told the clubs before the election that they had nothing to fear from him. Here was a promise before the election to Labor's heartland, "You in the club industry have got nothing to fear from us." The year is not yet out and the club industry is fighting for its very life. Clubs will go under, after this person of indeterminate height said before the election that they had nothing to fear from him. They will be out of business. This is not a third re-election to celebrate. This is a third re-election to condemn because it was bought on deceit and lies, and those who were actively involved in the deceit and the lies have been promoted by the Premier who treats the whole thing as a giant charade. I move:

That the motion be amended by adding the words "through deceit" at the end of the motion.

**Mr PAUL LYNCH (Liverpool) [11.44 a.m.]:** I support the motion as originally moved and I oppose the amendment moved by the honourable member for Epping. We have just seen an interesting case study in unresolved grief. The honourable member for Epping obviously has extraordinary grief issues about the fact that his side of politics lost the last election. After the 10-minute rant we have just heard from him, one would have thought that the Opposition had won the election, or, if it did not, it was a mistake and somehow or other the people of New South Wales got it wrong. I am terribly sorry that I have to make the point: members on this side of the House are over here because we won the election. However difficult that might be for those on the Opposition benches to accept, it is undoubtedly the truth. To move from that undoubted truth and undoubtedly accurate assessment and say, "The people of New South Wales made a mistake, they were conned, they were lied to, there was all this deceit" is absurdly rhetorical. What does it say about the people of New South Wales? Does the honourable member for Epping think that the electorate is stupid enough to be conned?

**Mr Peter Black:** He lives in hope.

**Mr PAUL LYNCH:** To extrapolate the comment from the honourable member for Murray-Darling, I suppose it is a reflection of the triumph of hope over experience that the honourable member for Epping believes that the electorate got it wrong. In terms of the precise issues he has raised—and he mainly spoke about

bail—the problem with his argument was that some members perhaps used the leaflets that he spoke of. Many members did not, yet the result was largely uniform across the State. To suggest that, therefore, that issue had a significant impact upon the result does not seem to flow as a matter of logic or as a matter of commonsense.

The mantra "We were robbed, they stole it from us, it wasn't fair, isn't it nasty?" is the perpetual cry of losers, of those who cannot get the confidence of the electorate and were punished appropriately. In a sense, the behaviour of members of the Opposition subsequent to the election is justification for people having rejected them in March of this year. The result was extraordinary in a range of ways. I am certainly delighted at the result in Liverpool. We won every booth, as would have been expected on the basis of previous results. In Liverpool the final two-party result was 80.7 per cent of the vote for the Labor candidate. It is worth making the point that the primary vote for the Labor candidate in Liverpool was 69.6 per cent of the vote, which is the highest percentage of the primary vote of any Labor candidate in the last State election.

*[Interruption]*

The Independent interjects. Members will note how carefully I phrased that last comment so I did not trespass upon the point that he was making. That represented a 2.1 per cent swing to Labor in Liverpool at the last State election. In a sense that was typical of many of the results in south-west Sydney. The electorate of Menai had a 5.3 per cent swing; the electorate of Camden had an 8.9 per cent swing. Menai is at the eastern extremity of the electorate that I represent, Camden is at the western extremity. Despite the rantings and ravings of the honourable member for Epping, I believe that those strong figures in south-west Sydney are the result of achievements over the past few years. People are far more interested in what has happened than what is said will or will not happen in the future.

Despite criticisms that are sometimes made of the Government—indeed, they are sometimes made of it by me—one of the significant things about the Government's achievements is the provision of basic infrastructure in south-west Sydney: Liverpool Hospital, Liverpool railway station, the widening of Hoxton Park Road, the transitway, which is a great achievement for south-west Sydney, the widening of Cowpasture Road and the development of the M5 East. All of those achievements reflect a government that is not simply looking after marginal seats but is trying to represent the entire community. If there is a criticism to be made of the Wran governments of the past it is that despite their great achievements, they perhaps overemphasised chasing marginal seats and marginal votes.

I believe the Labor movement has learned a lesson from that, and that has led to the achievements I have mentioned in the provision of public infrastructure. That often flows through the results that we are talking about, so that extraordinarily strong results are achieved not only in Liverpool but in electorates such as Menai and Camden and across the entire south-west of Sydney. At the end of the day in a democratic structure the people are always right. It cannot be said that the people are wrong because they were conned or because the Libs were robbed, or whatever. That is an extraordinarily puerile and inadequate response to an election result. If that is the best response the Opposition can give, its members are condemned to be on the Opposition benches for a long time.

**Mr STEVEN PRINGLE** (Hawkesbury) [11.49 a.m.]: Today the Government is again wasting the Parliament's time by debating this self-congratulatory motion instead of getting on with the job. Constituents throughout New South Wales want the Parliament to debate matters of substance and no doubt this afternoon the Government will condemn the Federal Government for some alleged wrong that, more likely than not, will be the responsibility of the State Government. Government is about responsibility and getting on with the job. Labor obviously won the March election but had the election been held today, the result may well have been different. If we in New South Wales followed the Californian system, John Brogden would be the Premier today.

In March the public was not aware that many small and vital clubs in New South Wales will go to the wall because of the Government's proposed poker machine tax. Community groups were not aware that they would not be funded in future, and kids would be prevented from participating in rugby and other sports and activities in local schools. The public was not aware of the Government's proposal to slash CountryLink, a vital service, despite the Government's assertions that it is committed to rural and regional New South Wales. New South Wales residents were also not aware of the proposal to slash the centrepiece of the Government's transport policy in Sydney, the Parramatta to Chatswood rail link, which is now the Chatswood to Epping rail link. The purpose of the rail link was to help people in western New South Wales, the people in my electorate—

**Mr Peter Black:** Western New South Wales? You are on the coast.

**Mr STEVEN PRINGLE:** Western Sydney, I am sorry.

**Mr Peter Black:** Give him a lesson in geography, please.

**Mr STEVEN PRINGLE:** The honourable member for Murray-Darling needs a lot of lessons! People were not aware that Western Sydney would be severely disadvantaged by chopping out the main part of the Government's rail proposals. They also were not aware that the Richmond line, which is vital to a number of Labor electorates, as well as Liberal electorates in Western Sydney, would not receive decent funding. My electorate is condemned to Third World rail services. Constituents were not aware that despite criticising the university sector, the Government intends to dramatically increase the fees for basic, fundamental courses at TAFE, one of the most important education providers.

Residents of New South Wales were unaware that they would not receive any relief from stamp duty. Almost \$4 billion is raised in stamp duty, yet none is given back. The Opposition's proposal to slash stamp duty is the only way to go. At the election voters were not aware that the Government would continue to become more arrogant and not consult and that it would ram bills through this Parliament. Last night was a good example. Various interest groups wanted to delay the passage of the Child Protection Legislation Amendment Bill because they wanted more time for comment. Even the honourable member for East Hills was sympathetic, but the Government pushed it through.

People were not aware that basic infrastructure in newly developed areas such as Rouse Hill will not be adequately funded, nor were they aware of the huge blow-outs that have occurred since the election. In the past six months the cost of blow-outs has increased to \$1.5 billion, including a blow-out of \$117 million for the Liverpool to Parramatta transitway, \$102 million for the north-west bus transitway, \$104 million for stages one and two of the infamous Millennium train, \$17 million for unallocated funding from public servants, \$32 million for debt recovery and management and \$78 million for the Hunter and outer suburban train carriages. The Government needs to get on with the job, stop the spin and stop blaming others. It must start to deliver for the people of New South Wales so that the State can be competitive once more.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [11.54 a.m.]: I oppose the amendment moved by the honourable member for Epping and endorse the motion moved by the honourable member for East Hills. The Carr Labor Government went into the last election with a 17-seat majority and came out with a 17-seat majority. It could be argued that we did not win because we did not improve our numbers, but the people of New South Wales acknowledged the Carr Government's commitment to supplying services and to sound economic management by returning Labor to office for an historic third term. Members opposite waved around a number of documents with respect to the Government's election commitments.

I note they did not do so with respect to their spending commitments during the campaign, which amounted to \$5.5 billion. They have gone quiet on that, but I have not forgotten the Opposition's unwillingness to indicate how those commitments could be funded. The cost of the Carr Government's election commitments amounted to approximately \$1,700 million. Those commitments are affordable and can be delivered during Labor's third term in office. The people of New South Wales saw through the gloss and tinsel. They were not tempted by the bags of jelly beans and boiled lollies offered by the Opposition. Instead, they returned Labor to government for a third term. Indeed, I believe that wheelbarrow of trinkets contributed to our success.

Despite the Opposition's repeated condemnation of the Department of Community Services it has refused to endorse Labor's funding of an extra 1,000 workers to help families in need. I understand that advertisements for the initial round of those workers are already under way. Despite the Opposition's bleatings about the stamp duty windfall for the Government's coffers, I note that prior to the election it did not make any commitment to reduce stamp duty. It merely stated that the money was needed, and I agree. However, since the election the Opposition now seeks to put in place a whacko scheme supposedly to bring down stamp duty.

These changes would mean that someone living in the electorate of Pittwater would receive a windfall of \$9,000 from the proposal whereas someone in the electorate of The Tweed would get a lousy \$450. The Opposition also refrains from acknowledging that under Labor, first homebuyers in my electorate would receive complete relief from stamp duty, a fact not lost on my constituents. That is why, for only the second time in history, they returned a Labor member for a second term. I won the seat from The Nationals and I will continue to hold it.

**Mr Thomas George:** What about the Federal election?

**Mr NEVILLE NEWELL:** I thank the honourable member for Lismore for raising that matter. I will come to it, even though I have only 50 seconds remaining in which to speak. The Nationals went to the 1988 election with 20 candidates but ended up with 17 seats. They went into the 1999 election with 17 and came out with 13. They now have only 12 members, and the honourable member for Murray-Darling represents the western part of New South Wales. With respect to the Federal election, why did Opposition members not wave around the pamphlets that Larry Anthony waved around two days before the election in 2001? Those pamphlets were part of a big scaremongering campaign which told people living in caravan parks that they would be inundated with refugees if they voted Labor. Members opposite will not wave around those sorts of pamphlets because they show the lack of integrity of their Federal colleague.

**Mr ALAN ASHTON** (East Hills) [11.59 a.m.], in reply: First, I thank the honourable member for Epping for his contribution to the debate. It was not a quality contribution, but the amendment is interesting. I thank also the honourable member for Tweed, the honourable member for Liverpool and the honourable member for Hawkesbury for their contributions. The honourable member for Epping was critical of some aspects of the Government's election success in relation to his petty project of hang-em-high politics. The Coalition plans that every year; obviously, it is not going anywhere with that. What was most interesting was the honourable member's claim that the Government had fabricated evidence in certain areas to hold certain electorates. He referred to Cabramatta.

The New South Wales electoral pendulum shows that the seat of Cabramatta is now the safest Labor seat, with a 31.7 per cent margin. The people who want to line up and bash the honourable member for Cabramatta and the people of Cabramatta over the head are doing a great job. The honourable member who holds the second safest seat is the honourable member for Liverpool, with a 30.7 per cent majority. My colleague the honourable member for Bankstown has a majority of 28.6 per cent. And the list goes on. It is worth highlighting some other seats. For example, the seat of Rockdale has a margin of 15.9 per cent. The margin in Strathfield is 15.8 per cent, even with a new candidate after being represented by Paul Whelan for many years.

In the electorate of Ryde the margin is 15.5 per cent. It gets up the noses of members opposite that the seat of Ryde is now in safe Labor hands. Not only does Ryde have an excellent local member and Minister; members opposite can remove Ryde from their graph for the next few years. The Coalition did not pay attention to the electorate of Ryde when it held the seat. And there is no point worrying about it now, because the Labor member has a 15.5 per cent margin. The Blue Mountains seat has always been in the Government's hands, and it now has a margin of 14.8 per cent. At one time the Liberal Party could proudly claim to hold the Georges River seat. Now my colleague the honourable member for Georges River has turned it into a very safe Labor seat, with a margin of 13.7 per cent.

The margin in the electorate of Parramatta is 13.4 per cent, and the margin in Coogee is 12.6 per cent. Hundreds of thousands of dollars were spent on the Menai electorate. The honourable member for Epping talked about deceit. In the electorate of Menai we had evidence of cars pulling up in the middle of the main road across Alford's Point Bridge, the driver getting out, lifting up the bonnet and pretending to have a problem. When the NRMA guy turned up—and I knew these guys—they could not find anything wrong with the car, although the driver said it had overheated. The NRMA guy would then tell the driver, "Put the bonnet down and get going." And off they would go. We knew it was a Liberal Party plot.

The Liberal Party also removed Alison Megarrity signs and put them on roundabouts, slowing down traffic at the roundabouts. Despite all these treacherous and deceptive tricks, what happened in Menai when the Liberal Party ran the same clown character? I take back the word "clown"; he might not be a clown. We want him to keep running. The honourable member for Menai's vote went through the roof—a 9.5 per cent margin. The margin in Miranda is 9.1 per cent. When the honourable member for Maitland ran for that seat it was a Liberal seat. However, his great efforts have turned it into a safe seat with an 8.9 per cent margin. So he can run in that seat for as long as he wants. The margin in Drummoyne is 8.7 per cent.

The margin in Murray-Darling is 6.7 per cent, and it is 5.7 per cent in Camden. The honourable member for Camden is a wonder member. Labor took that seat from members opposite. Labor also took Monaro. The real worry is what we will take at the next election. The margin in Willoughby is 0.2 per cent. If members of the honourable member for Willoughby's family had been away on election day Labor would have taken that seat. If there had not been a massive invasion of hairdressers in the Gosford electorate to help the current member, who has a margin of 0.3 per cent, Labor would have that seat as well. We admit that we lost the seat of Clarence; we lost a star Minister with a swing against Labor of 1.6 per cent. I welcome the new member for Clarence.

I have already illustrated some of the treachery and deception that went on to produce the honourable member for South Coast, but that will be addressed at another time. In the time remaining let us remember the deceit of the \$5.5 billion promised by the Opposition. The *Daily Telegraph* ran a gauge of the Liberal Party's promises. Indeed, I think it ran out of space; it would have literally needed to produce a newspaper the size of the *Sydney Morning Herald* to show how much the Liberals were promising. Labor did not promise anything like that. The Liberals were deceitful about the Department of Community Services [DOCS]; they intended to get rid of DOCS. I recommend that honourable members reject the amendment moved by the honourable member for Epping.

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

**The House divided.**

**Ayes, 29**

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

**Noes, 48**

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

**Pairs**

Mr Roberts	Mr Iemma
Mr J. H. Turner	Dr Refshauge

**Question resolved in the negative.**

**Amendment negatived.**

**Motion agreed to.**

**BUSINESS OF THE HOUSE**

**Postponement of Business**

**General Business Notice of Motion (General Notice) No. 2 called on, and postponed on motion by Mr Ian Armstrong.**

**NEW SOUTH WALES GENERAL ELECTION 2003**

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [12.15 p.m.]: I move:

That this House:

- (1) congratulates the Government on its re-election.
- (2) notes the electoral outcome in the seat of Menai.

Honourable members will be aware that the Menai electorate was created in the redistribution prior to the 1999 State election. It comprises 17 suburbs across three local government areas—Bankstown, Liverpool and Sutherland. In the lead-up to the 1999 election the esteemed analysts Antony Green and Malcolm Mackerras extrapolated previous election results and included the new electorate on the Liberal side of the electoral pendulum, with an estimated 2 per cent margin. Like the neighbouring seat of Miranda, Menai was not on the radar screen of possible gains by the Carr Government. I am sure it came as a surprise to Messrs Green and Mackerras and as a shock to the local Liberal Party branches that the Carr Government won the electorate of Miranda with a margin of 2.3 per cent and the electorate of Menai with a margin of 4.2 per cent. The wise voters of New South Wales acknowledged the impressive record of the Carr Government's first term and the obvious shortcomings of the Opposition in securing the future of New South Wales.

The March 2003 election saw the Miranda and Menai margins strengthened to 9.1 per cent and 9.5 per cent respectively. There were also impressive results in neighbouring Government-held electorates like Liverpool and East Hills. All these outstanding results related to Government members' efforts in the intervening four years, not just the four weeks or so prior to the election. It is a fact that my team entered the official campaign period secure in the knowledge that the Carr Government's local 1999 election commitments had been delivered or were well under way. Today I have time to highlight only half a dozen or so of these improvements to the quality of life in my community.

The \$47 million four-lane Woronora Bridge was completed in February 2001. The Bangor bypass was originally estimated to cost \$36 million but that cost was revised as a result of community consultation—we listened to our community—to include the north-south link that the Roads and Traffic Authority was saying was not on the agenda, to a total project cost of \$100 million. The then Minister for Transport, and Minister for Roads listened to my community and included a further \$15 million worth of improvements after the environmental impact statement was released, bringing the total cost of the Bangor bypass to \$115 million.

The third improvement was the construction of the \$5.2 million Wattle Grove Public School and the beginning of the full school upgrade of Alford's Point Public School. The fourth is the substantial upgrade of major intersections on Governor Macquarie Drive at Chipping Norton. The fifth was the easy access upgrade of Holsworthy railway station and the construction of a commuter car park, along with the \$4.3 million upgrade of Padstow railway station. The sixth improvement was the rollout of the \$6 million Georges River foreshore improvement program, which has seen improvements not only to the foreshore but to the quality of water in the Georges River.

During that term we completed many other improvements in my electorate, involving significant expenditure. Those improvements included the work at Padstow Heights Public School and the completion of the M5-Moorebank Avenue overpass. Improvements were also made to the three hospitals serving my electorate: Sutherland, Liverpool and Bankstown. In the lead-up to the election I asked my constituents to judge me on my record as their local member. It is imperative for me to note that these results were achieved through working closely during those four years with individuals and groups within my community. I acknowledged on the eve of the election, and I still acknowledge, that there is much more to be done in my electorate. After the election we wasted no time in getting on with the job.

Our record during the campaign and during the previous four years is in stark contrast to the dishonest campaign of our opponents in the Menai electorate. The Liberal candidate made a great fuss about having a web site. In fact he had two web site exposures, but he did not promote one of them. His efforts on the web site of the Leader of the Opposition are worthy of comment. On that web site the Liberal candidate mentioned the suburbs in the Menai electorate. As I have advised the House today, there are 17 suburbs in the Menai electorate. Mr Thomas's estimate did not include Barden Ridge, Pleasure Point, Voyager Point or Padstow Heights. Those suburbs did not rate a mention. He did mention a suburb called Menai High. Whilst the school is of a large size, it is not a suburb. He spelt the very historic suburb of Holsworthy as "Holesworthy". Perhaps he thought it was

the traditional name for a place of holes. Chipping Norton is certainly not "Chip-ping Norton", and there is no suburb called Chipping Norton North or South, as he states. On the web site Mr Thomas was noted as a "co-covenor". I am not sure what that is, but apparently he is one. There are 47,368 voters in the Menai electorate, not 43,614 as he states, and he even managed to misspell my surname.

The prospect of a person who gives so little attention to detail, or displays such a lack of knowledge about the electorate, becoming my local member spurred me on. Being generous, I acknowledge that anyone can make a mistake. But the inaccuracies on the second web site which he boasted about were in no way innocent mistakes. Truth in advertising did not apply to his efforts on this web site. His most scurrilous assertion was that 6,000 people were about to move into the Gandangarra Aboriginal Land Council area on Heathcote Road. The web site and subsequent petition that he issued called on residents to "Stop Labor and the Aboriginal Land Council developing West Menai". I do not know how the Labor Party came into the equation.

Public rejection of this assertion by the aboriginal land council, and confirmation by Sutherland Shire Council in its draft "People's local environmental plan [LEP]" that the overwhelming majority of the land was not suitable for residential development, did not stop him. This blatantly racist attack was promoted by the Liberal candidate right up to election day. He also falsely claimed that Labor was not building the whole Bangor bypass. Everyone would be aware of the Bangor bypass project. Hopefully, our T-shirts on election day and the substantial work that has already been undertaken convinced our constituents that his assertions were wrong.

**Mr DEPUTY-SPEAKER:** Order! The honourable member for Bega will come to order.

**Ms ALISON MEGARRITY:** The dishonesty continued. On election day the Liberal Party team asked people to sign a petition to reopen Moorebank police station 24 hours a day. Moorebank police station is already open 24 hours a day. There was another petition dishonestly claiming that the Government was not undertaking the whole Bangor bypass project. It is apparent from the trucks and earthmoving equipment that the bypass is being built. It saddens me that these claims were made and that our community was taken for granted. I am pleased to report that the community saw through the scurrilous attempts of this desperate candidate.

Throughout the whole campaign Mr Thomas avoided any reference to the fact that he did not live in the electorate. Although he lives in the Sutherland shire, we have not seen him since the election. He claimed that he would be a good local member and that he would be diligent and energetic. We did not see him during the four years from 1999 to 2003 and we have not seen him since. Overall the election result was an outstanding one for the Carr Government, sadly marred by the death of our friend and colleague Jim Anderson and the electoral loss of a decent and hard-working member, Wayne Smith. The electorate of New South Wales put a big vote of faith in the Carr Government and acknowledged the work of the Government not only in my electorate but in electorates across the State.

I endorse Brett Thomas's candidacy for the 2007 election. I assume he will be the candidate, as he was in 1999. At this stage he has not conceded his loss in the 2003 election. I will not hold my breath because he has not conceded his loss in the 1999 election either. The electoral returns are in, the writs have been declared and Labor holds the electorate of Menai. We are getting on with the job, and have done so from day one after the election. Work is being done on the Bangor bypass as I speak, and other projects have been undertaken across my electorate. I could speak all day about the different aspects of my electorate, which comprises three local government areas.

I am anxious to hear the Opposition's contribution to this debate. I hope that it will join in the motion to congratulate the Carr Government on its re-election and note the electoral result in Menai. The election analysts in 1999 thought that Labor would not achieve this result and some people mistakenly thought we would not achieve it in 2003. I speak in the House today as the member for Menai, humbled by the support of my community.

**Mrs SHELLEY HANCOCK** (South Coast) [12.25 p.m.]: I note the comments of the honourable member for Menai that the writs have been declared. They were declared seven months ago. This tirade against a former Liberal candidate is unnecessary. When the Wallabies defeat a team, they do not launch into a tirade about their opponent's tactics or training techniques. It is congratulations, game over, let us get on with the job. The Australian cricket team does not talk about the team it has just defeated. It does not launch into a tirade against its opponents. The honourable member for Menai is displaying poor manners and poor sportsmanship. Winners are grinners and losers should congratulate winners. But I am sure the Labor members have had enough congratulations. We have all had enough congratulations. This self-congratulatory rhetoric six months after the election is tiresome, time wasting and boring.

I could move a motion about the Coalition's victory on the South Coast. I could congratulate my electoral team on the South Coast. I could say that we were able to convey the truth to the people of my electorate about this Government. We conveyed the truth about the total neglect of the Princes Highway. We got the message across about the neglect of Lake Wollomboola, which continues to be a bone of contention in the village of Culburra in my electorate. We conveyed the truth about the problems associated with the lack of fire hazard reduction, which led to two serious bushfires in my electorate and the loss of 33 homes in one season. We were able to convey that truth about problem and show how we might remedy the situation.

We raised the problems of State environmental planning policy [SEPP] 5. Only recently the Minister promised a review of SEPP 5. We are still waiting for that review. In the meantime development applications keep flooding into electorates for supposedly aged and disabled housing. They are pseudo-residential developments, which are upsetting communities throughout the State, and particularly in my electorate. We were able to convey the truth about that during my election campaign. We are attempting to tackle the problems in schools. We talked to teachers and nurses who were concerned about their working conditions.

We listened to the community of the South Coast, rather than offer empty promises and rhetoric, such as we hear from the Government in the House today. We listened to businesses concerned about workers compensation. The Government has not done much about that. We talked to local builders about home warranty insurance and we talked to self-funded retirees. The Government has not listened to them. There is an endless list of people who have been let down, especially since the election. All the things that have been covered up—the lies and deceit—are now coming out. Did honourable members opposite talk about poker machine taxes before the election? No. Did they talk about State environmental planning policy [SEPP] 5? No. Did they talk about inadequate and inappropriate planning provisions? No. It is all starting to come out now.

I do not carry on about my win in the South Coast electorate, but I am very proud to be the victor. I could boast about it, but I am busy in my electorate. We heard the honourable member for Murray-Darling verbally dissect The Nationals' carcass a couple of weeks ago. He must have spent hours preparing that scientific speech. What a load of claptrap and rubbish! It was a waste of time. He has a huge electorate; surely he could have used that time to deal with its problems. The notice paper has three or four self-congratulatory motions for debate today. They are full of self-congratulatory rhetoric and backslapping. That is poor sportsmanship. I congratulate honourable members opposite, but it is over and it is about time they shut up about it and let everyone else get on with the job. We have witnessed uninspiring and poor behaviour. I have been listening to the interjections from honourable members opposite. I think about some of the great winners we have had in this country—I do not regard the Carr Government as a great winner—and Cathy Freeman comes to mind. I wonder whether she swans around congratulating herself.

**Mr Alan Ashton:** She has written a book.

**Mrs SHELLEY HANCOCK:** She has, and she is getting on with her life. The honourable member for East Hills has hit the nail on the head. She is taking on new challenges and helping her people. She is not swanning around telling everyone what a great person she is. We all know that.

**Mr Alan Ashton:** Read the book. It is all about history.

**Mrs SHELLEY HANCOCK:** She is getting on with her life. The same is true of all our sporting legends and teams—they are getting on with the next challenge. The members of the Australian cricket team do not congratulate themselves; they congratulate the teams they have defeated and get on with the challenge. Honourable members on this side of the House are not poor losers. However, honourable members opposite are ungracious, poorly behaved winners who saved many of their announcements until after the election. They disappointed many people and are continuing to do so.

The communities of Sussex Inlet lobbied for 10 years for an ambulance station, but there was no response from the Government or the local member. The Liberal Party promised that, if elected, it would provide the ambulance station. Just before the election the Government promised that the ambulance station would be completed by March this year. Construction has not even begun. The local member and this Government have not done the required homework about rezoning and the location of the station. Nobody knows when construction will begin or where. That is an illustration of the level of planning that goes into this Government's promises. It has let down the community of Sussex Inlet, just as it has let down many other communities. Honourable members opposite should put an end to this self-congratulatory claptrap, rhetoric and rubbish and get on with the job they are supposed to be doing in their electorates. We are bored with all this!



**Mr Alan Ashton:** You are boring.

**Mrs SHELLEY HANCOCK:** The honourable member is terribly boring. I am not as boring as he is!

**Mr ALAN ASHTON** (East Hills) [12.35 p.m.]: I know that the honourable member for South Coast is new in this Parliament. I admire her for taking on the unenviable task of criticising the honourable member for Menai's congratulatory motion. This motion was foreshadowed in April and, of course, it was very relevant then. Under the standing orders we could have moved the next day to bring it on. However, we on this side of the House knew that it would take honourable members opposite seven months to be able to oppose it. We gave one of the new boys or girls a chance to make a contribution.

The honourable member for South Coast lives in a fantasy world. She believes that after the Wallabies play a game they get on with it and do not worry about the result. Has she heard of a guy called Eddie Jones and his criticism of the way the English play, how they work in the ruck and the maul and their illegal tactics? Has she heard of Chris Anderson from the Kangaroos and his complaints about player selection? The honourable member's speech was about football and cricket. She said that members of the Australian cricket team do not go around saying, "Ha! Ha! Ha! We beat someone." Some Australian cricketers lived in my electorate, including Steve and Mark Waugh. They are very happy to let everyone know they have the best cricket team in the world. This has nothing to do with politics, but the honourable member raised it because she could not say anything about how this Government won its third four-year term.

In the speech I gave a little while ago I listed the seats that will fall to this Government at the next election. The pendulum does not swing back and forth; it swings only one way—to the left, believe it or not. That might frighten some of my colleagues. Cronulla is in the sights, but we probably have it locked up for the next election. I know the honourable member for Cronulla is looking at getting a few thousand members enrolled to save his preselection ambitions. Honourable members opposite do not like the fact that they lost the election. They try to say it was a stolen election. There might have been only two stolen elections in the history of great democracies.

There is a rumour that John F. Kennedy—a great President—might have had a little bit of assistance in the State of Illinois, where people might have stuffed ballot papers. Of course, the most infamous stolen election was that which gave the White House to George W. Bush—the bloke we trailed around the country last week for photo opportunities. He waved at a Qantas baggage handler when he got off the plane. His mate, John Howard, was not far behind him, or in an appropriate position behind him. Of course, politics is about celebrating victories. However, we should also learn from our defeats.

Instead of spending seven months preparing and then criticising the Government for crowing about winning, honourable members opposite should be analysing why they lost. They have had eight years to come up with policies and to fund their promises, but they could not do that. They have had eight years to find a leader and they have come up with three so far. We know from some of the speeches that the Deputy Leader of the Opposition has been making lately that he is being coached. The Leader of the Opposition gave him a big elbow in the ribs yesterday and he jumped up to take a point of order. The hierarchy is working appropriately. The bottom line is that this is a great Government going great places and it will continue to be re-elected. The redistribution prior to the last election created five extra Liberal seats and we won them all. Given that, honourable members opposite do not have much going for them.

I will spend only 56 seconds talking about the great things happening in my electorate, including the Padstow railway station, the increase in police numbers in the Bankstown area and better work being done at the local hospital. No dirty election tricks were played by my side in the electorate of East Hills. The Liberal Party had a huge truck with an illegal sign encouraging people to vote for a bloke no-one had heard of. The Electoral Commissioner told the candidate that it was illegal. They did not know the rules and they broke them. One Nation told everyone that there would be a mosque on every corner, and so on. The Liberals tried a few other tricks that I will not bother to mention. As a result of all that, my electorate had the highest voter turnout in the Sydney metropolitan area—which reflects well on the candidate—and the second highest voter turnout in New South Wales. Enough said!

**Mr STEVEN PRINGLE** (Hawkesbury) [12.39 p.m.]: The Government's slogan during the last election campaign was "Getting on with the job". Clearly this is one area in which the Government is failing and, in fact, it is getting even worse. In September another 400 full-time jobs were lost in this State. New South Wales continues to lag behind its major interstate competitors. We are losing business opportunities because this

Government is not serious about creating jobs, cutting red tape and getting rid of bureaucracy. New South Wales lost 400 full-time jobs while 10,700 were created in Victoria and 23,000 were created in Queensland. I love this State—as, I am sure, everyone else does—and I hate to see all these jobs being lost to interstate because of a government that plainly has lost interest and is not working.

Home warranty insurance is a classic area in which we are being let down because spin is failing to deliver any results. We have had promises after promises about fixing up the home warranty insurance system, yet builders—some with 20, 30 or 40 years experience in the industry—complain to me weekly about the situation, and many of them are going interstate. That is totally unacceptable. It is a nightmare to get any project through the current home warranty insurance system. It simply shows that the Government is failing to do its job.

The honourable member for South Coast referred to State environmental planning policy [SEPP] 5. How long does it take the Government to do something about approving SEPP 5 exemptions? Councils were told to lodge submissions. Two councils in my electorate have now had their submissions lodged for almost six months. They have complied with the Government's requirements. Yet the Government has not approved SEPP 5 exemptions, nor has it issued any significant correspondence on the matter. Once again the Government engages in more spin but takes no action; it continues to let the people down. Everyone knows that SEPP 5 is a rort, and yet nothing is being done about it.

Hospital waiting lists continue to grow. The Government made great play about airconditioning for local schools, yet a new school at Rouse Hill has been built without full airconditioning. The people of Richmond, my neighbouring electorate, talk to me about the battles they are having. Richmond is one of the hottest areas in Sydney—we see on the television news the temperature in Richmond compared with the temperature in the metropolitan areas—yet there is still no airconditioning in that school. Law and order issues are also not being addressed. Drive-by shootings occur almost every day, yet a nonsense bill is being put forward that does not address the problems.

In my previous contribution I gave many examples of the Government's waste and mismanagement since the election, and I now give further examples. I refer to the \$519 million blow-out in the Treasury Managed Fund, the \$305 million blow-out in negative investment returns, the \$96 million blow-out relating to EnergyAustralia's loss on Powertel, the \$43 million blow-out in transport consultants and legal fees, and the \$93 million blow-out relating to the Intercontinental Hotel land sale bungle. The honourable member for Tweed had the audacity to say that stamp duty is not an issue in his electorate. It certainly is an issue in my electorate, and just about every other electorate in New South Wales. The figures speak for themselves.

Over the past eight years stamp duty on property sales in Dural has increased by 177 per cent; in Kellyville by 165 per cent; in Kenthurst by 112 per cent; in Bligh Park, an area in which many people are on single incomes, by 192 per cent; and in Richmond by 252 per cent. The list goes on and on. This Government won the election by spin; it did not win it on its achievements. As members on this side of the Chamber have said throughout this debate, and during debate on the motion moved by the honourable member for East Hills, it is time the Government got on with the job. We do not need any more self-congratulations. The Government should stop wasting the time of the House and get on with the job.

**Mr PAUL LYNCH** (Liverpool) [12.43 p.m.]: I am delighted to speak in the debate and support the motion. Both Opposition members who have contributed to this debate have whinged and moaned about wasting the time of the House. If they had a shred of decency they would not have bothered to speak in the debate at all. If there had been any substance to their claim they would have sat down, shut up, let the debate go on, and saved 10 minutes of the House's time. Of course, they would not do that, because the essence of their claim is both dishonest and illogical.

As I said in an earlier debate, there is an extraordinary exhibition of unresolved grief going on in this Chamber today. Members opposite still do not understand the democratic result that occurred earlier this year. None of them has the slightest understanding of what actually happened. The best they can come up with is, "We were robbed. The people got it wrong." Apart from being logically irrational, what does that say about their view of the people of New South Wales? Are members opposite suggesting that the people of New South Wales are so silly that they can produce an election result of the magnitude and the size they did? That is the inherent consequence of the arguments that members opposite are pursuing.

They seem to be suggesting not only that we told fibs but also that the people of New South Wales are so stupid that they were conned by what members opposite claim were lies. Members opposite also complained

that members on this side are wasting the time of the House by continually saying this. Perhaps we will keep saying it until such time as members opposite understand that they lost the election. The message has not quite sunk in yet. If we continue to say it, and keep bringing on these debates, the penny might finally drop on the other side of this House. The election result in Menai was extraordinarily good. It was an outstanding result, partly because the candidate is outstanding.

There are couple of interesting things about Menai. First, the result that occurred there was replicated in seats such as Miranda, which was also an excellent result with an excellent candidate. Second, none of the experts within the party—or outside the party, for that matter—thought we were going to win the 1999 election, although a number of us thought we could. Likewise, there were some doubts about whether the Labor candidate for Miranda would retain his seat in 2003. I did not have any doubt about that, but obviously a whole lot of experts thought that might not happen. Frankly, it is a reflection of the work that has been done by the honourable member for Menai and the Government in that area.

A whole series of matters go towards explaining why the election result in Menai was as good as it was, but it was due in large part to the Government's initiatives in the electorate. I refer to the Woronora Bridge, the Bangor bypass, Wattle Grove Public School, improvements to Governor Macquarie Drive, the Holsworthy railway station upgrade and the parking station, Padstow railway station upgrade, and the Georges River foreshore program. All those projects are significant achievements. I am acutely aware of them because Menai is on the eastern boundary of my electorate and a number of my constituents use many of the facilities I have referred to.

The nonsense rhetoric we have heard today from the Opposition about lies and deceit comprehensively misses the point. When you provide facilities and deliver resources to an electorate, you are rewarded for that. People actually vote for you if you are doing the job. That is precisely what has happened. The culture of denial coming from the other side of the House about this is absolutely staggering. Members opposite cannot seem to get through their heads that if you actually deliver these sorts of facilities, you will get an electoral result.

**Mr Andrew Constance:** Pork-barrelling!

**Mr PAUL LYNCH:** The Opposition interjects, "Pork-barrelling!" Members opposite should explain the dishonesty of their position. If the Government does not do anything, they attack us, yet when we do something, they say it is pork-barrelling. There is indeed some dishonesty and deceit in this argument, and it is all coming from members opposite—from a bunch of people who could not lie straight in bed, a bunch of people who still have not got it through their heads that they lost the last election.

There is some poetic justice about the election result in Menai. The Opposition ran a campaign against the Gandangara Aboriginal Land Council, stooping to the depths of that campaign to try to destroy the Labor campaign—and the bloke who ran the campaign was a lawyer. It was an absolutely disgraceful campaign. It was the lowest form of racism adopted by the Liberal Party in the Menai campaign. The Opposition ought to stand condemned for all time for what it did—and the electoral result is an appropriate way of dealing with it.

**Mr ANDREW CONSTANCE (Bega)** [12.48 p.m.]: It will be quite enjoyable next week when we read in the local press in Menai something along the lines of "Megarrity has to move motion in Parliament to congratulate herself." Talk about giving herself an uppercut! Did not Roozendaal write to her and send her a congratulatory note? Do we actually have to move a motion in State Parliament to congratulate a member? It will be interesting to see how much funding and money the Labor Party had to pump into the seat of Menai to win it. A couple of months before the election the *Sun Herald* reported that candidate Brett Thomas was leading in the polls with 59 per cent support compared to Labor's Alison Megarrity, who had 41 per cent. After four years, if that is the ringing endorsement that she is getting from her own constituency, I would be very concerned. If she is 20 points behind in the poll, how much money did the Labor Party stuff into her seat to save the day? The fact is that she fluffed around on the Bangor bypass for four years, she did not get anything done, and the political pressure applied by Brett Thomas and the Liberal Party in the area made her act.

The honourable member for Menai has moved a self-indulgent, ridiculous motion in this House when instead she could be debating the clubs issue. I would be interested to know how she voted in caucus on that issue, with the 34 people who were there fighting for their local clubs. I would be interested to know how many local clubs, local sporting groups and community groups are going to be impacted in Menai. The Government was not honest and open with the clubs movement. It did not tell them that it was going to apply one of the greatest tax increases in history on the clubs movement following the election. The honourable member for Menai did not tell the club managers that was the plan of Michael Egan and Premier Bob Carr.

The fact is that the State Government won the election on lies and deceit. It is remarkable that six months into its term Government members are still moving motions congratulating themselves. The Government is outrageous, particularly in relation to clubs, about which we have heard nothing from the honourable member for Menai. We did not see her come into this place and vote the right way to protect the future of the clubs movement throughout New South Wales. Mrs Megarrity was not there fighting for her local Menai clubs in the caucus.

**Mr Barry Collier:** Call her the member for Menai.

**Mr ANDREW CONSTANCE:** The member for Menai—I should say the self-indulgent member for Menai. We should look at other issues that might be impacting upon the people of Menai and the ringing endorsement that they gave her prior to the election, which was no doubt saved at the end of the day by an extraordinary amount of campaign funding that went into the seat. I would be interested to know the percentage of stamp duty increases in relation to average house prices in Menai.

**Mr Joseph Tripodi:** There are no percentage increases in stamp duty.

**Mr ANDREW CONSTANCE:** I am sure they are there. Property increases throughout Menai are hurting first home buyers. Where is the honourable member for Menai, and what is she saying? Absolutely nothing, just as she said nothing about the Bangor bypass. I congratulate the local Liberal party candidate Brett Thomas on applying political pressure on the State Government in order to get it to act, because I am sure the honourable member for Menai was missing in action in relation to that issue—hence the polling results a month out from the State election. After six months this Government has clearly demonstrated its arrogance, its imperialism, to the people of New South Wales.

**Mr Barry Collier:** Its imperialism?

**Mr ANDREW CONSTANCE:** We have an imperial Premier. It has demonstrated its arrogance in relation to clubs, its arrogance in relation to tax, and its arrogance in relation to public transport. I would be intrigued to know how many Millennium trains go to the railway stations in the Menai electorate and what the honourable member for Menai has to say about that. I look forward to seeing a Liberal in the seat of Menai in 2007.

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [12.53 p.m.], in reply: I will be gracious and thank all honourable members for their contributions to the debate. The honourable member for South Coast—note that I use the correct title—talked about the importance of sportsmanship in contests. I acknowledged in my contribution that it is important to show courtesy to others. I inform honourable members opposite that their colleague the Federal member for Hughes, Danna Vale, and Sutherland shire Liberal councillor Steve Simpson were both gracious enough to congratulate the Carr Government and me on the result in Menai. My point was that it was a shame that the Liberal candidate did not extend the same courtesy. It obviously shows his lack of regard for such things.

Members opposite castigated me and the honourable member for East Hills—who moved a similar motion today—for moving these motions as a way of proudly patting ourselves on the back so long after the election. There are two things I will say about that. First, there are processes in this Parliament whereby members can move to have their motion given priority. We have not chosen to do that over past six months or so; we have allowed the due process of the Parliament to take place. If we had been anxious to come in and brag we would have moved that the motions be given priority. As I said, we have waited for them to come up. Secondly, it is about integrity. It is important to put the facts on the record, and that is what I have attempted to do today because in the heat of an election campaign it is obviously difficult to get these messages through. My constituents and the people of the Menai electorate deserve to have this on the public record.

The Liberal candidate, a former Sutherland shire councillor, approved developments hand over fist while he was on the council. Indeed, on many occasions he overruled the recommendation of the council officers. Then in the election campaign he had the hide to complain that Labor and the Aboriginal Land Council are about to overdevelop the area. It was very odd considering the legacy that he left in so many parts of our area. After his term on the council the honourable member for Miranda, the honourable member for Heathcote and I supported Sutherland Shire Council in obtaining an exemption from SEPP5. This SEPP was mentioned by members opposite. They were obviously unaware that Sutherland Shire Council, one of the three councils in my electorate, actually has an exemption from SEPP5. Perhaps they should do some more homework.

Mr Thomas is also a private lawyer; he supposedly defends people. In fact, an advertisement in the *St George and Sutherland Shire Leader* states, "In trouble with the police? Contact Brett Thomas, accredited law specialist". But during the election campaign he had the hide to support the Leader of the Opposition's mandatory sentencing policy. If he takes that approach to his work I do not think I would like him as my defence lawyer. As I have said, integrity is important. The Opposition's scurrilous campaign needs to be put on the record—and today is the day. The oversize signs, referred to by the honourable member for East Hills, were also a feature of the campaign. Despite directions from the returning officer to remove them, they still went up. The Liberal candidate and his cohorts were in the middle of traffic causing delays which I am sure impressed motorists.

The Opposition is concerned that Government members have referred to the election and election material so long after the election. On 16 October the honourable member for Epping referred to the bail material and said that the Government was elected on deceit and fraud. In regard to bail, my brochure read:

... to keep serious criminals off the street we are making it much harder for repeat offenders to get bail.

I do not call that deceit; I do not call it fraud. It is just a statement of fact. We are making it harder for repeat offenders to get bail. The honourable member for Bega—being new to the place and obviously very unfamiliar with my electorate—quoted the esteemed Taverner poll. If he was being honest with us today he would tell us that his own Liberal polling did not coincide with the esteemed Taverner poll, and certainly the Labor Party's polling did not. There was no last-minute flurry of money to save us in Menai. As I said, I relied on the good sense and the heart of my constituents, and the hard work that has been done in the past four years, not just in the four weeks leading up to the campaign. I think the Taverner poll may have got the names in the wrong order because the actual result was pretty similar.

The honourable member for Bega spoke about property increases in Menai. The major capital works that the Government has carried out have, according to the *Sydney Morning Herald*, pushed property prices along. Those capital works include Woronora Bridge and the Bangor bypass. We are getting on with the job. The Bangor bypass is full speed ahead. We are getting on with the job in regard to design work on the Alford's Point Bridge duplication and continued development of the Lucas Heights sporting complex. We thank the electorate of Menai for their good sense, and we promise to deliver.

**Motion agreed to.**

[*Mr Acting-Speaker (Mr John Mills) left the chair at 1.00 p.m. The House resumed at 2.15 p.m.*]

**OFFICE OF THE CHILDREN'S GUARDIAN**

**Report**

**Mr Speaker** announced, pursuant to section 187 of the Children and Young Persons (Care and Protection) Act 1998, the receipt of the report entitled "Annual Report 2002-2003".

**Ordered to be printed.**

**ASSENT TO BILLS**

Assent to the following bill reported:

Sydney Water Amendment (Water Restrictions) Bill

**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 Kristina Keneally**.

**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**.

### **Gaming Machine Tax**

Petitions opposing the decision to increase poker machine tax, received from **Mr Ian Armstrong, Ms Gladys Berejiklian, Mr Thomas George, Mrs Shelley Hancock, Ms Katrina Hodgkinson, Mrs Judy Hopwood, Mr Malcolm Kerr, Mr Daryl Maguire, Mr Neville Newell, Mr Barry O'Farrell, Mr Donald Page, Mr Steven Pringle 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 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.**

### **Coffs Harbour Pacific Highway Bypass**

Petition requesting the construction of a Pacific Highway bypass for the coastal plain of Coffs Harbour, 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.**

### **Coffs Harbour Aeromedical Rescue Helicopter Service**

Petition requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Andrew Fraser.**

### **CountryLink Rail Services**

Petitions opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **Mr Greg Aplin, Mr Andrew Constance, Ms Katrina Hodgkinson, and Mr Andrew Stoner.**

### **Redfern and Surry Hills Bus Services**

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

### **Tamworth and Armidale Rail Services**

Petition opposing the proposed cut to the CountryLink rail service between Tamworth and Armidale, received from **Mr Richard Torbay.**

### **Water Police Pyrmont Site**

Petition opposing development of the current Water Police Pyrmont site, 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**.

### **Local Government Boundary Changes**

Petition opposing any forced council amalgamations or boundary changes, received from **Mr Ian Armstrong**.

### **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**

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### **ROCKDALE CITY COUNCIL INQUIRY**

**Mr JOHN BROGDEN:** My question without notice is directed to the Premier. In view of the Government's decision to institute a Department of Local Government inquiry into Warringah and Liverpool councils, will the Premier now put in place a Department of Local Government inquiry into Rockdale City Council so that that council may be considered for dismissal by the Government?

**Mr BOB CARR:** As I recall—and my memory is subject to correction—Rockdale City Council was the subject of an Independent Commission Against Corruption [ICAC] inquiry. It received some attention.

**Mr John Brogden:** Point of order: To assist the Premier—

**Mr SPEAKER:** Order! The Premier does not need any assistance. The Leader of the Opposition will resume his seat.

**Mr John Brogden:** The point of order relates to relevance.

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat. I call him to order.

**Mr John Brogden:** I referred to a Department of Local Government inquiry.

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

**Mr BOB CARR:** The ICAC undertook a full-scale inquiry into Rockdale City Council. There was great coming and going. The councillors marched in and gave their evidence, and all of their emails were tabled. There was a great flurry of interest. When I spoke about the matter in this House, I said that any councillor, whether their party was Labor or Liberal, who disgraced their party or council by the sort of behaviour that was

being exposed deserved to be subject to an inquiry and to any prosecution that flowed from it. It was a very public process. If anyone were to produce evidence that justified action beyond that which has been taken, the Government would have no reason but to act on it. I have not seen any residual material unanswered, begging a response. By the way, the visitors in the gallery would have noticed that within the range of notices of motion given by the Opposition none was an indictment of the Government.

**Mr John Brogden:** Point of order: The point of order relates to relevance. I directly asked the Premier a question with reference to a Department of Local Government inquiry into Rockdale City Council. There was an ICAC inquiry, but at that stage it did not have the power to recommend the sacking of the council.

**Mr SPEAKER:** Order! The Leader of the Opposition should listen to the response from the Premier rather than provide the response himself.

**Mr BOB CARR:** If it had been a local government inquiry the Leader of the Opposition would be here, nine months after the event—always late, always lazy—saying, "What about an ICAC reference?" That reminds me of the honourable member for Vacluse. I have not had a follow-up question about the peace prize. The honourable member for Vacluse was not that far from Rockdale recently in the Federal seat of Kingsford-Smith when he addressed Australians for a Constitutional Monarchy. What I am going to expose to the House is very relevant to questions of governance in Rockdale council and elsewhere. It is very relevant to questions of governance—local, State and Federal—and the House wants to hear it.

**Mr Andrew Tink:** Point of order: The point of order relates to relevance. We are talking about Rockdale, not Kingsford-Smith.

**Mr SPEAKER:** Order! The honourable member for Epping will resume his seat.

**Mr ANDREW TINK:** Yesterday, Mr Speaker, you lost control of the House.

**Mr SPEAKER:** Order! The honourable member for Epping will resume his seat.

**Mr ANDREW TINK:** You refused to make the Ministers answer the questions in a relevant way.

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

**Mr ANDREW TINK:** You earn the contempt of members on this side of the House with that sort of approach.

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

**Mr ANDREW TINK:** You will not have the respect of members on this side of the House until you make Ministers provide relevant answers. You are a partisan Speaker.

**Mr SPEAKER:** Order! I call the honourable member for Epping to order for the third time. He will resume his seat.

**Mr ANDREW TINK:** You will not have our respect until you direct the Premier and other Ministers to be relevant.

**Mr SPEAKER:** Order! I ask the Serjeant-at-Arms to remove the honourable member for Epping.

*[Questions without notice interrupted.]*

#### MEMBER NAMED

**Mr SPEAKER:** Order! I name the honourable member for Epping for persistently and wilfully disregarding the authority of the Chair.

**Mr CARL SCULLY** (Smithfield—Minister for Roads, and Minister for Housing) [2.47 p.m.]: I move:

That the honourable member for Epping, Mr Tink, be suspended from the service of the House forthwith.



**Mr ANDREW TINK** (Epping) [2.47 p.m.]: After the way the House has been run and chaired by you, Mr Speaker, over the past few months, I have no alternative but to make the following statement. This House, under your speakership, is chaired in a totally partisan way. At every turn you favour the Government and ignore the Opposition. Yesterday you ignored the point of order taken by the honourable member for Coff's Harbour pursuant to Standing Order 138. You ignore the points of order repeatedly taken by Opposition members about Government Ministers. You refuse to uphold the standing orders of the House and you refuse repeatedly to give, what is termed in ordinary parlance, a fair go.

As shadow Leader of the House, week in and week out, sitting day after sitting day, I have attempted to be reasonable, moderate and modest in taking points of order to try to ensure balance in what passes for the business of the House during question time. The Opposition got a much better deal under your predecessor John Murray. The partisanship you displayed as a Minister in your handling of the Cecil Hills matter was infamous. It was partisanship of the worst kind and it involved smearing people and the misuse of information. Given your conduct in this Chamber in the chair and the way in which you handle yourself in the discharge of your responsibilities, nothing has changed. You came here on day one and said you would handle yourself in a bipartisan way. That was the last time we saw it. From there on it was downhill, heading south all the way.

Mr Speaker, you will not earn the respect of the Parliament until you treat us in a fair and bipartisan way. You will not earn the respect of the Parliament until you uphold Standing Order 138. You will not earn the respect of the Parliament until you make Ministers give answers relevant to the questions being asked. When we get up to speak about issues in the short time available to us to deal with urgency motions and the like we are constantly interrupted and our time to speak is curtailed. We do not have the time to speak that is our due. That is because of the partisan way in which the standing orders are enforced in this House. The Opposition gets but a few minutes of question time. When one adds up the total time during which we must ask our questions, one sees that it may be about three minutes out of 50 minutes. The Ministers consistently use the time, which is the only time during which they are accountable in this House, to drivel on with the most ridiculous, partisan, irrelevant rubbish that I have heard during my time in this place.

Mr Speaker, the contempt in which this side of the Parliament holds you will be maintained until you lift your game and treat us all with an equal degree of fairness. That is what you were elected to do, not to be the Premier's lackey. We would like to think that that finished with the Cecil Hills matter. It is time that you demonstrated that you are the servant of the entire House and not the servant of the Premier and a couple of well-timed twitches from the Leader of the House when he wants you to do his bidding.

**Question—That the honourable member for Epping be suspended from the service of the House—put.**

**The House divided.**

**Ayes, 55**

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

**Noes, 30**

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

Ms Hodgkinson  
Mrs Hopwood  
Mr Humpherson  
Mr Kerr  
Mr Merton  
Mr O'Farrell  
Mr Page  
Mr Pringle  
Mr Richardson  
Mr Roberts  
Ms Seaton

Mrs Skinner  
Mr Slack-Smith  
Mr Souris  
Mr Stoner  
Mr Tink  
Mr R.W. Turner

*Tellers,*  
Mr George  
Mr Maguire

**Pair**

Mr Iemma

Mr J. H. Turner

**Question resolved in the affirmative.**

**Motion agreed to.**

**Mr SPEAKER:** Order! This being the first occasion on which the honourable member for Epping has been suspended during this session, the suspension will be for two sitting days.

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

**QUESTIONS WITHOUT NOTICE**

*[Questions without notice resumed.]*

**ROCKDALE CITY COUNCIL INQUIRY**

**Mr BOB CARR:** The ICAC inquiry into Rockdale was about the council and the conduct of councillors. The report was tabled on 3 September 2002. I have not received another question from the Opposition in all the time since. That is how burning an issue it is, in the wake of the ICAC report. I last answered a question on the issue in this House on 8 May 2002, when I made the comments referred to earlier.

By the way, the ICAC inquiry into Oasis was not about the council; it was about the proposed development. The ICAC inquiry into Rockdale was about the council itself. So we are talking about an ICAC inquiry that finished more than a year ago. As far as I am aware, there is not one thing new about Rockdale council. Members opposite have revisited the issue because they have no issues, they have no questions, they have done no work—they are lazy.

On the question of governance, the honourable member for Vacluse, in his address to the Kingsford Smith branch of Australians for Constitutional Monarchy, said, "It is a little daunting when you sit on the opposition benches now for our ninth year and you look at the number of Government MPs on the opposite side, and as you go through year after year you do start to wonder about our system of government." In other words, because members opposite cannot win an election they say there is something wrong with the system of government.

**Mr Andrew Fraser:** Point of order: I draw your attention to Standing Orders 105 and 138. Paragraph (1) of Standing Order 105 provides that when a member rises on a point of order the member speaking must resume his seat. Secondly, yesterday in this House when I was speaking to a ministerial statement Minister Sartor interjected. When I responded to the interjection you drew my attention to Standing Order 138 and asked me to return to the matter at hand. Given that you ruled that way in my case, I ask that you rule that way with what the Premier is saying now and show some equity in this House.

**Mr SPEAKER:** Order! The feigned indignation of the honourable member for Coffs Harbour is less than convincing. He may remember that I said to him yesterday that I might call his attention to Standing Order 138. I did not do so. At the time the honourable member for Coffs Harbour took that remark in jest, and his feigned indignation today does him no credit. There were others in the Chamber at the time.

**Mr BOB CARR:** No wonder the mayor of Queanbeyan, in a letter dated 24 September, said to the honourable member for Coffs Harbour, "Your comments in relation to the ... council demonstrate your unsuitability even for the Shadow Ministry ..." He went on to say, "Clearly, you are not a person who believes in checking the facts ..."—like all members opposite. But we have to give it to the honourable member for Vacluse. In his now famous address he said, "It was a great election for Bob Carr and he really didn't go backwards." What a condemnation of his leader: he did not gain ground. The honourable member for Vacluse said of the Federal Parliament, in explaining the failures of the State Opposition, "We are totally overshadowed by Federal Politics and Federal issues, and it is very obvious to me in State Parliament that, whenever I try to get news space for one of our issues, anything that is Federal wipes out the news space." Don't you feel sorry for him? In explaining the chronic failure of the State Opposition he said, "We are totally overtaken by a defence issue, a trade—"

**Mr Chris Hartcher:** Point of order: My point of order is based upon Speakers' rulings. I draw your attention to a ruling by Speaker Kelly, in which he said, "The Chair has no control over the way a Minister answers a question"—a statement you have often made—"other than to ensure that it is relevant to the question." The Minister may answer in his own way, but his answer must be relevant. He has now been referring to the honourable member for Vacluse—who did not ask the question, did not interject, and has not raised any point at all—for some minutes. I invite you to uphold not only Standing Order 138 but also the ruling of Speaker Kelly, and to direct the Premier to cease his previous comments and return to the question put to him.

**Mr Carl Scully:** To the point of order: It is the longstanding convention of this House that inane interjections from the fools opposite require a speech from this side of the House.

**Mr SPEAKER:** Order! The Premier to the point of order?

**Mr BOB CARR:** Take the ICAC report into the Oasis matter. The report is dated February 2003. It is a report not on the council but on the investigation into conduct concerning the Woodward Park project. Indeed, that is the title of the ICAC report. All those matters rebut any suggestion that revisiting Rockdale is supported by any case whatsoever. I know that members want me to finish the quote from the honourable member for Vacluse. He said, "We're totally overtaken by a defence issue, a trade issue, a Federal economic issue—"

**Mr Chris Hartcher:** Point of order—

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

**Mr Chris Hartcher:** I did not get a ruling on my previous point of order. My point of order is that you are required to give a ruling on a point of order raised by a member. The Leader of the House made his remarks. You then called upon the Premier. You did not give a ruling. When will the time come that you will actually read the standing orders?

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

**Mr Chris Hartcher:** The only thing you can ever say is, "No point of order. I call the honourable member to order."

**Mr SPEAKER:** Order! The honourable member for Gosford will resume his seat.

**Mr Chris Hartcher:** The honourable member for Epping has already left the Chamber. I do not intend to leave the Chamber. The point made by the honourable member for Epping is the most relevant point of all.

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

**Mr Chris Hartcher:** What is the ruling on the point of order?

**Mr SPEAKER:** Order! The Premier was allowed to continue his response.

**URBAN SPEED LIMIT**

**Mr ALLAN SHEARAN:** I address my question without notice to the Minister for Roads. What is the latest information on speed limits in New South Wales?

**Mr CARL SCULLY:** Speeding is involved in approximately 40 per cent of the fatalities on New South Wales roads. Speeding is not just in respect of motorists; it impacts upon pedestrians and cyclists as well. Despite some of the comments recently from the Opposition, it is obvious to members on this side of the House that the faster one drives, the harder is the impact. The slower one drives the more reduced will be the impact and the higher the chance of survival. We have undertaken a series of initiatives to deal with this issue on the road network. We introduced a graduated licensing program which posted speed limits at various stages of novice drivers going through that scheme, we have implemented 40 kilometres per hour speed limits around schools, and we have installed 110 fixed digital speed cameras. In relation to speed cameras, I refer to an interview on the *7.30 Report* the other night in which the shadow Minister for Roads participated and made some comments about the digital speed cameras. Members opposite are always saying we do not answer questions. Here is the question to the honourable member for Ballina on the *7.30 Report*:

Will you remove the speed cameras?

His answer was:

We will build better roads.

I know members opposite do not like this. They raise points of order when they do not like our answers. One could almost hear the reporter saying, "Point of order, Mr Speaker". Not unreasonably, the interviewer said to the honourable member for Ballina:

Yes or no?

There was a long pause and then the answer:

We will definitely remove some.

Which speed cameras? Any one of the 10 around school sites? No wonder there is withering pressure from the *7.30 Report* when he said, "We will build better roads". There is more pressure under a couple of points of order, and he responds, "We will remove some". Because all the research shows that there is improved road safety, I want to know which ones. Give us the list!

**Mr Donald Page:** Point of order: Only 28 speed cameras in New South Wales are effective. The rest are not doing the job that they are supposed to do and they ought to be removed.

**Mr SPEAKER:** Order! The honourable member for Ballina will resume his seat.

**Mr Donald Page:** Speed cameras are not the only passive solution to reducing the road toll. The Minister should stop his arrogance and listen to people such as Dr Buckingham.

**Mr SPEAKER:** Order! The Minister is answering the question, not the honourable member for Ballina.

**Mr CARL SCULLY:** Here in this answer by the shadow Minister we have the official Opposition policy: to remove some of the digital speed cameras. So, not unreasonably, I want to know which speed cameras. I think the reasonable question, also from this side of the House, is what motivated the Opposition to come to this position? It clearly went to the tactics committee. Clearly the Leader of the Opposition ticked it off. Was he motivated by PricewaterhouseCoopers? I believe we are entitled to know.

**Mr Donald Page:** Point of order: The Minister asked me a question as to motivation. I am going to answer the question. What motivated me—

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

**Mr CARL SCULLY:** I have an answer to the question why he was paid \$110,000 by PricewaterhouseCoopers. Simple. When he was pre-selected he was not living in Pittwater. He went to the

Liberal Party powers-that-be and said, "I can't afford a huge mortgage in Pittwater. Can you help me out?" The response was—

**Mr Barry O'Farrell:** Point of order: My point of order is directed to you, Mr Speaker. Do I have to emulate the performance of the honourable member for Epping to get you to uphold standing orders?

**Mr SPEAKER:** Order! I am sure the Minister will return to the answer.

**Mr CARL SCULLY:** In fact what was created was a mortgage home saver account of \$25,000 per year so he could afford a new mortgage. It brings new meaning to "affordable housing". So when he speaks on the Stamp Duty Reduction Bill I want to hear if that is Opposition policy, that everyone who buys a house gets \$25,000 per annum.

**Mr Andrew Fraser:** Point of order: My point of order is that you directed the Minister to return to the point and he did not. He has canvassed your ruling and I would ask that you ensure that he complies with your ruling in the way that we on this side of the Houses are expected to.

**Mr CARL SCULLY:** On that point, I think the House can reflect on it. The 50 kilometres per hour speed limit comes in on 1 November. Every member of the House would be aware of that. It is a scheme that has been introduced gradually since 1998. I thank the vast majority of local government areas across New South Wales that have been co-operatively introducing this scheme over that period of time. The Roads and Traffic Authority has been paying for the signposting around those local government urban areas. A small number had not joined the majority, but they have come on board. There has been very co-operative negotiation and discussions with those councils, and, come 1 November, I think the people of New South Wales will be very pleased.

For those who are concerned that this will be a big change for motorists: it will not. The people of Sydney, Newcastle and Wollongong have had 50 kilometres per hour speed limits in their residential streets for years and they have already made a demonstrable impact in improving road safety. There is no question that if vehicles are travelling at 50 kilometres per hour instead of 60 kilometres per hour in areas where there is interaction between motorists, pedestrians, shoppers and cyclists, of course it is a safer environment for people to live and move and work in. That is why we are doing introducing this new speed limit. We are moving towards a national trend. The other States are doing it and I want to acknowledge and thank the local government areas, the members of Parliament and the police who have been actively supporting this initiative. The scheme has had bipartisan support. I believe it will make a big difference, although 95 per cent of motorists are already driving in areas that have 50 kilometres per hour speed limits. On Saturday the scheme comes into being. This is a very good initiative from the Government.

#### FORMER MINISTERS PERSONAL BUSINESS INTERESTS

**Mr ANDREW STONER:** My question is directed to the Premier.

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

**Mr ANDREW STONER:** In view of the ongoing scandals involving former Ministers Face, Allan, Whelan, Knight and Obeid, can the Premier guarantee that none of his former Ministers or Parliamentary Secretaries used their positions to set up businesses or jobs to fund their retirements?

**Mr BOB CARR:** It is clear that there are no issues and there is no research over there. There ain't anything happening that the Opposition can get its teeth into. I have often said this is the period of best governance in the history of New South Wales and the performance of the Opposition in question time this week simply confirms it. Where are the issues? These geniuses read something in the paper today about an ICAC inquiry. Wow! It has taken them 24 hours to get started and warmed up about it and say, "Oh, there is an inquiry into former Minister Face".

The Opposition keeps mentioning the honourable member for Wentworthville. I have got a document here that makes a comparison between the Leader of the Opposition and the honourable member for Wentworthville. There is a table with two columns, headed "Brogden" and "Allan". I want to lead the House through this document. We might get this distributed because I am sure there will be intense public interest. The

question asked me about the former Minister, and she will have to blush while she gets a bit of flattering attention. The table states:

BROGDEN: Did not declare his Directorship of Northmist Pty Ltd in 1996/97 Pecuniary interest register.

ALLAN: Did declare her Directorship of ERM upon her appointment.

First comparison. First contrast. The second point of comparison—

**Mr Andrew Stoner:** Point of order: My point of order has two parts. Firstly, standing order 105 states, "When a point of order is taken the member shall resume his seat". The second point of order is in relation to standing order 138, which relates to relevance. The question is: Can the Premier guarantee that any of his former Ministers or Parliamentary Secretaries have not used their positions—yes, or no?

**Mr SPEAKER:** Order! In relation to Standing Order 138, the Leader of The Nationals included a reference to the honourable member for Wentworthville in his question. The Premier is answering the question he was asked. There is no point of order.

**Mr BOB CARR:** The second point of comparison is that the *Sydney Morning Herald* disclosed that the Leader of the Opposition earned \$110,000 in consultancy fees from PricewaterhouseCoopers Legal over a number of years.

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

**Mr BOB CARR:** By contrast the honourable member for Wentworthville stated that she had been paid only directors fees. The third point of comparison is that the Leader of the Opposition denied any association with questions on notice placed by him as shadow Minister for Urban Affairs and Planning and issues where PWC was involved, namely, St Hilliers development at Zetland, Sydney Water developer charges, sale of railway yards at Rozelle, the Walsh Bay development, the Eurobodalla Shire Council and brothel legislation, and Eurobodalla council and the Mogo charcoal plant.

**Mr SPEAKER:** Order! Despite the fact that only a little more than eight minutes remain until the conclusion of question time, there are still eight questions to be asked. That could take a considerable part of the afternoon. A number of members have been called to order. Those members are now deemed to be on three calls. If the constant interjection persists, a number of members may join the honourable member for Epping outside the Chamber.

**Mr BOB CARR:** The honourable member for Wentworthville declared her directorship in the members' pecuniary interests register ending 30 June 2003. By contrast the Leader of the Opposition did not declare his directorship in the pecuniary interests register for 1 July 2001 to 30 June 2002, even though Australian Securities and Investment Commission records show that he was a director-secretary of Northmist during that time. In the latest pecuniary interests declaration by the Leader of the Opposition of 1 July 2002 to 30 June 2003 he decided, at long last and after much embarrassment, to list his directorship of Northmist. I thank the House for its attention and I look forward to answering more questions on this subject because I have quite a deal more information to share with the Opposition.

#### UNIVERSITIES TAFE AND HIGHER SCHOOL CERTIFICATE CREDIT OPTIONS

**Ms NOREEN HAY:** My question without notice is addressed to the Minister for Education and Training. What is the latest information on Government measures to recognise TAFE courses and advanced Higher School Certificate studies at the university level?

**Dr ANDREW REFSHAUGE:** I thank the honourable member for her interest in TAFE. Today young people will have many careers in their lifetimes. If they choose post-secondary study there is a good chance they will go to TAFE. They also may study at TAFE before they go to university. More and more we find that if they go to university they often choose TAFE to help them with their next career move. They are choosing to study in a more flexible and open way that better meets their needs, abilities and interests.

There are many options and pathways for students in New South Wales—pathways that provide students with recognised credentials that they can use for the rest of their lives. However, without a better system to officially acknowledge the previous achievements of students, they often waste time and money,

including taxpayers' money, because they are forced to repeat work they have already covered, often with great academic achievement. If they choose a university course, they repeat work previously done at an accelerated Higher School Certificate [HSC] level or at TAFE. We are failing to provide an education system that fosters and supports people in their lifelong learning when the universities do not come to the party.

Already the vocational education and training courses being studied by students are recognised by TAFE as a valuable pathway to further study. However, when it comes to TAFE and advanced HSC studies, more needs to be done. That is why I have asked the universities to provide a more structured credit arrangement for TAFE students. I want advanced HSC students to get the recognition they deserve at universities for the work they have done and I want students studying TAFE courses and advanced HSC subjects to have their work credited for university degrees. I have written to the universities asking them to extend credits to more TAFE courses and to specialised advanced HSC subjects. I want all New South Wales universities to recognise the world-class credentials that TAFE provides.

At present universities do not do enough to acknowledge the years of work achieved by students through TAFE or through advanced HSC studies. TAFE diplomas and certificates are valuable and they are rigorous tertiary qualifications that deserve recognition. Under my proposal vice-chancellors would convene a working party to progress credit arrangements with TAFE and schools. Universities would examine new options for crediting TAFE courses such as guaranteed credit points for specific subjects and modules. Universities would expand existing credit arrangements to cover a wider range of TAFE disciplines. Universities would recognise the work of HSC students completing advanced levels of study by giving them guaranteed credit points towards a university degree and exempting them from specific courses or subject material already completed at school.

Universities would adopt a more consistent approach to crediting HSC advanced studies and would post TAFE and HSC credit options on their web sites. These credit arrangements would also be posted on the web sites of the Department of Education and Training and the Board of Studies. I point out that some universities are doing the right thing and providing successful credit arrangements for TAFE courses. The classic example is the University of Newcastle, which has had credit transfer arrangements in place for the Hunter Institute of TAFE since 1996. These credit arrangements now extend to 62 of the 74 bachelor degree programs at the university. For example, TAFE students completing a diploma in health science—pathology techniques—will get a total credit of 40 units towards a bachelor of science in biotechnology.

However, more needs to be done across the board to recognise prior work. Students should not have to repeat the same course work if they do a university degree. That would be a waste of their valuable time and money. When it comes to recognising the work of advanced HSC students, universities are still taking an ad hoc approach. I would like to see a more consistent approach by all universities so that HSC students are not compelled to revisit subjects they have already completed. There is considerable variation amongst universities in the way they credit prior learning. That must be changed to ensure that all universities provide as many options as possible to give New South Wales students the best possible opportunities in life. Hard work should be rewarded, particularly when it comes to study. There is no doubt that if the universities take up this opportunity to have better recognition of credit points for work already done, both the students of New South Wales and society will benefit.

#### **HONOURABLE MEMBER FOR WENTWORTHVILLE AND ENVIRONMENTAL RESOURCES MANAGEMENT AUSTRALIA (HOLDINGS)**

**Mr MICHAEL RICHARDSON:** My question without notice is directed to the Deputy Premier. How many meetings did he hold with the honourable member for Wentworthville at which the Boral quarry site at Greystanes was discussed, and will you provide details of those meetings?

**Dr ANDREW REFSHAUGE:** I had a meeting with the honourable member about the Greystanes site, I think in conjunction with the local council. It was a matter of discussing council issues in regard to that development and that was as far as the conversation went.

#### **SKIN CANCER**

**Ms MARIANNE SALIBA:** My question without notice is addressed to the Minister Assisting the Minister for Health (Cancer). What is the Government's response to community concerns about the latest research on skin cancer?

**Mr FRANK SARTOR:** Australia has the highest incidence of skin cancer in the world. Because of our climate, lifestyle, culture, beaches and harbour we are drawn to the outdoors—and summer is upon us. Melanoma is the fourth most common cancer in Australia. There were almost 3,000 new cases of melanoma diagnosed in New South Wales in 2001, 10 per cent of the total. That does not include non-melanomic cancers, of which there are many thousands. The good news is that our chances of surviving skin cancer are very high; they are more than 90 per cent. We have a five-year survival rate exceeding 90 per cent, and the quality of treatment in Australia is world class. There is also good news in that our researchers are world class when it comes to skin cancer, particularly melanomas. For example, the Sydney melanoma unit at the Sydney Cancer Centre at Royal Prince Alfred Hospital leads the field in this area. Professor John Thompson of the melanoma unit at the Sydney Cancer Centre has been developing a new therapy involving a technique called sentinel node biopsy, which greatly reduces the invasiveness of surgery necessary to remove skin cancers.

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

**Mr FRANK SARTOR:** This breakthrough, when fully trialled, could greatly improve our treatment of skin cancer. But the issue before the House today is that, with summer approaching, the slip, slop, slap mantra and the annual sunscreen debate are upon us again. Research in the United Kingdom has suggested that relying on sunscreen use may in fact increase the risk of skin cancer. This research found that while most sunscreens are an effective block of UVB rays, which contribute to skin cancer, they are less effective at screening out UVA rays, which penetrate deeper into the skin. The danger is that the liberal use of sunscreen will lull people into a false sense of security. This is of concern. There is further research in relation to the nature of sunscreens, including research by Professor Gary Halliday at the University of Sydney, and breakthroughs appear imminent in that area as well.

However, it is disturbing that recent research by the New South Wales Cancer Council found that the majority of teenagers have misconceptions about a tan. They believe that a tan is good and makes them look slimmer, healthier and more attractive; they are more likely to be influenced by fashion than by sun protection when deciding what to wear for hot weather protection; and they hold unrealistic views about their chances of developing melanoma or skin cancer. This is of considerable concern, and I urge all parents to play a greater role in developing a better understanding of the importance of adequate sun protection in summer and of not over-relying on sunscreen. There is significant work being done in our schools, but it is important that that message is reinforced in the home. It is important to recognise that sunscreen is not a suit of armour; it is only one weapon in the arsenal of sun protection.

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

**Mr FRANK SARTOR:** I encourage honourable members, all parents and members of the community to be aware of the dangers of excessively relying on sunscreen as the summer approaches and to rely instead on appropriate clothing.

### **TAB LTD LOTTERY TICKETS SALES**

**Mr GREG APLIN:** My question is directed to the Minister for Gaming and Racing. Why is the Government putting at risk hundreds of newsagents in New South Wales by allowing TABs to sell lottery products?

**Mr GRANT McBRIDE:** To tell the truth, I am confused by the question. However, as the honourable member has raised the issue, I will have it looked at and provide him with an answer.

### **ETHANOL BLENDED PETROL**

**Mr GEOFF CORRIGAN:** My question without notice is addressed to the Minister for Fair Trading. What is the latest information on ethanol labelling?

**Ms REBA MEAGHER:** In April this year the Federal environment Minister, Dr Kemp, committed to a national labelling regime for the use of ethanol in fuel. The mandatory labelling regime was part of the Federal Government's decision to cap the use of ethanol at 10 per cent, which came into effect on 1 July. It is now late October and motorists have yet to see a draft label. The Federal Government has let down the consumers of this State. When motorists drive up to the petrol bowser they have no information to make a choice about whether to use ethanol-blended fuel.



There is now evidence to suggest that the Commonwealth has failed to enforce its own 10 per cent cap, which Environment Australia—the Commonwealth's research arm—deemed the appropriate standard. An investigation by the Australian Consumers Association [ACA], published this month, found that some petrol stations were using more than the mandatory 10 per cent. The investigation examined 20 independent service stations in southern Sydney and Wollongong. The ACA investigation identified one service station in Wollongong that was selling petrol with an ethanol level of 14 per cent. The ACA study stated:

Consumers in the Sydney Wollongong area can't always be sure what they're filling up with at independent service stations.

The study further stated:

The mandatory labelling requirements are overdue.

On 1 August I hosted the Ministerial Council on Consumer Affairs, where all the States and Territories—and, more importantly, the Commonwealth Government—voted to implement a national labelling regime by 31 October. I should point out that Senator Ian Campbell, representing the Commonwealth Government, voted for the motion before flying out of Sydney. Later in the afternoon he tried to use his officials to rewrite history by removing the 31 October deadline from the final communiqué. I am advised that the Federal Government's enabling legislation has now been postponed again until late November. I have written to Dr Kemp to ascertain exactly the Commonwealth's latest timetable for the introduction of a national labelling regime following the passing of the bill.

I note that even Dr Kemp's own colleagues on the Senate legislation committee sought a timetable on the release of the labelling regulations. Honourable members may recall that back in July I released draft labelling regulations for consultation and to serve as a template for a national model. While industry and motorists generally welcomed the draft regulations, most supported a national label rather than State-based labelling laws, because the Federal labels will supersede the New South Wales labels, leading to duplication. It is time the Federal Government came clean with the motorists of this State, and I will continue to press for a final resolution to this matter.

### GAMING MACHINE TAX

**Mr GEORGE SOURIS:** My question is directed to the Premier. Why did the Premier issue a taxpayer-funded brochure about the Government's poker machine tax that directly contravenes the intent of the Government's legislation on gaming laws, which prohibit images of poker machines in public places?

**Mr BOB CARR:** Let it be recorded by those writing the history of the Parliament that this is the week that Opposition members ran out of questions. They simply sent up the white flag; they have nothing left to ask. With weeks of sittings remaining, we have a question about the sale of lottery tickets by TAB agencies. That was question No. 4. The lead question was about Rockdale council, when the inquiry had ended in May last year, not May this year. The ICAC inquiry ended in May last year.

[Interruption]

The research capacity is immense. Members opposite are researchers. They are now up to reports that came out more than a year ago. They are closing in on us. Our research capacity is pretty good. For example, here is what the Leader of the Opposition—

**Mr Chris Hartcher:** Point of order: The question was about a brochure. So far the Premier has not said a single word about the brochure. I request that, as Speaker Kelly ruled, the Premier be directed to make his answer relevant to the question. Did he or did he not fund an illegal brochure?

**Mr SPEAKER:** Order! There is no point of order. I am sure the Premier was concluding his preamble and will now come to the answer.

**Mr BOB CARR:** I think the brochure is deficient and should be subject to criticism. On the front page of the brochure I would have put this quote from the *Blacktown Advocate* of 13 August:

I think the clubs can afford to give more.

The Leader of the Opposition said that. The brochure is deficient. I would have put on the front of the brochure what the Leader of the Opposition said at a meeting in Glebe two weeks ago:

I wouldn't lift the tax.

That is what I would have put on the front page of the brochure. He was quoted in the *Glebe* as saying that. If I had a say in these things I would have put on the front page of the brochure this quote from the Leader of the Opposition, recorded by Australian Associated Press on 2 September:

Clubs have indicated there should be some form of tax increase.

I am sorry if the publication had an unfortunate partisan bias. I apologise for that. I will get out a new edition that gives due prominence to the views on the poker machine tax increase of none other than the Leader of the Liberal Party himself.

**Mr GEORGE SOURIS:** I ask a supplementary question. In view of the Premier's answer in relation to this brochure, which shows a poker machine on the front of it, would he not have put a hospital on the front if he were fair dinkum, instead of a poker machine?

**Mr SPEAKER:** Order! That is not a supplementary question.

### LIQUOR ACCORD CONFERENCE

**Mr GRAHAM WEST:** My question without notice is addressed to the Minister for Gaming and Racing. What is the latest information on liquor accords in New South Wales?

**Mr GRANT McBRIDE:** The liquor accord process is successful because it is supported and driven by industry volunteers. Importantly, the accord process does not ignore people's personal responsibilities for the consumption of alcohol but seeks to encourage industry to develop good local strategies to ensure that harm is minimised at the point of supply. Due to the success accords have had in many areas across New South Wales, the expansion and strengthening of local accords was a major consideration at the Government's Summit on Alcohol Abuse in August. To this end, my department has co-ordinated the first liquor accord conference, to be held in Sydney on 18 November. This is the first time that all liquor accord participants and stakeholders will be drawn together to network and discuss strategies that work in addressing local problems.

The accord co-ordinators conference is taking a broad approach to the issues related to alcohol consumption. This is achieved through participation of the Roads and Traffic Authority, community drug action teams and area health services, as well as some of the best liquor accords in New South Wales and in other jurisdictions. New South Wales is leading the way in accord development and co-ordination. That success can be seen right across the State. My department is also working towards developing further accords, particularly in remote and indigenous communities. Ultimately, the accord process will strengthen ties within communities, particularly between local licensees, police, local councils, youth and indigenous people. Those people and organisations that have an interest in this issue should contact the Department of Gaming and Racing for details. I also encourage any honourable members who have alcohol-related issues in their electorate to have a representative attend the accord co-ordinators conference on 18 November.

**Questions without notice concluded.**

### CONSIDERATION OF URGENT MOTIONS

#### Federal Government Charities Bill

**Mr JOSEPH TRIPODI** (Fairfield—Parliamentary Secretary) [3.43 p.m.]: Seven years of conservative Federal Coalition Government has meant the gap between rich and poor is increasing. Often charities in New South Wales speak up for disadvantaged members of our society who are too powerless to speak for themselves. These charities can help the Government to develop policies that will aid the disadvantaged. However, the Federal Government wants to silence the voices of society's least advantaged and kill off the truth. The policies of the Federal Government are hurting the poor, the environment, scientific research and progress, the marginalised and those who are discriminated against—and the Federal Government does not want anyone to hear about it. On 22 July Treasurer Costello released an exposure draft of the Charities Bill 2003.

**Mr SPEAKER:** Order! I remind the honourable member for Willoughby that she is on three calls to order.

**Mr JOSEPH TRIPODI:** This draft exposure bill is expected to take effect by 1 July 2004. Australian charities are referring to this as the "Nazi bill". It seeks to make public advocacy on law reform or government

policy or issues of good governance illegal, or at least so expensive that it cannot be done. The draft bill does this by denying charities the favourable tax treatment they are entitled to if they are involved in advocating for their cause. The charities must be silent to remain the way they are. This matter is urgent because the Board of Taxation inquiry into the draft bill is under way. The board is due to report on 1 December. We must take this opportunity to send a message to the Federal Government that it cannot silence the voices of the Australian people and take away their right to freedom of speech.

### **Brigalow Belt South Bioregion Assessment Process**

**Mr ANDREW FRASER** (Coffs Harbour) [3.45 p.m.]: I urge the House to support the motion in my name with regard to the Brigalow Belt South Bioregion. The matter is urgent because all the communities from Dubbo through to Inverell, including Baradine, Gwabegar, Coonabarabran and Gunnedah, are relying on a decision from this Government to enable them to continue a vibrant, viable timber industry in the north-west. The timber industry in the area is producing cypress pine for the export market. It is employing directly more than 500 people. It is a totally sustainable industry but the Government has so far seen fit to delay a decision of the Resource and Conservation Assessment Council [RACAC] for 12 months. Yesterday the Government appointed the Rt Hon. Ian Sinclair to head yet another process to investigate this Brigalow Belt South Bioregion, and it will again leave the people out there unsure of their future. Those people will end up on the charities dollar if this Government does not give them the Bruce option that was put forward by members of the community.

The Bruce option will give about 190,000 hectares of reserves to National Parks but will continue a timber supply for the people there and ensure that the 420 direct jobs involved in the cypress pine industry are maintained. It will also mean that \$50 million of proposed investments, which will see hundreds more jobs in this industry, will go ahead and provide an opportunity for more wealth into those communities. The motion is urgent because the 120-odd people who live at Gwabegar exist because of the cypress pine industry. The majority of the 1,500 people in Baradine owe their living to the cypress pine industry.

**Mr Andrew Stoner:** Mining and bees.

**Mr ANDREW FRASER:** Mining and bees, as the Leader of The Nationals said. There are 118 jobs in the apiary industry. These people are living in fear of the Government introducing a green option to an inquiry that the Rt Hon. Ian Sinclair has been appointed to head. I believe he will do nothing more than find a green option at the will of this Government.

**Mr Andrew Stoner:** It will be bad for the environment.

**Mr ANDREW FRASER:** It will be bad for the environment. We visited the cypress forest. On the land on the side of the road that the National Parks and Wildlife Service is managing there are no wallabies, no birds and no biodiversity at all. On the other side of the road, where the land has been logged and grazed, there is a vast biodiversity system with wallabies and birds, and the people in those industries have the opportunity to employ people, make some money and ensure they have a future. It is nothing less than despicable that the Government has had those communities on hold for the past 12 months or more, knowing full well that it will look at the green option that has been put to RACAC, knowing full well that these jobs will go and that \$30 million will be paid out in structural adjustment, and knowing full well that the Minister intends to sell the softwood pine plantations and the hard- worked forest on the North Coast to gain \$1 billion to pay out the industry.

The solution put forward to the people of New South Wales will result in the decimation of the rainforests and timber industries of Malaysia. The National Parks and Wildlife Service, through its management of our forests, is setting up a giant barbecue. Last week the Minister said there were nine proposals before his department. The Resource and Conservation Assessment Council has studied those proposals, and the community has rejected them. The community has put forward a proposal that strikes a balance between conservation and industry. The community proposal will retain jobs and will enable \$50 million worth of investment. We do not want yet another investigation by a retired National Party politician, who will make findings suitable to the Government. We want justice for the people [*Time expired.*]

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

**The House divided.**

[In division]

**Mr SPEAKER:** Order! I remind the honourable member for Willoughby that order should be maintained in the House during divisions. I remind the honourable member for the second time that she is on three calls to order.

**Ayes, 47**

Ms Allan	Mr Gibson	Mrs Paluzzano
Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	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 Scully
Miss Burton	Mr McBride	Mr Shearan
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr West
Mr Crittenden	Mr Mills	Mr Whan
Ms D'Amore	Mr Morris	<i>Tellers,</i>
Mr Debus	Mr Newell	Mr Ashton
Mr Gaudry	Mr Orkopoulos	Mr Martin

**Noes, 33**

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

**Pair**

Mr Iemma

Mr J. H. Turner

**Question resolved in the affirmative.**

**FEDERAL GOVERNMENT CHARITIES BILL**

**Urgent Motion**

**Mr JOSEPH TRIPODI** (Fairfield—Parliamentary Secretary) [3.58 p.m.]: I move:

That this House expresses its concern at the Federal Government's exposure draft of the Charities Bill 2003, particularly clause 8, which would exclude New South Wales charitable organisations from public advocacy roles.

The people of New South Wales must know about this attempt by the Federal Government to bully charities and to reduce their right to free speech. On July 22 Treasurer Costello released an exposure draft of the Charities Bill 2003, which is expected to take effect by 1 July 2004. Some Australian charities are referring to this as the "Nazi bill". It will make public advocacy by charities illegal if the advocacy relates to government policy or administration. The draft bill does that by denying charities their current tax arrangement if they speak out against the Federal Government, the state of their area of concern and care, issues confronting the Australian

people, or any cause they care about. Australian charities are about to be silenced. They will no longer be participants in our pluralist society. Charities will not be allowed to be part of democratic Australia. The Tax Act will become the gag Act, putting masking tape across the mouths of Australian charities.

Clause 8 of the draft bill will exclude from charitable status groups that have among their purposes changing the law or government policy or advocating a cause unless these purposes are no more than ancillary or incidental to the other purposes of the organisation. This bill fails to recognise the reality that advocacy on matters relating to government laws and policies is an essential role of charities, and should never be prohibited. It is through change of government policy that the underlying causes of poverty and disadvantage in Australia can be addressed. Instead of letting charities speak up for those members of our society too powerless to speak for themselves, the draft bill seeks to bind and gag them if they speak the truth about Federal Government policies that are hurting the poor and disadvantaged. This draft bill will end the charitable status of many groups in Australia.

Advocacy is integral to the work of charities. Thousands of charities regularly engage in public advocacy. They lobby on relieving poverty, protecting the environment and improving health or education. Approaching government and opposition political parties, researching issues of concern and developing public policy proposals have been and should be the business of charities. Raising matters for public debate, changing public opinion and educating Australians should be an unpunishable freedom practised by any organisation in this country. There are many reputable charities operating in New South Wales that have a strong professional reputation as policy experts and advocates.

This Government recognises the value of input from those charities in developing good public policy. However, those very qualities of professionalism in policy and advocacy will disqualify them from charitable status under the draft bill. In a pluralist society such as Australia, good policy is not developed by parliaments or bureaucracies in a vacuum. Organisations active in service delivery not only have the capacity but also a moral duty to offer their expertise to governments and should not be punished for it. In recent years charities have fortunately taken on a very important role in providing services to the disadvantaged in partnership with the Federal Government. Service delivery from the Commonwealth has been heavily privatised. This means the Commonwealth has lost important learning-by-doing experience. These direct-service providers bring to the policy process their valuable on-the-ground experience. Larger direct-service providers often have social policy divisions to co-ordinate this work.

However, the valuable contribution those bodies can make to the policy process is often restricted by Liberal Government funding contracts that disallow advocacy. It is a matter of record that those charities are required not to be involved in public debate or advocating for their cause, beliefs or values. That is a disgrace. The Commonwealth's position is that those involved in charitable work in Australia must be silent. If people want to donate to a charity that is changing public opinion and debating matters important to our society their donation will not be tax deductible. Only the quiet or silenced charities—those with the gag—will attract tax-deductible status. What has been the industry's response to what has been described as the "Nazi bill"? The 30 July 2003 edition of the *Australian Financial Review* reported Francis Sullivan, the Chief Executive of Catholic Health and Welfare, as follows:

If the Government is going to make the granting of tax-free status a reward for silence then it is not only ridiculous but shows a complete misunderstanding of why charities exist.

The 31 July edition of the *Australian* reported a comment from Andrew McCallum, President of the Australian Council of Social Service, who said:

Charities should not be expected to ease the effects of poverty without addressing its causes through public advocacy ... Any attempt to distinguish between charitable purposes and advocacy is wrong-headed and outdated.

The message is clear: A good charity must be a good advocate. That is what the industry is saying. A good charity must shape public opinion and seek to change government policy. Peak bodies represent the interests of service providers and their clients. They enable the charitable sector to speak out on important social policy issues when individual direct-service providers may be restricted from doing so. Peak bodies are an efficient way to distil the practical knowledge of direct-service providers and to combine it with professional policy development and advocacy.

Consumer organisations have an important advocacy role. They represent consumers of community services, especially disadvantaged people who lack a strong voice as individuals. The proposed bill will target the advocacy role of peak bodies and consumer organisations because they are more likely to specialise in

policy development and advocacy on behalf of their constituencies. The result will be a worsening state of public policy—the silencing of the needy. That means less public attention on poverty, unemployment, illness and disability. It sounds like more picket fences, tea with cream and scones and John Howard's images of a perfect Australia. It has nothing to do with reality. This is an attempt to silence charities in this country—organisations that should be encouraged to spread their expertise, knowledge and experience. Those organisations should not be discouraged or silenced.

**Ms KATRINA HODGKINSON** (Burrinjuck) [4.06 p.m.]: I draw to the attention of the House that this is yet another Federal issue raised by the honourable member for Fairfield. What happens? Does Simon email his rejects from Canberra? No, it must be Kim Beazley. The honourable member probably rings the room with the green carpet in Canberra and asks Kim what he has that the State Government can use because it is short of ideas. Beazley then throws him a kipper. This legislation is good, particularly for child care. On 21 July 2003, as the honourable member mentioned, the Treasurer announced that the exposure draft Charities Bill had been released for consultation by the Board of Taxation for the Charitable Sector. That exposure draft reflected the announcement made by the Treasurer on 29 August that the Government would introduce a legislative definition for a charity.

That definition closely follows the current common law definition but has been expanded to include not-for-profit child care available to the public, open and non-discriminatory self-help groups, and enclosed or contemplative religious orders that offer prayerful intervention at the request of the public. They are three very worthy groups. The definition does not seek to narrow the common law definition. The exposure draft of the bill largely follows the existing common law definition while providing clarity and transparency to charities. The bill also expands the definition by including not-for-profit child care available to the public.

I draw the attention of the House to the front page of today's edition of the *Daily Telegraph*, which contains another good news child-care story from the Federal Government. The headline reads "Help at last: Childcare crisis finally recognised". I am delighted about this announcement as a mother who obviously needs child care and who is the first port of call for many mothers who also need it but who cannot get it. It is wonderful that the Federal Minister for Children and Youth Affairs, Larry Anthony, has said that he is confident that the cap on child-care places will be lifted by next year. I have had several conversations with him about the issue.

I am thrilled about this latest piece of good news from the Federal Government. It is fantastic that thousands of people who have been waiting for child-care places will finally have their wish come true. They will not have to take days off work to look after their child when necessary. The Sisters of Charity will be able to open places for child care under this bill. Self-help bodies that have open and non-discriminatory membership and closed or contemplative religious orders that offer prayerful intervention for the public will be able to continue and expand their activities. Their inclusion will clear up ambiguities and inconsistencies in the common law definition.

The bill does not seek to narrow the existing definition. It is consistent with the common law definition as regards advocacy, lobbying, the status of government bodies and the commercial activities of charities. The exposure draft of the Charities Bill does not prevent charities from engaging in advocacy, as suggested by the honourable member for Fairfield. That is a furphy. It has been a longstanding principle of charities law that a charitable organisation must have a dominant purpose that is charitable and for the public benefit. It has also been held that a charity can pursue a non-charitable purpose provided it is no more than incidental or ancillary to the organisation's dominant purpose. In my view, that makes sense. Consistent with the current common law definition of a charity, engaging in advocacy will not prevent an organisation meeting the definition of a charity if it is incidental or ancillary to the dominant charitable purpose of the charity.

People take up causes on government policy all the time. The Federal Treasurer's brother, Reverend Tim Costello, in Melbourne, often speaks out against government policy. On many occasions churches have taken up causes of public policy, for example, with regard to the Wik hearing in the High Court. Churches are charitable institutions and their members are allowed to speak their minds. We live in a democracy, it is a free world and people can speak their minds, so long as a political organisation is not the main purpose of the charity. It is commonsense. I support the right of people from charitable organisations to speak out, so long as the primary purpose of the organisation is not political fundraising or other political activities. The Australian Taxation Office currently advises taxpayers:

An entity is not charitable if its dominant purpose is advocating a political party or cause, attempting to change the law or government policy, or promoting a particular point of view. However, if an entity's purpose is otherwise charitable, the presence of political, lobbying or promotional activity that is incidental to the charitable aims will not prevent it being a charity.

That is consistent with the draft legislation. The exposure draft Charities Bill codifies those principles. It allows charities to have the aim of advocating a political party or cause, supporting a candidate for political office, or attempting to change the law or government policy, provided that the aim or the sum of those aims is no more than ancillary or incidental to the dominant purpose of the entity concerned. The legislation needs to be cut and dried. People need to be able to understand it. In my view, it makes commonsense.

As honourable members would be aware, the exposure draft bill is currently the subject of an extensive consultation process conducted by the Board of Taxation. Following the conclusion of that consultation process, the Federal Government will consider the board's report before finalising the bill. Given that the bill has been in the public domain for some time now, I find it staggering that the honourable member for Fairfield has chosen the second last day of the sitting week to raise this issue as a matter for urgent consideration. It is a good bill. It will help with desperately needed child care places around the State.

An article in today's *Daily Telegraph* reports that the Australian Bureau of Statistics estimates that parents of 10,200 New South Wales children need family day care and 108,200 require outside school hours or school holiday care. The article goes on to report that about 11,700 New South Wales children, or more, need care outside of school hours. The Charities Bill, together with the announcement by Federal Minister Larry Anthony, will go a long way towards assisting mothers, grandparents and aunties—or whoever looks after the child—to get those desperately needed child care places. I commend the Federal Government for its stance on this issue.

I imagine that charitable organisations such as the Sisters of Charity, who will now be given the opportunity of setting up their own child care places without the cap, will welcome the bill. It will also be great for rural and for regional areas of the State. There is also a drastic crisis in child care places in Sydney. Many of my friends often have problems with child care arrangements. The Federal Government's proposal is extremely welcome. The Federal Government is to be commended for its stance on this issue, clarifying and codifying the definition of a charity and drawing the line in relation to political misuse by some so-called charitable organisations.

The Federal Government must also be commended for acknowledging good charities for the work they do and for recognising the right to free speech, the fact that we live in a democracy, and that charitable organisations have as much right as anyone else to speak out as they see fit, as long as the primary purpose of the organisation is not to fund a political candidate or party. This is a great bill. The Federal Treasurer is a good man, the Prime Minister is the best Prime Minister we have ever had, the Deputy Prime Minister, John Anderson, is outstanding, and Federal Minister Larry Anthony deserves to be congratulated on his latest announcement.

**Pursuant to sessional orders business interrupted.**

#### **SPECIAL ADJOURNMENT**

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

That the House at its rising this day do adjourn until Friday 31 October 2003 at 10.00 a.m.

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

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#### **TRIBUTE TO LECH WALESIA, A FORMER PRESIDENT OF POLAND**

**Ms VIRGINIA JUDGE** (Strathfield) [4.15 p.m.]: I draw to the attention of the House the visit to Sydney of Lech Walesia, a former President of Poland. Several months ago two Strathfield residents—Michael Wykrota, the President of the Polish Australian Association, Solidarity, and Janusz Nawroski, the association's Vice-President—brought Mr Walesia's imminent arrival to my attention. On Saturday 1 November, at the Polish Club in Liverpool Road, Ashfield, in the electorate of Strathfield, members of the Polish community and others will come together to welcome Mr Walesia and show their support for his ongoing commitment to democracy in Poland. I feel honoured to welcome Mr Walesia to my electorate.

According to the 2001 census, almost 900 people in the electorate of Strathfield claim Polish ancestry. The Polish Club in Ashfield is a focal point for the Polish community throughout the inner west and, indeed, the

whole of Sydney. The president of the club, Margaret Kwiatkowska, has worked hard to ensure that the event will be well supported and warmly welcomed by the community. The Australian Human Rights Commissioner, Dr Sergeryn Ozdowski, has co-ordinated Lech Walesa's visit to Sydney. I understand that the Premier will also host a special reception at Government House on Monday. That is something exciting to look forward to.

If it were not for the leadership of Lech Walesa, Europe, and indeed the world, would be a different place. Through the creation of the Solidarity union, Lech Walesa, who was born in the shipyards of Gdansk, led Poland from communism to democracy. I find it ironic that one of history's few genuine workers revolutions was directed against a so-called workers State. At the Lenin Shipyard, which was under threat from the communist government, Lech Walesa moved his striking fellow workers away from mere wage claims and toward a central, daring, political demand: free trade unions. The Polish communists were forced to make an unprecedented concession, and a non-communist trade union, Solidarity, was born.

A few years later, with Polish workers behind him, Lech Walesa and his colleagues secured semi-free elections, in which Solidarity—or Solidarnosc—proceeded to triumph. In 1990 Lech Walesa was elected as Poland's first non-communist President, an office he held until 1995. Despite his office, Lech Walesa never lost sight of the workers in the shipyard in Gdansk. In fact, when he was awarded a Nobel Prize in Peace in 1983, he did not travel to Norway to receive the award. He chose instead to spend the occasion with his fellow workers at the shipyard where his battle had started some time previously. In his Nobel lecture he said:

The sole and basic source of our strength is the solidarity of workers, peasants and the intelligentsia, the solidarity of the nation, the solidarity of people who seek to live in dignity, truth, and in harmony with their conscience.

His commitment to quality, nationalism, and freedom of association are legendary. His vision—in the face of seemingly unsurmountable opposition, personal danger and hardship—has been unshakeable. At a time when the very lives of workers may have been under threat, he had the forethought to lead workers to think of the future and to advocate for the rights of workers to organise their own independent union. This is a sign of a truly brilliant leader.

As a member of the great Australian Labor Party and a trade unionist, I take inspiration from the leadership and perseverance of Mr Walesa. Despite his power and his ability to sway crowds, he used his gift for moderation, rather than to incite violence or division. Even under menacing circumstances he maintained that we can only effectively oppose violence if we do not resort to it. He is the author of several books and holds honorary doctoral degrees from more than 100 universities around the world. In November 1989 he became the third person in history, after the Marquis de Lafayette and Winston Churchill, to address a joint session of the United States Congress. Currently, Mr Walesa is heading the Lech Walesa Institute Foundation. Mr Walesa is a phenomenon. Without him, Poland may not have made the transition from communism to democracy, and without the Polish icebreaking, eastern Europe might still be frozen in a Soviet sphere of influence, and the world would be a very different place. It is my pleasure to welcome Mr Walesa to Sydney, to Strathfield, and to our great country of Australia.

### TAFE COURSE ACCREDITATION

**Ms PETA SEATON** (Southern Highlands) [4.20 p.m.]: I raise a serious issue about a group of students in my area who have found themselves in a difficult position. They undertook a course in year 11—some of them are now in year 12—that they expected would deliver them, on completion, an accreditation. Apparently that has not been the case. That means that those students will leave school without a certificate or some form of accreditation. One student, who I understand has undertaken the course as part of his 10 Higher School Certificate [HSC] units, will not receive accreditation for doing that course as part of the HSC. The students and their parents are extremely worried and they have raised the matter with me. They do not want to make a fuss about it. They want to have the matter resolved so that the students who have found themselves in this terrible situation are relieved of stress and uncertainty during this HSC period, and can be guaranteed that the hard work that they have done on the course for the past two years will be acknowledged. They want the appropriate accreditation so that they will be able to go on, as they had always planned, to further study or to seek employment.

I am still trying to determine exactly how many students have been affected. However, between 10 and 20 students undertook a vocational education training [VET] TAFE course through their schools in the Wollondilly area. I am still trying to discover whether that course was specifically put together for the school at the TAFE or whether it was part of a broader umbrella course. The students commenced a course in aero skills. As I understand it, the course is delivered, through Padstow TAFE, at Camden airport where the students do



what is essentially a first-year apprenticeship in aeroplane maintenance. The students would have expected that, having completed that course, they would then, through the TAFE VET system, go on to some form of employment, perhaps with Qantas or some other aviation industry employer. After two years they have discovered that the work they have done has been in vain because the person or organisation that has been delivering this course is apparently not accredited. This is why the students and parents are particularly worried.

I started to do some research to try to find out the facts of the matter because the parents are having a great deal of difficulty ascertaining what the situation is. I looked up the TAFE web site. The web site of the New South Wales Southern Sydney Institute of TAFE, which has a badge on it saying, "Quality System. Quality Endorsed Company", states that TAFE VET courses in aviation are available. It states:

These courses also lead to nationally recognised qualifications.

I went a little further in the aviation options and discovered two courses: aviation-aircraft mechanical and aviation-aircraft mechanical (additional modules). There was again the "Quality Endorsed Company" badge and I found the sort of course that I believe these students were doing. I tried to find out more. I rang a person named Sid Stephens at TAFE, who I understand co-ordinates TAFE courses with school needs. I rang Mr Stephens yesterday and today on three or four occasions but he was not there. He has an answering machine, but I have not been able to speak with him.

I am raising this matter today to ask the Minister for Education and Training to give a guarantee to the students, who have worked so hard for two years and who are now facing the end of their school careers. In one case an HSC student faces the prospect of not getting the HSC and not getting the expected accreditation. Apparently a meeting is to be organised between the Department of Education and Training, TAFE and Qantas to try to find some way of getting Qantas or potential employers to acknowledge the students. That meeting might not take place until the end of November. We need some form of guarantee that the students will not be let fall by the wayside, that their HSC will not be in doubt, that they will get the accreditation they need, and that their two years hard work will not be in vain. I also want an inquiry to ascertain why the Government let the situation develop in the first place.

### **TOMAREE BREAST CANCER SUPPORT GROUP**

**Mr JOHN BARTLETT** (Port Stephens) [4.25 p.m.]: October is Breast Cancer Awareness Month. Today I want to talk about a wonderful volunteer group based on the Tomaree peninsula called the Tomaree Breast Cancer Support Group. I support the group's call for more volunteers to help because it is, unfortunately, getting more and more work. Statistics show that about one in 11 women in Australia will develop breast cancer at some time during their life. The Tomaree Breast Cancer Support Group has a motto: "By caring and sharing we can make a difference". The steering committee for the group, which meets once a month, comprises Nola Lawler, Annie Cowling and Anne Curtis. They undertake a range of different activities to help people suffering from breast cancer.

The group was formed in 2001 after a suggestion by Dr Ralph Gourlay that such a service was needed in the area. The Tomaree peninsula has a population of about 18,000 people and is about 60 to 70 kilometres from the Mater hospital in Newcastle, the major oncology hospital for the Tomaree peninsula. The Nelson Bay Bowling Club provides the space for the group's meetings and it has met regularly since April 2001. The objective of the members of the group is to support women suffering from breast cancer in the best way they can. The group formed under the umbrella of the Hunter Breast Cancer Foundation Incorporated, and was inspired by the then President, Virginia Rigby. The group adheres to the constitution of the foundation, and that ensures its accountability at all times.

Currently the group has 30 members and their services fall into four categories. Earlier I mentioned the distances involved in travelling to hospital for repeat visits. The first category of service is transport. A team of 13 drivers takes patients to Newcastle hospital for chemotherapy, radiotherapy and associated appointments. More drivers are needed. The second category relates to comfort cushions designed to provide arm support. These unique cushions, which are made of satin, are soft, feminine and practical. People throughout the Hunter have provided wonderful feedback about them. The group holds sewing bees in the homes of members. They make approximately 50 cushions per session and have a great deal of fun. Apparently it does not matter whether the members of the group can sew because another task is to stuff the cushions in the proper manner to provide the correct support. At one time the group supplied 40 cushions per month to the Mater Misericordiae Hospital. The project was so well received that they now supply cushions to most of the other hospitals in the Newcastle area. I commend them for their efforts.

The third category is a specialised counselling service. A trained psychologist visits patients in their homes and provides the service free of charge. The fourth category involves a roster to help patients in their homes. People on the roster make casseroles and do the shopping and washing, et cetera. The group is able to fund those services through dinners, raffles and bus trips. Funding is provided for the cushions, petrol and insurance for the drivers. October is Cancer Awareness Month and the group has hosted dinner and breakfast engagements. Two years ago I attended a function that was so well supported that the bowling club was filled. I congratulate all members of the group and commend them for the wonderful job they are doing for people on the Tomaree peninsula.

**Miss CHERIE BURTON** (Kogarah—Parliamentary Secretary) [4.30 p.m.]: I thank the honourable member for Port Stephens for highlighting the activities of this important group. Cancer is one of the biggest killers in this country; my family has been touched by it on a number of occasions. The Tomaree breast cancer support group makes a wonderful contribution to the community. Monday was Pink Ribbon Day and on Sunday I had the pleasure of participating with 300 other people in the Sussan women's fun run to raise money for breast cancer awareness. I commend the honourable member for his ongoing hard work and for his support of his local community. I wish the group all the best in helping women suffering from breast cancer.

### KU-RING-GAI ELECTORATE BUILDING DEVELOPMENTS

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [4.31 p.m.]: I again raise the State Government's efforts to impose overdevelopment upon Ku-ring-gai. I do so after attending last week's council-initiated public meeting on the latest draft of the residential strategy and the Minister's proposed amendments. Council records indicate that approximately 600 people attended last week's meeting and about 670 the meeting held the week before. I congratulate council on its initiative in engaging the community in this important issue and I thank the residents who took the trouble to stand up for Ku-ring-gai. Ku-ring-gai Council submitted its latest residential strategy to the Department of Planning in April this year. As I have said before, the efforts of Mayor Ian Cross and General Manager Brian Bell to produce that document were tremendous and I again publicly thank them for their leadership on this issue. In September the Minister agreed to allow the strategy to go on public exhibition. As I said when I last spoke, this letter from the Minister represented the most positive response ever received from any of the successive Carr Government planning Ministers on the strategy.

Previously, council was told by either planning Ministers or their bureaucrats that their work was rejected, not meeting the Labor Government's goals, even though their goalposts kept moving and it seemed that no matter how accurately Ku-ring-gai kicked the planning ball it could never score. As I have said in this place before, I strongly support the rights of local communities to determine local planning matters. Local communities will always be better placed to assess the impact of developments upon local environments than centralised and distant bureaucracies. So it should come as no surprise that I also strongly support the residential strategy or draft local environment plan [LEP] 194 submitted by Ku-ring-gai Council to the Department of Infrastructure and Planning. It is responsible and seeks to ensure that Ku-ring-gai shares with other parts of Sydney the burden of the city's ever-increasing population. It also seeks, as far as is permitted by the State's planning bureaucrats, to protect Ku-ring-gai's prevailing garden suburb character.

As required by the State Government, it concentrates developments along the Pacific Highway and the North Shore rail line. More important, it sets responsible interface arrangements including setbacks and four multi-unit zones that provide for a gradual increase in height to avoid the prospect of four-storey or five-storey developments towering over single-storey heritage and other homes. The good news was that the Assistant Minister agreed for the draft strategy to go on exhibition. The bad news was that the Assistant Minister and her bureaucrats have proposed a number of changes that would significantly alter what council has put forward and seriously undermine efforts to balance development with Ku-ring-gai's prevailing character.

These nine amendments cover everything from floor space ratios, deep soil landscaping requirements through to wheelchair accessibility and section 94 contributions by developers. But those I want to focus on relate to the aforementioned interface arrangements. The Minister is proposing that council's four-stage, multi-unit zoning be combined into a single medium density housing zone known as 2D (a). It is an appalling and irresponsible proposal. It would mean, if adopted, that five-storey medium density developments would tower over adjoining single-storey houses. There would be incredible impacts upon the privacy and amenity of adjoining residents and I note that in many cases these medium-density zones adjoin single-storey housing. There is no quarantining or separation by roadways or lanes or the like.

The Minister is seeking a reduction in the proposed setbacks between multi-unit developments and adjoining residences. Combined with the proposal to add a fifth storey to council's proposals—a top floor that

does not, as proposed by council, have to be confined to the roof space—the damage that would accrue is enormous. This change would further worsen the usability of adjoining backyards and lead to pressure for development creep. The question I pose is: Why is the Minister pushing these amendments, which would have such a drastic impact, all for the sake of what council's consultant says is the addition of another 1,500 residents to the draft housing strategy?

Let me put that in perspective. It was estimated at the public meeting that council's draft strategy would deliver around a 13,500 increase in the number of residents housed under the residential strategy. The Minister's changes would increase that figure to 15,000. It is an unreasonable demand, given the progress represented by the draft residential strategy submitted by council and in light of the undoubted damage it will cause to Ku-ring-gai's character and amenity. It is a step too far and I urge the Minister, at the very least, to withdraw these proposed interface amendments. As I have argued before, the State Government should reward good behaviour and not punish council. Council has behaved responsibly over the past year and has delivered a draft strategy that would ensure Ku-ring-gai continues to carry its share of the population growth of this city. It is a departure from past antics that regrettably visited upon the Ku-ring-gai community a plague of SEPP 5 applications, it and has resulted in the planning bureaucrats assuming direct planning control over six sites across my electorate where most residents fear even more horrendous developments.

I urge the Minister to acknowledge this progress, rethink her position, and withdraw her potentially devastating amendments. To do otherwise would be an act of sheer bastardry. It would represent an act of punishment to a community that has, to all intents and purposes, done what has been asked of it by the State Government and, in so doing, sought to protect local amenity and character. Comments on the draft LEP are due by tomorrow. I have repeatedly encouraged residents to have a say, make their views known, and strongly support council's draft LEP 194. I use this opportunity to encourage the Assistant Minister to get real and to advance this matter by withdrawing her amendments and approving the draft residential strategy of Ku-ring-gai Council as adopted by council.

**Ms DIANE BEAMER** (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [4.36 p.m.]: I thank the Deputy Leader of the Opposition for again raising Ku-ring-gai Council. He would do better to read the speech made yesterday by the honourable member for Davidson in which he said that council should get on with doing its job. We are all aware that the residential strategy for Ku-ring-gai Council is insufficient and that we should reward good behaviour. There are 900 development applications presently before Ku-ring-gai Council.

**Mr Barry O'Farrell:** Point of order: This is not the opportunity for the Assistant Minister to continue the lies of Carr Government planning Ministers about Ku-ring-gai. We have met the goals set by the Government.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! The Deputy Leader of the Opposition will resume his seat. There is no point of order. He may make a private member's statement on the next occasion, as inevitably he will.

**Mr Barry O'Farrell:** We share our load; the draft strategy does that. The Minister does no good in trying to repeat these lines that successive Ministers have used to ill effect. It is misleading the House and she should not be allowed to continue.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I call the Deputy Leader of the Opposition to order. To be called to order during private members' statements is something of a record. The Minister has the call.

**Ms DIANE BEAMER:** There are 900 development applications presently before Ku-ring-gai Council, two-thirds of which have exceeded the 40-day limit. If we want to reward good behaviour, we first have to understand that this council needs to do its job and do it well. The council has submitted a strategy that seeks to add to its residential capacity.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I call the Deputy Leader of the Opposition to order. This is not question time.

**Ms DIANE BEAMER:** We talked to council and said that the strategy needed amendments before it went on exhibition. However, council put it on exhibition with my letter.

**Mr Barry O'Farrell:** Point of order: My point of order relates to relevance. The Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) wants to put five-storey developments next to single-storey homes. Would she approve that in her area? Of course not!

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I call the Deputy Leader of the Opposition to order for the second time.

**Ms DIANE BEAMER:** My area takes the share of Sydney's growing boom—1,000 people per week and 50,000 people per year. That is what we get in Western Sydney.

### **BREAST CANCER**

**Ms ANGELA D'AMORE** (Drummoyne) [4.38 p.m.]: Today I acknowledge National Breast Cancer Day, or pink ribbon day as it is more widely known, and the vital role the National Breast Cancer Foundation plays in the fight against breast cancer. The National Breast Cancer Foundation's quest is to "find the cure, find the cause", and its mission is to do just that in partnership with the Australian community in the pursuit of new knowledge, diagnosis and treatment of breast cancer. Indeed, it is a priority of the foundation to ensure that women's views about the focus of breast cancer are taken into account; in doing so, that promotes a commitment to translating research knowledge into benefits for women with breast cancer. The foundation is committed not only to research but also to the direct care of women with breast cancer. And as an advocate for women it finds a common ground for the community to participate in events such as the Pink Ribbon Breakfast.

On Monday 27 October 2003 as the State member for Drummoyne I hosted the Pink Ribbon Breakfast at the Aqua Vista restaurant at Drummoyne Rowing Club. The breakfast was well attended by the New South Wales Nurses Association, local rotary clubs, the Concord Chamber of Commerce, the Breast Feeding Association of New South Wales, and many local businesses and community members. My decision to host this Pink Ribbon Breakfast was not a hard one. Why? Because each year 10,000 women are diagnosed with breast cancer. Most of us here today and in the general community would have a mother, a sister, a wife or a friend who has been diagnosed with breast cancer or who has passed away as a result of breast cancer. When I was 14 I lost my mother to breast cancer; she lost her battle and passed away in 1986. If we were to take a count in the Chamber today I feel certain that many of us would have been touched somehow by an experience similar to mine.

Money raised from the Pink Ribbon Breakfast, such as the one held in the State seat of Drummoyne, will go to the National Breast Cancer Foundation, a not-for-profit organisation established in 1994. To date, the foundation has allocated \$12.7 million to 77 breast cancer research projects across Australia into the treatment, prevention and detection of breast cancer. In addition, the foundation enjoys broader support from the cancer control community. The New South Wales Carr Government has implemented several initiatives. In particular, we now have a ministerial portfolio that deals directly with cancer. During the March election campaign the Carr Government promised funding for cancer. This year that promise has been delivered, with \$450 million being allocated for services to fight cancer.

The New South Wales Cancer Institute is one such example of delivery of that 2003 election commitment. This translates to improved services across the State, which address need in the community on the one hand and the integrity of the Carr Labor Government on the other to deliver on its election commitments for a better New South Wales. In 2001 there were 4,067 new cases of breast cancer in New South Wales, representing 29 per cent of all cancers in women. The startling fact is that one in 10 women in New South Wales will develop breast cancer by the age of 75. In 2001, 862 women died of breast cancer, which is 16 per cent of all cancer deaths in women. This makes breast cancer the most frequent cause of death from cancer in women.

Thankfully, though, there is some good news. The incidence of breast cancer has been relatively stable for the past seven years. From 1991 to 2001 the mortality rate fell by 22 per cent. We have also had considerable success in extending the lives of women diagnosed with breast cancer. Some 85 per cent of women diagnosed between 1994 and 2000 survived at least five years after diagnosis—up from 74 per cent between 1980 and 1984. This reflects massive efforts that have been made to improve treatment and screening programs. Early detection is crucial. It has been a focus of the research effort and of Commonwealth and State Government programs. Better methods of detection have been identified, and treatment is improving.

I recognise and praise the work of the National Breast Cancer Foundation and its associate groups such as the Cancer Council, and all the hard work they put into getting their message across. It is no less amazing then that the foundation, which already gives so much, started a scholarship program to fund research into the areas it has identified. Its guiding principle is to build knowledge of breast cancer research while providing excellent research within a peer review system. To date, it has provided no less than six vital research projects that support its statement of identifying areas vital to women.

These projects range from studying support services to screening programs. They are all testimonial to the foundation's commitment to meeting its mission statement, and I congratulate it on its ongoing projects. Remember that the good work of the foundation and other health professionals means that survival is increasing. I extend my thanks to the community members in the State seat of Drummoyne who attended and supported the Pink Ribbon Breakfast, which will now become an annual fundraising event in the State seat of Drummoyne. I also extend my thanks to the Minister Assisting The Minister for Health (Cancer), who was the guest speaker at the breakfast, for his time and support. It was much appreciated by the participants.

**Miss CHERIE BURTON** (Kogarah—Parliamentary Secretary) [4.43 p.m.]: I thank the honourable member for Drummoyne. Once again she has shown her commitment to the local community and her support of the National Breast Cancer Foundation. On behalf of the Government, I congratulate the National Breast Cancer Foundation. Breast Cancer Awareness Week has become one of the most high-profile weeks with all the activities that people organise across the State in order to bring awareness of breast cancer to the fore. The success of that means that more women than ever are getting tested, and they are aware of the importance of self-examination for early detection. I congratulate the foundation on its continued push for research into breast cancer.

### **RIVERINA INDUSTRY TRAINING CENTRE STAFFING**

**Mr IAN ARMSTRONG** (Lachlan) [4.44 p.m.]: On 16 October I received a self-explanatory letter, which states:

#### **Reduction in staffing of Riverina Industry Training Centre**

I am writing to inform you of changes to staffing of the Riverina Industry Training Centre that are proposed under the Department of Education and Training's Lifelong Learning restructure. I have taken this initiative as the Department has not broadly publicised these changes as happened with the proposed changes to TAFE NSW Riverina Institute in the first draft of the proposal. The Department has set a consultation deadline of 4 November 2003 but has not actively sought input from outside the department. As these changes could significantly the level of service the Riverina ITC can supply to your organisation I have brought this to your attention. This is not a Departmental notification.

The major proposed changes are:

1. A reduction of four (4) positions in the Centre
2. Deletion of the remaining management position from Wagga Wagga (the New Apprenticeship Centre management position has already been transferred to Wollongong; the Riverina ITC will now be completely managed from Wollongong)

It should be noted that all Industry Training Centres across NSW will have reduced staff numbers. At this stage advice from management is that there will be no reduction in local office responsibilities commensurate with the staffing reduction. These staff deal directly trainees, apprentices, employers and training organisations. These reductions are occurring at the same time as exponential growth in the apprenticeship and traineeship system in NSW (over 10% annual growth). This will have a significant impact on DET's capacity to monitor the quality of training and the welfare of apprentices and trainees.

The impacts on services provided from the Riverina Industry Training Centre are likely to be:

1. Reduced capacity to process claims for payment by RTOs. Two of the positions deleted are from the unit responsible for working with the RTOs, leaving one officer with any experience in this area. The management position deleted also comes from this area. This could result in delays in payment to RTOs and affect their financial viability.
2. Reduced capacity to respond to complaints and disputes regarding training of apprentices and trainees. This could have a significant impact on the quality of training of apprentices and trainees and affect future decisions to employ apprentices and trainees.
3. Management of the Riverina ITC from Wollongong is effectively a downgrading of the Riverina ITC to a satellite office. It should be noted that the Riverina ITC is the only office in regional NSW that has no senior manager on site. Remote management from Wollongong is likely to hinder decisionmaking on local issues and reduce resources to this office. At present the remote management model is characterised by flying visits once every two months.
4. Management of contestable public funding for training has been the responsibility of the management position deleted from the Riverina ITC structure. With management from Wollongong it is likely that contestable funding will be prioritised in line with Wollongong based priorities, leading to a reduction of such funding within the Riverina.
5. The deletion of the remaining management position from the Riverina ITC will reduce the knowledge of the NSW and national training systems available in the Riverina. The present occupant has been involved in the development of significant initiatives within NSW DET, including the development of the first ISO 9000 accredited management system in Australian Governments and the development of strategic audit models in a number of industries. He has presented research papers at national and international conferences and is a member of a number of local committees, including the Riverina Area Consultative Committee, TAFE NSW Riverina Institute Advisory Council and a number of local government advisory committees. The region will lose this expertise under the proposed restructure.

The letter winds up by giving the address of the Minister and the director-general. It names the departmental senior officers responsible for this aspect of the lifelong learning proposal: Leslie Loble, the Deputy Director of Strategic Planning and Regulation, and Pam Christie, the Assistant Director General of State Training Services. It seems ironic that at a time when there is enormous difficulty in obtaining apprentices, particularly in the trades, training processes are being removed by government. For instance, Leeton, which last year was named the fastest-growing town in Australia, has been crying out for tradespeople. I live at Cowra. There are about 50 builders in Cowra, but they cannot get enough apprentices because it is difficult for apprentices to do their clerk of works courses.

A few weeks ago I was out west. Students of automotive engineering have to travel from Nyngan, Bourke and many other towns to Newcastle. This is what is happening out there. Instead of businesses growing new professionals and creating activities that lead to better industry, opportunities are contracting. That contraction is contrary to the way the community and the economy are moving. Why is the Government working in direct reverse to the way private industry and community leaders are trying to direct the economy? *[Time expired.]*

### WYONG SHIRE COUNCIL ROAD FUNDING

**Mr MILTON ORKOPOULOS** (Swansea) [4.49 p.m.]: Members of Parliament receive numerous requests about roads in their electorates. From time to time, if they are State roads or roads to which the State Government contributes, we can do something about them. I have never received so many letters about the state of a road as I have about Kanangra Drive, which is, unfortunately for the people of North Wyong shire, a local road. Kanangra Drive is a long, winding road from the Pacific Highway to the communities of Gwandalan and Summerland Point, on beautiful Lake Macquarie. This road is dangerous in parts and is certainly in dire need of an upgrade. There have been numerous mishaps along this road, and the community had to fight to obtain a metal crash barrier around a telegraph pole that had been dangerously installed right on the edge of the road. The community has asked me why Wyong Shire Council is not using money to upgrade that road. I think I have found the answer. The Mayor of Wyong and the majority of the councillors who support him have gone on a wild spending spree. What are they spending their money on?

**Mr Tony McGrane:** Cars?

**Mr MILTON ORKOPOULOS:** They are not spending it on cars, no. They are spending a huge amount on entertainment and an enormous amount on publicity. Every couple of days one sees half a page in the *Herald News* or any other great journal of record on the Central Coast extolling the virtues of the mayor. The cult of personality is rich and alive on the Central Coast. Who does he invite to functions on a daily basis? A couple of weeks ago he held a cocktail party for 60 real estate agents. The other day he had in hundreds of people to deal with a State Government matter. Two days ago he invited all the parents and citizens association representatives in the North Wyong shire to a sit-down lunch, where they quaffed all the wonderful beer and food that the ratepayers were supplying.

**Miss Cherie Burton:** And champagne?

**Mr MILTON ORKOPOULOS:** I do not know about champagne, but there was certainly beer and soft drink. What was the local government issue? There was none. The mayor wanted to talk about how the State Government was restructuring the education districts on the Central Coast, and he wanted to shout a stack of people lunch so he could show he was behind any gripe they had. The council ignores the needs of ratepayers, it does not supply services as basic as roads, and it is spending increasing amounts of money on alcohol and food to lobby people right up until the March election. When it comes time for the council to make a decision about important planning issues such as the draft conservation strategy, it defers that until after the election. Yet everyday this Liberal mayor is dragging in more and more hapless people from around the community—scouting organisations and other wonderful, brilliant organisations that council has had nothing to do with—feeding them lunch and giving them lots to drink while the poor communities of Gwandalan and Summerland Point have to suffer some of the most appalling roads, and Kanangra Drive is one of them. I call on Wyong Shire Council to put in sufficient funding to ensure the upgrade of Kanangra Drive to complement the \$1 million this Government is committing to the upgrade of the intersection of Kanangra Drive and the Pacific Highway, so the work can be done together to improve services to that community.

**Miss CHERIE BURTON** (Kogarah—Parliamentary Secretary) [4.54 p.m.]: I thank the honourable member for his contribution. Dealing with councils has been a frustration of State parliamentarians for a long

time. Since I became Parliamentary Secretary I have travelled to various councils around the State. If councils spent less time worrying about what the State Government was doing and spent more time servicing their ratepayers, the ratepayers would be better off. Ratepayers should seriously consider the candidates at the next election. Councils should not start abrogating their responsibilities. I am sick and tired of councils, even in my own area, saying they have no money to do the necessary work on their local roads and the things they are primarily responsible for. People pay rates to get those fundamental services. Councillors are too busy swanning around pretending they are statesmen and getting involved in State and Federal issues that are of no concern to them, rather than looking after their own constituencies. It is a disgrace.

I am pleased that the honourable member has brought this matter to the attention of the House. At the end of the day councils are there to look after their primary responsibilities of collecting the garbage and making sure their local roads and gutters are maintained. This is not happening. I, too, am sick and tired of seeing the glossy brochures and the waste of money with councils having their little soirees with different interest groups at the expense of their ratepayers. It is time ratepayers took a stand. I hope they do that in the elections next March.

### **MR RON HAZEL MT KURING-GAI LAND DEVELOPMENT**

**Mrs JUDY HOPWOOD** (Hornsby) [4.56 p.m.]: This afternoon I draw to the attention of the House the issues surrounding Mr Ron Hazel, who lives in Crawford Road, Mt Kuring-gai, and the problems he has faced over many months in his desire to realise an investment in real estate he made a number of years ago that will be his superannuation. Mr Hazel, who has cancer of the jaw, made an investment in real estate in Mt Kuring-gai a number of years ago and he wishes to subdivide a property on which there is a house overlooking the Berowra Valley Regional Park. Ideally, Mr Hazel would like to subdivide the block, which is approximately 50 metres wide, and build two dwellings. However, he has compromised and will build one dwelling, which would enable him to sell his existing house and move to a new one. His investment would provide him with superannuation for the remaining years of his life. At present, Mr Hazel receives a pension. Unfortunately, with the introduction last year of the new Rural Fire Service rules on integrated developments, Mr Hazel is prevented from undertaking this project. In a letter to me Mr Hazel stated:

1. The reasons for refusal by the Rural Fire Service that were determined in writing (on the 14/3/03 and received on the 23/5/03) are now not to be the reasons of refusal as they were addressed in the Bush Fire Report supplied on the basis of recommendation by the R.F.S.
2. [The first Rural Fire Service officer] came to these original reasons of refusal and moved to a different department. [The second Rural Fire Service officer] who took over the position gave his reason of disapproval in a meeting, not in writing.
3. It took 4 months to communicate with [the second RFS officer] and only Hornsby Shire Council could get in contact with the Rural Fire Service as I tried many times over this period without satisfaction.
4. A 60 metre fire zone was enforced by [the second RFS officer] at this meeting no matter how safe I made the development under the integrated legislation.

The house faces north-east and the site is well cleared. At the building site, the 50 metres width of the land is entirely cleared. Mr Hazel continued:

5. A 25-30 metre fire zone would be in place if my application was an infill development. On the same site, same safety measures and the same house, nothing would be different but only the different rules which are enforced by different legislation.
6. I can build a house on my proposed site [without subdivision] but I cannot Torrens Title the property into two separate titles for the R.F.S. would not issue the FIRE SAFETY CERTIFICATE.
7. The R.F.S. admits that the safety measures would have made not only my property but surrounding properties safer and that they are not taken into account with the final decision.

The safety measures included water storage. Mr Hazel continued:

8. I have terminal cancer, I am a pensioner, I have worked 40 years which is represented by the property in question which is my only superannuation, I only submitted the application on advice of Hornsby Shire Council, Rural Fire Service and Bush Fire Consultant as the development would be my only source of income to pay for future operations (plastic surgery) and live the rest of my life as independently as possible.
9. I had to mortgage my home for the money to apply and do the subdivision on the advice given after the legislation was in place. This has cost me \$25,000 so far. This advice could have been given at the start and cost me nothing. I will now have to sell my home to pay for these debts.
10. There is no compromise, no right to appeal the decision made by the R.F.S., no right of compensation for the services paid for in vain and no sense to the decision which has given me much distress.

It seems that the new rules have been introduced for bureaucratic reasons, not safety reasons. Mr Hazel could build a similar property without subdividing, but with a subdivision he is prevented from doing so. Under the old rules infill developments can take place with a 5-metre or 10-metre setback, despite having a bush interface. I do not understand why Mr Hazel is being penalised because of inflexible rules. He should be able to realise his investment. I call on the Minister to examine this case.

### **SUTHERLAND FAMILY NETWORK**

**Mr BARRY COLLIER** (Miranda) [5.01 p.m.]: I draw the attention of the House to the wonderful work being undertaken by the Sutherland Family Network. Through its trained volunteers the network provides a free home visitation service for shire families with new babies who are identified as being in need of support. The support for the family may be physical, social or emotional. The support is designed to prevent family crises and suffering and to help families reach their full potential by providing an enriching family environment for all family members, particularly children.

Some of the family's needs include assistance with multiple births, postnatal depression, illness of mother or baby, isolation, domestic violence and alcohol-related issues. Any or all of these issues can affect the ability of mothers and families to care for their newborn. Referrals to the network come from a wide variety of sources and professionals, including nursing staff and social workers at Sutherland Hospital, home midwives, Post Natal Depression Help Line, Possum Cottage, Crossroads Community Centre, women's refuges and local general practitioners. In recent times the network has been operating with the services of two part-time co-ordinators, who work 48 hours per week and supervise up to 80 volunteers.

At any one time this key early intervention service is actively working with between 70 and 80 families. Since it commenced in 1994, the network has worked with nearly 650 shire families with a total of 1,924 children. The work done by the network volunteers and their co-ordinators is outstanding. I refer to some of the testimonials from organisations with which the family network has formed important local partnerships. Nicole Linnegar, President of the Southern Sydney Multiple Birth Association, states:

Coping with two or more children at once can be a daunting prospect and many of the members of the Southern Sydney Multiple Birth Association have needed to contact the Sutherland Family Network for support and advice that they cannot gain anywhere else.

Joan Atkins, on behalf of the Child, Youth and Family Counselling Team, states:

We are very aware of the contribution that Sutherland Family Network [SFN] makes in supporting families, that are often struggling in the current social climate, to cope with the demands of caring for very young children.

The SFN enables parents, and mothers in particular, to nurture and parent their babies and young children as they need to. Often the families that they care for are those that do not have a network of support in the community, and that support is now recognised as of great importance when caring for children.

Staff from Possum Cottage, Sutherland Hospital, state:

We refer many clients who are depressed, stressed and isolated from their family to Sutherland Family Network's home visiting service. This service plays a crucial role in the prevention of more significant mental health problems, and contributes to the protection of children.

The volunteers can offer the link forward into community friendships and groups and provide invaluable weekly respite from 24 hour-a-day, face-to-face parenting. The service also provides invaluable feedback as to the progress and safety of the families that we jointly see.

Robyn Heagney, clinical nurse specialist, states:

The feedback I have received from my clients utilizing your service has been excellent. They talk of feeling well supported, decreased stress and anxiety levels, less feeling of isolation and loneliness. All of my clients talk of the support they feel offered by the ... workers and the ongoing support of the volunteers.

I strongly believe I see less symptoms of postnatal depression as a direct result of the support offered by the service. Further I am also seeing less relapse, which in turn is decreasing child at risk concerns for my clientele of substance using women.

Christine Bird of Crossroads Community Care Centre, Miranda, states:

I have also noticed Family Network will reach out to and maintain positive contact with clients whom other agencies have walked away from as being in the "too hard" category. The ability to do so appears to be built into the structure of the agency but also appears to be a matter of commitment.



Clearly, the Family Network plays an important role in the Sutherland Shire. Like many volunteer organisations, funding is always an issue. In the past, the network has had the support of the Rotary Club of Sutherland Civic, Hope for the Children Foundation, the State Government and donations. In 2001 I obtained a grant of \$45,000 to assist the continuation of the service for three years. Recently, funding from the Hope for the Children Foundation dried up and the network was left with a shortfall, which placed its continual operation in jeopardy. Together with the honourable member for Menai and the honourable member for Heathcote, I met with the Minister for Health. I am pleased to say that the Minister granted \$20,000 to the network to continue its important work in the Sutherland shire. On behalf of the shire and the Sutherland Family Network, I thank the Minister for his support. I congratulate the network and thank the chairman, Mr Bob Richards, the committee and its co-ordinators, Anne Van Vuuren and Lina Wilmott, the volunteers, Rotary Club of Sutherland Civic and all the supporters for their wonderful commitment to the Sutherland shire community.

**Miss CHERIE BURTON** (Kogarah—Parliamentary Secretary) [5.06 p.m.]: I thank the honourable member for Miranda for bringing to the attention of the House the Sutherland Family Network and all the good work it does. One can only imagine the difficulties faced by families with multiple births or those with a number of young children. For many people it would be an overwhelming task. The Government was pleased to support this worthwhile cause to ensure that the families of the Sutherland shire continue to have access to this much-needed service. With the implementation of further government initiatives to support families, by 2004 nearly every family after the birth of a child will receive a home visit once from a community nurse upon leaving hospital.

It is very important to be able to ensure that the family is coping and the child is in a good environment, because they are the most crucial years of development. I know that the honourable member is aware of the level of community support and involvement in St George. It is phenomenal. The Sutherland Family Network is another fine example of the community looking after the community with the Government's support. That is how we create a better society. I thank the honourable member for his contribution.

#### **MR B. WATSON MOBILE CAR-DETAILING WATER PERMIT**

**Mr MALCOLM KERR** (Cronulla) [5.08 p.m.]: I bring to the attention of the House the hardship being occasioned by this Government on a constituent of mine. I refer to Mr B. Watson and the permit he has been issued to use water for his mobile car-detailing business. Mr Watson has been granted a permit—WRE000195—on the condition that he uses a portable car-wash mat, which will cost about \$3,500 and which he cannot afford. If he is forced to use the mat and the drum required to transport the used water he will have to purchase a larger vehicle. He has advised that the majority of his clients have grassed areas on which to wash cars, he is prepared to accept only jobs that have a grassed area, and that the detergents he uses are easily purchased at any supermarket. In addition, he estimates that each car wash consumes only 1½ buckets of water because he uses high-pressure equipment. He tells me that a truck can be washed on a lawn using 20 buckets of water. He further advises that his car-detailing business is his only form of income to support a wife and two children and that the 24 jobs he has booked for next week will have to be cancelled unless a permit not requiring him to use a wash mat is issued. I have written to the Minister and I am yet to receive a reply. I bring the matter to the attention of the House.

#### **BAR POINT RURAL FIRE SERVICE BRIGADE**

**Ms MARIE ANDREWS** (Peats) [5.11 p.m.]: The very beautiful and diverse Peats electorate is covers a number of remote communities, including Bar Point, situated on the banks of the mighty Hawkesbury River. Bar Point has a population of approximately 200 people and is one of a small number of communities in the electorate that is accessible only by boat or mountain climbing. On 28 June I accompanied the Rural Fire Service Commissioner, Phil Koperberg, to Bar Point for the formal commissioning of the latest brigade in New South Wales. Members of the Rural Fire Service [RFS] residing at Bar Point had up until that time combined with the Mooney Mooney brigade in protecting Bar Point and the nearby communities of Mooney Mooney, Cheero Point, Marlow, Mooney Mooney Creek and Cogra Bay.

The captain of the new brigade, John Hawkes, has been an active member of the RFS since 1994, and the senior deputy captain, Justin Tayton, has been a member since 1997. Bar Point Rural Fire Service Brigade has a membership of 22, which is a clear demonstration of the large number of community-minded people living in the riverside settlement. The new brigade has come a long way since the days when it was part of the larger Mooney Mooney brigade. In those days the brigade operated out of a garden shed in which small items of fire suppression equipment were stowed. More recently bushfires and property fires have occurred in the immediate area and since 1998 the brigade has attended 34 emergency incidents.

The community acknowledged that more formal suppression activities were required. Approaches were made to the Fire Control Gosford District and the community received a positive response. The Carr Government agreed to fund a new fire station and 95 per cent of the cost of a new fireboat, and Gosford City Council provided the remaining 5 per cent. The new fire station is used not only for meetings of brigade members and storage of fire suppression equipment and protective clothing but it also doubles as a community hall. It also provides a covered space for local residents' mailboxes. The new fireboat is a 7.5 metre by 2.5 metre single flat-hulled aluminium punt equipped with twin Yamaha 50-horsepower motors.

The official opening of the fire station was presided over by Commissioner Phil Koperberg and me. The commissioner officially handed over the fireboat to Captain John Hawkes. Chaplain Hayden McKellar of the New South Wales Rural Fire Service was at the opening to bless the new fire station and the fireboat and to offer prayers for the safekeeping of crew members. The welcome address was made by Superintendent Arthur Owens, District Manager, Gosford Rural Fire Service. Superintendent Owens is in command of a huge district comprising 23 brigades—of which Bar Point is the newest—700 personnel, 33 firefighting vehicles and 21 support vehicles. Many of those brigades are located within the Peats electorate. I pay tribute to the members of all the brigades who do such a magnificent job in protecting lives and properties 12 months a year. When not fighting fires, brigade members attend to other emergencies, including traffic incidents.

Often overlooked when brigades are being mentioned are the many members of the RFS who provide support for the firefighting crews. These members are often former firefighters who, for health or other reasons, are no longer able to be at the front line. They are very valued and important members of the RFS in the Gosford district and I acknowledge them here today. The firefighters must be watered and fed when fighting bushfires day and night, and members of the support crews are there with the catering trucks supplying much-needed services. They also handle much of the radio work at the fire control centre at Kariong. At the opening Mayor Robert Bell also wished the new brigade well and spoke about the very strong support that Gosford City Council gives to the RFS brigades throughout the Gosford City Council area. I take this opportunity to wish the Bar Point Rural Fire Service Brigade all the very best for the future.

#### ORANGE BUSINESS AWARDS

**Mr RUSSELL TURNER** (Orange) [5.16 p.m.]: It gives me pleasure to bring to the attention of the House the nineteenth CGU Insurance-Orange Chamber of Commerce and Industry Outstanding Business Awards, which I had the pleasure to attend with 4,120 people and guest speaker Graham Ross, from the television show *Ground Force*. Mr Ross said he was amazed by the number of young people in business in Orange. He asked members of the audience to put their hand up if they were younger than 35 years of age. Roughly half the audience responded. That indicated the youth and vibrancy of Orange business. One of the category winners was shoe repairer David Cardwell. Until recently David operated his business out of a garage at the side of his house. He has repaired my shoes from time to time. He made the big decision after many years of operating out of the garage to move his business to the central business district [CBD] of Orange. He specialises not only in shoe repairs but also in therapeutic shoes. Within six weeks of moving to the CBD he won the trades 1 section of the awards. I congratulate him on his success.

There has been some unfounded criticism over the years that only those who are members of the Chamber of Commerce and Industry and mainstream retailers win awards. That is not true, and it was demonstrated this year. As I said, a shoe repairer won a major award along with a pizza maker, a pathologist and a car wash operation, and the Orange Blood Bank was a strong nomination. A broad cross-section of businesses in Orange won awards on the night. As I said, it was the nineteenth business awards presentation, and the event goes from strength to strength each year. The membership of the Chamber of Commerce is not as strong as some would like, but it represents a very good cross-section of businesses.

The annual awards presentation night provides an opportunity for the businesses in Orange to get together. As I said, usually around 400 or 500 people attend. Entertainment is provided, usually in the form of an overhead presentation displaying Orange businesses. A rousing cheer can be heard from staff when their business is shown. It is a great, fun night. It acknowledges the importance of business to the Orange economy. Without such vibrant businesses the Orange economy would not be as strong as it is. It would not attract the large number of people who travel to Orange from areas up to 200 kilometres away to shop there and support its businesses.

Orange has a population of some 38,000, but it is acknowledged that it has a shopping population of some 80,000. It is important to continue to attract those people to spend their money in Orange and thereby

assist its economy. The residents of Orange benefit from a greater cross-section, greater choice and greater competition. And people who come into town—whether for a medical appointment, music lessons for their children, or whatever—also benefit from that greater choice and competition. I congratulate the Orange Chamber of Commerce on continuing these very important awards, and I thank CGU Insurance for being the major sponsor of the awards and highlighting their importance to Orange businesses.

### **WALLSEND DIRECTOR-GENERAL'S SCHOOL ACHIEVEMENT AWARD**

**Mr JOHN MILLS** (Wallsend) [5.21 p.m.]: I congratulate the teaching staff, students, and parents of the Wallsend cluster of schools on being awarded the Director-General's School Achievement Award. I was very pleased to be present at Callaghan College Wallsend campus last Wednesday when the Director-General of Education and Training, Jan McClelland, presented the award to the schools in the cluster. The award was presented for the cluster linkages and transition programs, from the primary school through to the junior high school at the Wallsend campus of Callaghan College.

The Director-General's School Achievement Award is a prestigious award. Of 2,200 government schools in New South Wales, just 37 received the award this year. The schools in the cluster have a common purpose. The primary and secondary students have a wonderful head start to achieve their potential. The cluster combines the talents and resources of nine schools, and this is not the first time it has received recognition. In 2001 it received the Children's Award for Reading Programs. The ceremony was chaired by Allira Sazdanoff and Daniel Dawkins, the school captains of Wallsend campus.

The principals of the nine schools who received the award deserve recognition. They are Wilma Simmons, the Principal of Wallsend campus; Margaret Polack, the Principal of Wallsend Public School; Les Corrigan, the Principal of Glendore Public School; John Dwyer, the Principal of Maryland Public School; John Theissen, the Principal of Minmi Public School; Sue Swetnam, the Principal of Plattsburg Public School; Brendan Daley, the Principal of Heaton Public School; Peter Barney, the Principal of Jesmond Public School; and David Robson, the Principal of Shortland Public School. I congratulate those principals and their staff. The community's great pride in the achievements of this cluster of schools is of considerable value to the students as they move from primary to secondary school.

Also present were Wayne Ibel, the Newcastle District Superintendent; Dr Graham Boyd, the Principal of Callaghan College; Ian Nebauer, the Principal of the Jesmond campus; Robyn Cragg, the Principal of the Waratah campus; Peter Newton, the President of the college council; Margaret Bryden, the President of the college parents and citizens association; Tanya Jedrzejak, the President of the Wallsend campus parents and citizens association; Julie McLeod, representing the University of Newcastle; and Michael Adermann, representing the Hunter Institute of TAFE. The linkages and support mechanisms for those institutions are very important to our community. Wilma Simmons, the principal of Wallsend campus, said:

... this award marks just another milestone in a journey taken by our schools to ensure continuity and cooperation and the achievement of the best possible learning outcomes for all students. We are ... enhancing a learning community in action.

There is a very special community spirit amongst these schools and an indestructible commitment to quality education and equity for all students ...

Link programs have been developed in literacy, numeracy, student leadership, sport, languages other than English, information technology, and gifted and talented education. Some people outside of Newcastle are sometimes amazed that students in year 6 participate and visit the high school as early as Term 1 in the year preceding their entry into year 7 and seem quite "at home" by the time of their orientation day in December. Since the formation of Callaghan College in 2001, there has been support to develop improved curriculum options especially in Stage 4, which considers and continues work in the previous stages ...

Wilma Simmons also said:

I feel very fortunate to share with these outstanding educators—

referring to the principals and staff of all those schools—

a common goal of a seamless transition from primary to secondary education, and a firm commitment to make a public education the best education in this community.

The schools have many achievements, including positive improvement in literacy and numeracy. This year there was a significant improvement in the English language literacy assessment results. There was an 18 per cent improvement in the high achievement band in writing, a 14 per cent improvement in the high achievement band in reading, and an 8 per cent improvement in the high achievement band in language.

In his report on public education in New South Wales last year, Professor Vinson recognised the transition program at Wallsend as a vital factor in the positive learning environment in stage 4. As I said earlier, in 2001 the cluster won the New South Wales Children's Week Award for the reading tutor program in partnership with the University of Newcastle. The program was initiated at Maryland Public School but was then expanded and continues to have a positive impact across the cluster. There has been a lot of positive improvement in opportunities for students emanating from the fine relations between Wallsend campus and its partnership primary schools.

### ALBURY ELECTORATE SERVICES

**Mr GREG APLIN** (Albury) [5.26 p.m.]: I want to focus on facilities and services in the Albury electorate. Recently ClubsNSW held its annual conference in the city of Albury. This huge conference was eagerly anticipated by local events managers, hotels and motels, restaurants, suppliers, transport operators, and the tourist industry because over 1,400 delegates were registered, and some 3,000 people visited Albury for the conference. They included delegates and their partners, ClubsNSW staff, and many exhibitors at the huge trade expo. The conference was one of the largest ever held in Albury, and the council arranged for the sports stadium to be available as a venue, with the trade expo sited alongside under massive marquees.

The evening dinner functions were held across the border in Wodonga's indoor stadium, and delegates and visitors were transported in a fleet of buses and coaches. The organisation was first-class, the presentation and arrangements were magnificent, and the conference was a success. A few days later the twenty-first annual Swan Netball Classic was held in the same sports stadium, featuring 120 teams from southern New South Wales and Victoria. As a matter of interest, the tournament was won by the Tiger Tarts, a team drawn from players in the local Ovens and Murray clubs. On the same weekend, a Lions district convention for Club District 201 V6 was held in the Commercial Club auditorium in Albury.

In a few days the New South Wales local government conference will be held in Albury, and next year the massive Austimber Expo and World Forestry Day Awards will be staged at several Albury venues. I mention these events because they all have factors in common. Albury is in regional New South Wales, on the border with Victoria, and is therefore the southern gateway to New South Wales. It relies on an efficient transport system—the road network, and rail and air services. There is a relationship between the staging of these varied events and government policies; a reliance by regional operators on the Government performing its responsibilities. Let me elaborate. We are concerned at proposals to cut back on rail services and possibly substitute buses. We are concerned about staff reductions, and in fact any reduction in services that impacts on our community, because these impact on the efficient carriage of people—people who rely on timely and regular rail transport for tourism, business, family contact, medical treatment and so on.

The Government has a role to play in relation to air services in our area by assisting council to manage and reduce airport taxes. The regional airport serves a wide area—a region much wider than that of Albury council, which maintains the airport—so there is an opportunity for government action in this field. In regard to roads, we seek an urgent upgrade to the Riverina Highway, which serves the tourist resort at Lake Hume. Promoting tourist interest and visitation is a function of Tourism NSW. Facilitating this visitation is the responsibility of the Minister for Transport Services and the Minister for Roads.

Let me turn to the venues for the events I listed. Developers and councils often look to government for assistance to facilitate local initiatives of this nature because they benefit regional development. But some of the major venue providers are abandoning their plans to provide facilities. The Commercial Club in Albury has abandoned its plan for a 1,200-seat auditorium because of the poker machine tax. So tourism suffers. The opportunity to attract more conferences has gone, and young people are not offered jobs in the hospitality industry. This is the result of government policy—perhaps not intended, but the result nevertheless—and it can be so easily reversed to stimulate regional economies and promote decentralisation.

I mentioned hospitality. This is another area in which government policy is impacting negatively. Government services are being reduced and centralised. In this case I instance the proposal to cut front-line customer service staff from the Department of Education and Training's Riverina Industry Training Centre. The impact will be on trainees, apprentices and their employers. The hospitality industry is one of the major departments at the Albury campus of the Riverina Institute of TAFE, while the clubs are the largest employers of those trainees. The costs of TAFE courses are to increase and the training centre staff is to be reduced. Is it any wonder we view with some cynicism and despair the Government's agenda?

The threat to the autonomy of local government is a threat to employment of many people in country towns because centralisation is clearly the current trend for the administration of emergency services as well as education and health services. I refer again to the benefits to the whole Albury region of the conferences and sporting events I mentioned as examples, and I ask the Government to grasp the opportunity to stimulate employment, to provide the services and to engage the community by supporting initiatives.

### TENANCY DATABASES

**Mr PAUL CRITTENDEN** (Wyang) [5.31 p.m.]: It is my pleasant duty tonight to speak on behalf of the renter households in my electorate and, indeed, the 600,000 renter households across New South Wales, in respect of tenants' rights and getting an appropriate balance, in particular, in the databases that are used for tenants in New South Wales. One in particular, the Tenancy Information Centre of Australia, certainly raises some concerns with a whole range of tenancy groups. I note that the Minister for Fair Trading dealt with this issue on International Tenants Day on 7 October this year. The Minister pointed out that we need to ensure that tenancy databases are legitimate tools that allow lessors a means of protecting their property investments—and that is quite legitimate—but we also need to ensure that agents act fairly. However, there are reports that some tenants are being blacklisted for seemingly trivial matters or for vexatious reasons which may have been already resolved.

The Queensland Government legislated in May to overcome this situation. Its legislation came into effect on 1 August and ensures that there is regulation in respect of tenancy databases. I do not mean in any way to imply that the Queensland legislation is perfect and would apply equally in New South Wales, but it is important that New South Wales legislation is similar to the Queensland legislation. Again, the consultation process between lessors, agents and tenant groups is required. A State election will be held in Queensland next year. One of the key elements that has been created in the Queensland legislation is a recognition that unfair listings have occurred in the past, and new laws about tenancy database listings set out who can be listed, when, and under what circumstances.

Importantly, the amendments also allow the Small Claims Tribunal to hear and resolve disputes from proposed and existing listings. These changes provide protection against incorrect and unfair listings while recognising the lessors' rights to take reasonable steps to protect their property. That is a very important point because constituents who have visited me about this particular issue are concerned that there is currently very little right of redress, that the information on the database is correct or, indeed, that they can contest it. It was pleasing to see that the Minister in a press release said he had commenced the community consultation process, and the President of the Real Estate Institute of New South Wales, Chris Fitzpatrick, pointed out that he looked forward to a meaningful dialogue with all the parties to ensure a fair system that protects the property owner, the tenant and the agent. It was equally impressive that Michelle Jones, the Executive Officer of the Tenants Union of New South Wales, said:

If governments are going to allow tenant databases to operate they must at least regulate the circumstances in which a person can be listed and provide people with quick accessible means of getting a listing removed or an incorrect listing corrected.

That is clearly the nub of the problem. We need to ensure that the information on the databases is accurate in every respect and that a reasonable situation exists for all parties concerned. The former Minister for Fair Trading, the Hon. Faye Lo Po', summed this issue up very well in a letter to the Tenants Union of New South Wales on 13 March 1997. She stated:

It is quite appropriate that real estate agents act to minimise potential uncertainties for landlords by ensuring the suitability of a tenant. In such circumstances the use of tenant databases may be regarded as a legitimate business instrument. However, this legitimacy only exists if it can be shown that the database is accurate and reliably maintained, does not contain information which is irrelevant or prejudicial, ensures accountability to all relevant stakeholders, allows tenants the right of access and correction of inaccurate data, and maintains privacy over tenants' details.

**Ms REBA MEAGHER** (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [5.36 p.m.]: I thank the honourable member for Wyong for his comments this evening in relation to the use of tenancy databases. Not long after becoming the Minister in April, I met with representatives of the Tenants Union of New South Wales. They detailed to me some of the horror stories that can result from the inappropriate use of tenancy databases. This has a particular impact in rural and regional areas that may well result in people becoming homeless. As the honourable member for Wyong has highlighted, and I acknowledge, tenancy databases can be a legitimate tool for landlords in seeking to protect their investment, but they must be used in such a way that the basic rights of tenants are respected.

As this is a State jurisdiction I am not in a position to regulate the use of tenancy databases, but I am exploring ways of tightening up the conditions that real estate agents must adhere to when actually listing a tenant. Obviously it requires a broad consultative process because I want the co-operation of the Real Estate Institute in developing appropriate standards in this area. I further progressed the matter today and, quite coincidentally, I have had a subsequent meeting with the Tenants Union of New South Wales to discuss some of the issues that it would like incorporated in any codes of conduct that may be attached to a real estate agents licence in terms of listing. I assure the honourable member for Wyong that I am keen to develop a prescribed set of circumstances under which an agent can list a tenant, and also, to respect their basic rights, to ensure that tenants have the right to challenge the listing.

#### **FAR NORTH COAST COMPENSATION COURT**

**Mr THOMAS GEORGE** (Lismore) [5.38 p.m.]: I record the historical final sitting of the Far North Coast Compensation Court at Lismore and Ballina. I was honoured to be invited to a special dinner on Tuesday 23 September held at the Blue Room restaurant in Ballina in honour of the last ever Far North Coast circuit of the Compensation Court. Other distinguished guests included Her Honour Judge McFee of the Compensation Court, His Honour Judge Williams of the District Court, Councillor Phillip Silver, who is the Mayor of Ballina, and Mr Graham Fleming, the Registrar of the Byron Bay courthouse. I pay tribute to Mr Frank D. M. Curran of counsel who entertained us on the piano. Frank is recognised for his rugby and counsel prowess but I did know about his musical talents. He provided us with a very memorable occasion.

Some days later I sat in on the last sitting of the Lismore Compensation Court, presided over by His Honour Judge Gary Neilson. The mayor of Lismore, Mr Brian Bolton of the Richmond Police Area Command and I had the honour to sit in the witness box on that last day. His Honour gave a detailed report of the first case, heard approximately 63 years ago in that court. It involved a young farmhand who lost his finger in an accident on a farm near Casino during the Great Depression. In those days the loss of a finger was worth £90—\$180—which was approximately one year's wage. The compensation laws were introduced by the Government in 1926. In July 1930 the case of the lost finger became the first workers compensation case heard in Lismore.

The latest impact of the Government's changes to the workers compensation law occurred in Lismore this week when the Compensation Court sat there for the final time after 63 years. The court would deal with six or seven cases at each monthly sitting. His Honour recalled the court's history, including a case concerning a man who fractured his skull while escaping from Byron's Great Northern Hotel when it caught fire. As the honourable member for Lismore, I pay tribute to everyone associated with the Compensation Court. I thank them for providing me with the honour and the opportunity to attend the historic final sittings at Lismore and Ballina. I also pay tribute to Brendan Bourke, a Ballina solicitor from Stone and Partners, who organised the last sitting—virtually the last supper.

#### **MR AND MRS MARINAN DEE WHY UNIT PURCHASE**

**Mr DAVID BARR** (Manly) [5.43 p.m.]: I am pleased that the Minister for Fair Trading is in the Chamber, because I want to relate a horror story of Mr Greg Marinan and his wife, Mrs Susan Marinan, that demonstrates what can go wrong with a property purchased off the plan. In 2001 Mr and Mrs Marinan purchased unit 5, 5 Delmar Parade, Dee Why, as an investment property. The developer was Allied and General, whose principal is Mr Ray Salama. The subcontractor builder was Mr Rafat George Wasseff. The property passed inspection by the relevant authorities, which included a private certifier. Mr Marinan wrote in a letter to me:

A few months after settling on our unit Sue and I were informed that the building had passed inspections by the relevant authorities and we could employ a real estate agent to screen prospective tenants. This we did and towards the end of 2001 our tenant moved in.

The property was tenanted for only three months and has been un-tenanted since then because it is not habitable. The tenants lasted three months because of serious water problems, basically because of inadequate waterproofing. Water entered their unit in several different places, including through the ceiling, walls, and the balcony and it penetrated light fittings. The tenants constantly had to mop up wet areas and would even rush back to the unit at lunchtime to change the towels so the floors would not be flooded when they got home at night. The tenants left, and the unit has continued to deteriorate. I have not visited the property but I was disturbed to see photographs of this new unit with a collapsed ceiling, which is what happened in the second bedroom.

Mr and Mrs Marinan are significantly out of pocket, and their problem is how to remedy their situation. I am informed that the developer terminated the services of the builder prior to completion. I am also informed that a licensed builder did not finish the job. Mr and Mrs Marinan are uncertain about where to obtain a remedy. Mr Marinan also said in his letter:

Needless to say, Sue and I are at our wits end and our bank happily takes our mortgage each and every month whilst we receive nothing in return. Our life has been seriously affected and we cannot allow nothing to go on indefinitely.

The building has been assessed by the insurance company and it was made quite clear to the various unit owners that the problems at hand were as a result of poor workmanship. This assessment was carried out in September 2003.

I have written to the manager of Home Warranty Insurance to ask him about the state of play in this matter. The question is: What is the role of the various parties, including the builder, the developer, the certifier, the real estate agent who marketed the property, and the council? Who protects the interests of the consumer? Who is responsible for proper building quality control? Why is the consumer left holding the can? One problem with buying off the plan is that the developer is the body corporate until the units are sold. It may be that new owners do not discover problems until after the contractual period that allows for faults to be ascertained and rectified. The role of private certifiers arises yet again in this matter, and it is a serious issue. Recently the Environmental Professionals Association made a submission to all parliamentarians and among other things they commented about private certifiers.

There will never be a system capable of ensuring that certifiers paid for by developers will properly consider the community interests. Why would they? The community does not pay for them ...

The difference between private certifiers and councils is that private certifiers are paid for by the developer and council certifiers are not. There is no pecuniary relationship between the developer and the council certifier to compromise their performance. The council does not have a vested interest in doing what the developer wants.

I will refer this matter to the Minister for Fair Trading and also the Minister for Infrastructure and Planning because this serious issue raises all sorts of questions.

**Ms REBA MEAGHER** (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [5.48 p.m.]: I thank the honourable member for Manly for outlining the distressing circumstances confronting Mr and Mrs Marinan. I welcome specific details of the case so that the Office of Fair Trading can investigate it and recommend to the Marinans the appropriate course of action. I shall also bring to the attention of my colleague the Minister Assisting the Minister for Infrastructure and Planning the situation with respect to private certifiers.

### ROYAL FLYING DOCTOR SERVICE

**Mr TONY McGRANE** (Dubbo) [5.49 p.m.]: The annual general meeting of the Royal Flying Doctor Service [RFDS], south-eastern section, was held in Parliament House today. I hosted both the meeting and the luncheon. The guest speaker was the Hon. Andrew Peacock, who, for many years, was the Minister for Foreign Affairs and held other Federal portfolios. For three years he was the Australian Ambassador to the United States of America and he is now the President of Boeing Australia Ltd, so he was the appropriate person to be guest speaker.

It is 75 years since the first flight of the RFDS, which still plays a role as vital as it was 75 years ago. The service has expanded in recent years and now includes fully funded health contracts with Air Ambulance in New South Wales, Victoria and Tasmania. These contracts have strengthened the service's capacity to undertake its core business and provided financial stability. This year's contracts have resulted in the RFDS having contact with some 47,000 patients—almost 1,000 patients per week. The officers of the service have flown more than 4.4 million kilometres—a wonderful achievement to help outback Australia.

Today the President of the Royal Flying Doctor Service, John Milhinch, acknowledged the significant contributions of some supporters of the service, although it does not merely depend on large donations but small ones also. In some ways the service is similar to that of the Salvation Army. John Milhinch paid tribute to four major sponsors. The Telstra flying doctor outback trek raised \$1 million this year. Since 1990 the outback trek has raised more than \$7 million for the Royal Flying Doctor Service. He also thanked Dianne Fielding and Vicki Campbell, who raised \$7,000 for their epic bike ride through the outback, covering more than 3,500 kilometres in seven weeks. He acknowledged the annual Cooper Cup cricket match between Moomba oil and gasfield workers and their neighbours, which raised \$50,000. He also paid tribute to the many auxiliaries across New South Wales, including the Broken Hill auxiliary, the Country Women's Association and the Dubbo support group.

The service also acknowledged corporate sponsorship from many major businesses in Australia, including Boeing Australia Ltd, Air BP, Blake Dawson Waldron, State Street and GlaxoSmithKline. It should be acknowledged that the Royal Flying Doctor Service is carrying out its core business, the vision of its founder, John Flynn. The service is unique to Australia. Andrew Peacock said that in order to highlight the importance of the Royal Flying Doctor Service in Australia, he only had to produce a \$20-note, which has one of the service's original planes on it. The landmass of Australia is similar to America's but our population is 20 million compared with America's 280 million. It is very difficult for Americans to grasp the necessity for such a service in Australia. This unique and wonderful service continues to grow and focus on its original goal, which is to provide better medical services to people living in regional Australia.

**Private members' statements noted.**

**The House adjourned at 5.55 p.m. until Friday 31 October 2003 at 10.00 a.m.**

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