LEGISLATIVE ASSEMBLY

Wednesday 19 November 2003

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

Mr Speaker offered the Prayer.

AUDITOR-GENERAL'S REPORT

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

Ordered to be printed.

NATURAL RESOURCES COMMISSION BILL

NATIVE VEGETATION BILL

CATCHMENT MANAGEMENT AUTHORITIES BILL

Second Reading

Debate resumed from 12 November.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [10.01 a.m.]: I stand here to speak on legislation that is dishonest, deceptive and severely damaging to country and coastal New South Wales. It saddens and disgusts me. However, I welcome the Government's change of heart in relation to using the guillotine to ram the bills through last night. It is only proper that members be given an opportunity to raise the concerns of those in the rural community regarding these three cognate bills. Farmers and land-holders have been lied to; it is as simple as that. Despite months of positive rhetoric, backslapping farm visits and carefully stage-managed media opportunities with farm leaders and environmental representatives, Labor Minister Knowles has engaged in a calculated attempt to con our hard-working and honest people.

The Minister has deliberately misled and deceived thousands of farming and land-holding families across this State. He has treated us as stupid. No matter what slick excuses the Minister gives us, the simple fact is that he promised country and coastal New South Wales that this legislation would reflect the Sinclair report's recommendations and intent. The bills in fact do the opposite. Labor has twisted and misconstrued the Sinclair report to the point of giving rapists and murderers more rights before the law than our farmers and land-holders have. The Government is sterilising vast tracts of land and further taking away the right of farmers and land-holders to manage their property.

This legislation will impact for generations on farmers and the rural communities that depend on the farm economy, yet this House of Parliament has been given very little time to debate the issue properly. The Government has dumped more than 27,000 words of legislation onto the Parliament and people of country and coastal areas with insufficient time for consultation or debate. In the second reading speech the Minister praised the legislation—historic agreement, wonderful, wonderful—but it is interesting that he is now calling it only draft legislation. I thought that when bills come into the House they are legislation, not draft legislation. The Minister has obviously recognised that there are a few problems with the bills. One wonders whether the Minister is on his game in terms of being fully cognisant of what is in the bills, because he seems to be backing down and referring to draft legislation.

The Government should have done what has been done in other cases involving complex bills: it should have simply introduced an exposure draft and then brought the real legislation in for debate next year. We would then have an opportunity to debate it after having talked to people throughout rural and regional New South Wales. The Minister seems to be undecided about whether it is real or draft legislation. I thought it was real. That is why I had the horrors—and still have the horrors—about these three bills.

The introduction of these complex bills with indecent haste and the stated intention of the Leader of the House to guillotine them through were perhaps an attempt to avoid the Federal Productivity Commission's draft report into the impacts of native vegetation and biodiversity regulations, which is due next month. Why the indecent haste? Surely it would be an advantage to have better information before taking decisions about issues as significant as those contained in the three bills. Part of the inquiry of the Productivity Commission was the examination of property values and returns and the flow-on effects to regional communities. The Minister, as a former property valuer, would be only too aware of the impact of legislation on property values and the earning capacity of properties. Surely we should have the benefit of the Productivity Commission report before making decisions that will have impacts for generations to come.

The three bills are riddled with flaws and hidden consequences that will be shouldered by farmers, their children and their grandchildren. Stakeholder groups and The Nationals and Liberals must be provided with the opportunity to go through the bills with a fine-tooth comb. Today I call on the Government to treat the bills as exposure drafts only and bring them back for proper debate in the New Year. As I have said, the Government has done this with bills in the past. Apart from the Minister issuing a press release saying that these reforms would start in January, there is absolutely no reason that the legislation should not be put off until next year to allow proper and thorough consultation. It is imperative for the future of country and coastal New South Wales that we get this legislation right. Let us take the time to sort out the mess and bring it back next year. I move the following amendment to the motion for the second reading:

> That the motion be amended by leaving out the word "now" with a view to adding "on the first sitting day in 2004".

This legislation will severely impact on regional development and jobs in country and coastal areas. While the Premier is now concerned about a burgeoning population in Sydney he is directly contributing to the problem by gradually shutting down rural New South Wales. On that matter, where is the Premier? We never see or hear from him after he has grabbed a headline with some slick grab. He slinks back to his glass office tower in the Sydney central business district. The Government's enormous media machine has gone into overdrive, leaking to a metropolitan newspaper this week's alleged land clearing figures in a bid to garner support for it to push this legislation through. This shameful manipulation of the media to spin concocted stories of land-clearing rates gives a clear indication that Labor has set the farming community up to fail. "Official guesses"—what will Labor's spin doctors think of next? I gave the Minister the benefit of the doubt. When we debated the agreement by motion for urgent consideration some weeks ago, I gave him the opportunity to refute a newspaper report attributed to a government source who had referred to the issue being like the wild west, with rampant land clearing and raping and pillaging.

I gave the Minister the opportunity to refute that, but he did not. The Government source was ticked off by the Minister. This is propaganda of the worst order. There is no coincidence involved in the timing of this. By dropping the story about official guesses into Monday's *Sydney Morning Herald*, the Government is making a clear attempt at manipulating the media to pull support out from under farmers in this debate. The Government's approach is all about pulling support out from under the farming community in the lead-up to this debate so that the continuing green agenda of the Premier and his mates can proceed. From day one, The Nationals warned that the devil would be in the detail, and the more detail we have seen, the greater is the number of devils that have popped up. I did not believe that Labor would be so blatant. This legislation is more anti-farmer than the much-maligned Native Vegetation Conservation Act.

I am gobsmacked that the Minister gave a second reading speech littered with rhetoric on how these bills mirror the Sinclair report. He either does not know what the bills contain or has engaged in a deliberate attempt to mislead the House. I ask the Minister at the table, Minister Knowles: which one is it? I was struck by a sense of deja vu when I heard the Minister's second reading speech. Back in 1997 the then Minister for Land and Water Conservation, Kim Yeadon, made a speech during the second reading of the Native Vegetation Conservation Bill, and made promises of community consultation, ownership of plans, and regional approaches. Then, as now, Labor promised it would encourage partnerships between land-holders and the Government, allow affected regional communities to participate in the development of plans, and establish on-the-ground committees to represent the full range of community views.

In 1997, these proved to be the calming words before the storm of the tough enforcement regime and draconian regulations that followed. As Leader of The Nationals, I have grave concerns that more than just Kim Yeadon's carefully crafted rhetoric will be handed down from one Labor Minister to the next. It will also be the empty promises of genuine reform. The current Minister has alienated the very people who have a vital role to play in the future conservation of our natural resources. He should not forget the majority of the New South Wales landmass is privately managed, and 87 per cent of the State is either leasehold or freehold land. He is choking land-holders with green tape.

It is not just stakeholders and the Liberals and The Nationals who are deeply concerned by this legislation. This Parliament's Legislation Review Committee, which includes Labor, Coalition and Independent members, has released a damning assessment of these bills. Among other functions, the Committee's role is to report to Parliament on whether legislation coming before it trespasses unduly on personal rights and liberties and inappropriately delegates the legislative power. The Legislation Review Committee Digest No. 6 of 2003 dated just yesterday states on page 10:

> The Committee notes that the right against self-incrimination (or "right to silence") is a fundamental right. This right should only be eroded when overwhelmingly in the public interest.
>
> The Committee refers to Parliament the question whether compelling a person to make self-incriminating statements that (although not themselves admissible in criminal proceedings) may inform criminal investigations or be admitted in civil proceedings, unduly trespasses on personal rights.

That finding refers to clause 32 of the Native Vegetation Bill. The Legislation Review Committee also refers specifically to clause 40 of the Native Vegetation Bill in the context of trespass upon personal rights and liberties. The report states:

> Under cl 40 the burden of proof is effectively reversed. Once it has been established that prohibited native vegetation clearing has occurred, in the absence of a reasonable excuse, the landholder must prove that he/she was not responsible for the clearing to avoid liability.

The report also states in relation to clause 40 of the bill:

> The Committee notes that the Bill reverses the onus of proof for owners, occupiers and managers of land in relation to native vegetation offences, once prohibited clearing of native vegetation is substantiated.

Mr Ian Slack-Smith: Russia sounds good.

Mr ANDREW STONER: As the honourable member for Barwon says, Russia's totalitarian Communist state is beginning to sound good. The report also states:

> The Bill effectively deems such persons guilty unless they can prove their innocence or provide evidence regarding the matters set out in the Bill.
>
> The Committee refers to Parliament the question of whether this trespass on personal rights is undue, given the object of facilitating the protection of native vegetation.

The report states in relation to clause 41 of the Native Vegetation Bill:

> The Committee notes that the Bill reverses the onus of proof for certain persons concerned with the management of a corporation in relation to native vegetation offences alleged to have been committed by the corporation. The Bill deems such persons guilty unless they can prove their innocence or provide evidence regarding the matters set out in the Bill.
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> The Committee also notes that individuals may be proceeded against and convicted even if the relevant corporation has been proceeded against and convicted under the Bill.
>
> The Committee refers to Parliament the question of whether this trespass on personal rights is undue given the Bill's object of facilitating the protection of native vegetation.

The report also states in relation to clause 36 of the Catchment Management Authorities Bill:

> The Committee notes that the broad power of entry contained in clause 36 of the Catchment Management Authority Bill 2003 trespasses on individual rights.
>
> The Committee refers to Parliament the question as to whether this is an undue trespass on rights.

The Committee further notes that there is no limitation on the class of persons upon whom these powers can be conferred. In addition, there appears to be no formal instrument or procedure for conferring these powers on persons. Nor is there any requirement on such persons to produce identification.

> **The Committee has previously noted its concerns regarding legislation which confers powers which significantly affect rights, without setting appropriate limits or guidelines as to whom those powers can be conferred – or their qualifications …**
>
> The Committee has written to the Minister to seek his advice as to why there are no requirements regarding the qualifications or attributes of persons who may have powers of entry conferred upon them for the purposes of the proposed Catchment Management Authority Act 2003.

In relation to clauses 15 and 28 of the Native Vegetation Bill, the committee notes that the matters to be prescribed by regulation are central to the effective and fair operation of the ensuing Act. The committee has written to the Minister seeking an explanation as to why the matters referred to clauses 15 and 28 are not prescribed in the Native Vegetation Bill 2003. The committee refers to the Parliament the question of whether allowing these significant matters to be prescribed by regulation is an appropriate delegation of legislative power. That is just one example of what the committee says about these deeply flawed bills. The committee comprises members of Parliament from all sides of politics. It is not being political; it is simply saying that these bills are deeply flawed. I will now go through, bill by bill, the major concerns of The Nationals. I note that these concerns are by no means exhaustive. As mentioned earlier, proposed section 40 removes a farmer's right to the presumption of innocence. That is a gross violation of the human rights of land-holders.

Mr Ian Slack-Smith: It is the Mugabe bill.

Mr ANDREW STONER: The honourable member for Barwon has an alternative title. What happened to the principle of innocent until proven guilty? It is no wonder that the Minister is backing away from this legislation and calling it a draft, as if he can have a bill somewhere between an exposure draft and legislation on the table of the Parliament, which until last night was going to be guillotined. I can understand why the Minister is backing away from it. From where has this notion, of removing a farmer's right to the presumption of innocence, come? It was not in the Sinclair report. I want the Minister to give a full and frank explanation of how this came about.

Under the Native Vegetation Bill third-party proceedings can be commenced in the Land and Environment Court regardless of whether a person's right has been or may be infringed because of a contravention. That leaves farmers open to vexatious litigation. A person is not excused from giving information, answering questions or producing documents under this provision on the ground that the information, answers or documents may tend to incriminate the person. Development consent for broadscale clearing is not to be granted unless the Minister is satisfied that the clearing concerned will "improve or maintain environmental outcomes". There is no definition of "improve or maintain environmental outcomes" and productive outcomes have been ignored. The Nationals have major concerns about the definitions in this bill. I would like to know how the 1983 date for the western division and the 1990 date for other areas of the State were reached in relation to the definition of regrowth, particularly given the rate of growth of vegetation on the coast.

Mr Andrew Fraser: And in the Tablelands.

Mr ANDREW STONER: The honourable member for Coffs Harbour makes a good point. Native vegetation grows much more quickly on the coast and the Tablelands. A tree planted on the coast in 1990 will have grown substantially by now. It defeats the purpose of having a more recent date for regrowth on the coast as opposed to the western division. Proposed section 8 of the legislation defining broadscale clearing will massively impact on farmers and land-holders. The removal of one tree in remnant native vegetation or protected regrowth for a fence post will see a farmer prosecuted for broadscale clearing. This was all about getting the Premier a cheap headline, but farmers will now have to deal with this draconian definition. Why did the Government not use the definition in recommendation 16.7 of the report that was ticked off by the Sinclair group? Proposed section 6 of the legislation defining native vegetation differs from the Sinclair recommendation in several ways, including defining vegetation as indigenous if it is of a species of vegetation or it comprises a species of vegetation that existed in the State before European settlement.

Mr Peter Black: Cheap headlines.

Mr ANDREW STONER: The honourable member for Murray-Darling should be quiet. He will need to explain this to his electorate, so he should listen.

Mr SPEAKER: Order! The Leader of The Nationals will address the Chair.

Mr ANDREW STONER: Some species defined as indigenous in the bill may be inappropriate in various areas of the State. Why has the Government not used recommendation 16.1 in the Sinclair report, which contains the definition of native vegetation in the existing Native Vegetation Conservation Act?

Mr Peter Black: How long is this bloke going to last?

Mr ANDREW STONER: A lot longer than you, Blackie. Proposed section 7 differs from the Sinclair recommendations by adding to the definition of clearing of native vegetation "any other act that is intended or reasonably likely to kill native vegetation". This could include, for example, the removal of a limb of a tree that inadvertently harms the tree. This is green in the extreme. The tree huggers have hijacked this legislation and their fingerprints are all over the definitions, which will catch out not only farmers but also people on rural residential land. The honourable member for Murray-Darling should be listening because he will have to explain this to his electorate.

Sinclair report recommendation 16.2 also states "but excludes clearing for routine agricultural management activities and the legislative exclusions or exemptions". That has disappeared from the bill. I note that the current definition of clearing under the Native Vegetation Conservation Act provides that clearing native vegetation or protected land does not include sustainable grazing. That has also disappeared. Where was that recommended in the Sinclair report? Proposed section 9 of the bill defining remnant native vegetation and regrowth also does not resemble the Sinclair recommendation. Proposed section 5 excludes national parks and other conservation areas and state forest land in direct contradiction to the Sinclair report, which recommends that government agencies should be subjected to the same tests as other managers of native vegetation. What is good for the goose is good for the gander.

Proposed section 11 relates to the meaning of routine agricultural management activities and ignores recommendation 16.8 (a) of the report. The section states that a routine activity should include clearing of native vegetation for maintaining existing cultivation, rotation or grazing areas. It is amazing that in his second reading speech the Minister mentioned Ian Sinclair and the Sinclair group a dozen times. However, the legislation does not look anything like the report; it is completely different. Much has changed between the Minister's second reading speech and now. He is now backing away from the legislation and calling it a draft bill. Proposed section 11 causes major problems for farmers and land-holders. Do the 10 metre and 20 metre fence buffers mean 10 metres and 5 metres either side? If so, it is ridiculous. What about airstrips outside the western division? A distance of three metres is grossly inadequate as a buffer for windmills, bores and stockyards. This presents a major occupational health and safety hazard for farmers. How are farmers meant to drive stock along roads not more than five metres wide?

Mr Ian Slack-Smith: It's a joke.

Mr ANDREW STONER: The honourable member for Barwon is correct. I note that the Sinclair report recommends clearing for the construction of rural infrastructure and does not define distances. Who made up the distances? Was it done on the back of an envelope by one of the Minister's advisers during a coffee break? It was certainly not done by someone from the land or who works on the land. Such a person would know that this is ridiculous. Although the Sinclair report lists clearing for private native forestry as a routine agricultural management activity, that has disappeared from the bill. Regulations in this case may extend, limit or vary routine agricultural management activity. This Government is saying "Trust us. Everything will be fine." Given its track record, how could any farmer or person in a rural community trust the Government on this issue?

This will leave farmers at the mercy of bureaucrats dreaming up how they can limit farmers' activities. Proposed section 22 provides that land-holders may submit draft property vegetation plans to the Minister for approval. However, have we not been told all along that that is the role of the catchment management authorities? So much for devolving power to the bush! Proposed section 23 provides that a property vegetation plan has effect only if the Minister approves it—again directly in conflict with the Sinclair recommendations. Proposed section 26 gives the Minister power to terminate a property vegetation plan. Where is that recommendation in the Sinclair report? Should that be the role of the catchment management authorities? The section also allows for regulations to make provision for reviews of property vegetation plans after 10 years or another specified period. Again we are asked to trust the Minister. We might trust Minister Knowles, but he will not be in the job forever. We have seen a succession of Ministers responsible for Natural Resources. Remember the honourable member for Mount Druitt, remember the honourable member for Riverstone. They rotate.

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

[*Interruption*.]

Mr SPEAKER: Order! The Minister will resume his seat. The Leader of The Nationals will address the Chair rather than the gallery.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Coffs Harbour will remain silent.

Mr ANDREW STONER: We might trust the Minister, but when he moves into the Premiership and we get another Minister for Natural Resources, will we be able to trust him?

Mr SPEAKER: Order! The Leader of The Nationals will resume his contribution to the debate.

Mr ANDREW STONER: Proposed section 10 provides for the protection of regrowth. It makes a farce of the Minister's rhetoric about devolving power to regional communities. It is not in line with Sinclair recommendation 16.5, which provides that "protected regrowth means that native vegetation regrowth that a catchment plan has identified as worthy of protection …". The Sinclair recommendation would give power to the catchment management authorities. Proposed section 31 allows officers to enter land to determine a breach, whereas under the existing Native Vegetation Conservation Act an officer must be of the opinion that a breach of the Act has occurred before entering the land.

Mr Andrew Fraser: Third party rights are ensconced in the bill.

Mr ANDREW STONER: As the honourable member for Coffs Harbour said, third party rights are ensconced in this bill. People in the bush are saying that State environmental planning policy 46 looks pretty good by comparison with this bill. This section also gives an authorised officer the discretion to allow a person to assist him or her. Given the Minister's rhetoric in his second reading speech about enhanced compliance and the use of the satellite, I have no doubt that those powers will be used to set farmers up for prosecutions and the like. Further, given the rhetoric in the newspapers to which I earlier referred, the Government's agenda is clear.

The Government has blatantly failed to devolve genuine decision-making powers to local communities, as promised. The Catchment Management Authorities Bill provides no guarantee that catchment management authorities will assess property vegetation plans. Consent rests with the Minister, and he has the power to delegate that role to any other government official. The Minister has discretion over appointments to catchment management authority boards.

Mr Andrew Fraser: You mean Labor mates.

Mr ANDREW STONER: Well, on the basis that area health boards are stacked with mates, one wonders. The Minister has discretion as to appointments to the catchment management authority [CMA] boards, which leaves open the possibility of stacked boards delivering outcomes dictated by their political masters. The composition and size of the CMAs is at the Minister's discretion. The CMA areas are huge and have vastly different topographies and communities of interest, such as the Murrumbidgee CMA, which stretches from Balranald in the west to Cooma in the east. The Minister may alter local catchment action plans as he sees fit; there is no requirement for ministerial alterations to have the approval of the CMAs.

The CMAs have been given the power to compulsorily acquire land. They are also given the power to levy landowners. The impact of this power cannot be imagined. If a mismanaged CMA has funding problems, or a green-stacked CMA pursues what it believes are worthwhile projects to the detriment of land-holders, who will pay for it? This will be yet another tax on rural land-holders.

The Natural Resources Commission Bill abolishes a number of bodies including the Coastal Council, which could mean a reduction in focus on coastal development issues. Members of The Nationals who represent the North Coast electorates would know that this is a very significant issue. Coastal development is proceeding at a very rapid pace and this issue requires some specialisation and focus. Yet the Minister is abolishing the Coastal Council and wrapping it up within the Natural Resources Commission. The Nationals will be watching this closely. It is interesting to note that the Natural Resources Commission will report directly to the Premier, not the Minister, and that the commission will oversee the CMAs. Therefore, the Premier and his large band of green hangers-on will have the ultimate control of the CMAs.

The CMAs are meant to be the bodies through which power is being devolved from the city to the bush. Recently there was a rally by people involved in private forestry from the electorate of the honourable member for Lismore, among others. They protested against the bill's implications for private forestry. Under the bill the selective harvest of forest timbers on private land will now require a property vegetation plan. I can

already see delays in getting those plans. With the Natural Resources Commission having to devise targets and the catchment management authorities having to devise catchment action plans, only then will the CMAs or the Minister be able to tick off on property vegetation plans.

That delay, of at least a year or more, will impact heavily on mills that rely mostly on timber from private land. They will be forced to downsize or close, leading to the loss of hundreds of jobs in regional communities. It should be noted that State Forests and sawmillers have come to rely more heavily on timber from private land, due to Labor's lock-up of State Forests into national parks. Labor has used the smokescreen of devolving power to local communities to try to slip through the draconian and far-reaching Native Vegetation Bill. Claims that the Government is giving power to local communities are rubbish.

Mr Craig Knowles: Vote against it.

Mr ANDREW STONER: Minister, just wait to see our position. Through this legislation the Minister and the Premier have concentrated power in their own hands. This is sloppy legislation; it is unclear where it sits in relation to local environment plans and State environmental planning policies. Which has supremacy when it comes to the crunch? This bill is an appalling betrayal of land-holders, the timber industry and the communities across rural, regional and coastal New South Wales. I am deeply concerned also by Labor signalling an enhanced compliance effort. The Minister has indicated that he will be ramping up the use of eye-in-the-sky technology to spy on farmers. There is a problem with that: can satellites determine what is native vegetation and what is not? No, they cannot.

No wonder we have official guesses and rubbery figures dropped to the media to try to pull the rug out from under farmers trying to protect their legislation. It is no wonder Labor is using propaganda, in a shameless and disgraceful way, against the hardworking farmers in this State, and then seeking to back it up with its eye in the sky and increased compliance. It is a disgrace. Given Labor's heavy-handed methods of the past, this does not bode well. Who can forget Labor's training of departmental staff at the Goulburn Police Academy? I note that we have not heard one peep about this legislation from the so-called Country Labor members. Will they have the courage to support The Nationals in attempting to fix their Government's mess?

Mr Steve Whan: We're supporting the farmers.

Mr ANDREW STONER: If you can sell this to the farmers, you can sell ice to the Eskimos.

Mr SPEAKER: Order! I call the honourable member for Monaro to order. The Leader of The Nationals will address the Chair.

Mr ANDREW STONER: I ask the Minister to explain how he will avoid our rural industries going into a state of flux over the next 12 months while the National Resources Commission and the catchment management authorities scramble to develop and implement targets. The Minister is abolishing the Native Vegetation Conservation Act and replacing it with these three bills, but what happens between now and when the standards and targets are developed? Has the Minister thought about the implications of his far-reaching legislation?

Mr Andrew Fraser: What are the standards and targets?

Mr ANDREW STONER: Precisely. I do not know how can one apply a statewide target or standard right across this vast State of New South Wales. But it will take the Government at least 12 months to sort this out. In the interim, our rural industries and farmers are in limbo. What happens when a farmer moves his cattle into a paddock to avoid flooding and they trample or eat native vegetation? Will that farmer be prosecuted? If a goat escapes its paddock and damages or kills native shrubs will the farmer be prosecuted? Will a rural residential block owner not be allowed to have a horse or cow roaming on the property in case the animal damages native vegetation? It is clear that this nine-year-old Government has rushed this legislation through to meet media deadlines, rather than make a genuine effort to reform the way we deal with natural resources in this State. The Minister cannot be everyone's best mate in the bush and then shaft them in Parliament. The Minister gets only one chance, and he has just blown it. This was his first real test as Minister for Natural Resources, and he has failed. I call on the Minister to resign.

Mr STEVE WHAN (Monaro) [10.42 a.m.]: I support the Natural Resources Commission Bill and cognate bills, which make historic and far-reaching changes to the present arrangements for resource

management in New South Wales. They are historic because of the strong, collaborative partnership and level of trust between the major stakeholders. It is a unique time when our State's farmers, environmentalists, and government and other community groups, including indigenous people, come together on natural resource management. The media, including the *Land*, have lauded this new deal. New South Wales farmers, whom we have seen in the Parliament today, have been intimately involved in its development.

These bills ensure the allocation of $406.3 million to fund locally driven organisations and land managers responsible for managing the State's natural resources—local people with real money-making decisions. One publication states that the legislation will ensure an end to broadscale land clearing of remnant vegetation and protected regrowth; the creation of locally driven organisations responsible for making decisions about natural resource management; direct funding to land managers to assist with conservation and management of important areas of natural vegetation; and the creation of the Natural Resources Commission to set standards and targets for natural resource management, and to audit the performance of locally driven organisations. This is probably one of the most important pieces of legislation we will see this parliamentary term. The three bills represent a sea change for land management in the Monaro region.

Mr Andrew Fraser: Point of order: The standing orders provide that members are not permitted to read speeches during second reading debates, although they may refer to copious notes. It is apparent that the honourable member for Monaro is reading a speech that has been prepared for him by the Minister's office. I ask you to rule that that is not allowed in this Chamber.

Mr SPEAKER: Order! The honourable member for Monaro obviously has several sets of notes before him on the lectern. I suggest that he is referring to items in those notes for the purpose of his contribution rather than reading a speech.

Mr STEVE WHAN: Over the years that I have been talking to farmers, environmentalists and land managers in the south-east of the State I have constantly heard about the need for two things: locally driven solutions, and funding to help farmers and land managers implement the solutions. During the election campaign earlier this year the work of the Wentworth group was well received by farmers in Monaro. Over the years we have heard grumbles about the establishment of more committees, but if you are to do things in a consultative way you need to put together these sorts of groups. The Sinclair committee, which was appointed to determine how to implement the new approaches, was also well received in Monaro. The Monaro community is committed to better managing our land and other natural resources. Many local farmers have spoken to me about their desire to protect remnant native vegetation. Those farmers recognise the value of biodiversity and native vegetation for the productivity and long-term health of their properties.

We have already seen some important local projects in Monaro driven by local farmers and land care groups. I refer to projects such as the million-dollar preservation of remaining native grasslands in Monaro, a project announced by the former Minister, the present Speaker. The Native Vegetation Bill is a great step forward for land management and conservation. It gives farmers certainty, and provides a simpler and more effective regime for land managers. I note the comment of Mr Rob Anderson, the Senior Adviser and President of the New South Wales Farmers Association, as reported in the *Land* of Friday 7 November. Mr Anderson said:

> The changes will benefit the majority of farmers in the state, by giving them more flexibility in the way native vegetation can be managed, and access to major funding for on-farm conservation.

This legislation will be great news for farmers in the Monaro electorate. It provides greater certainty for plantation native forestry, which is an important achievement. The new catchment management authorities will ensure that locally based bodies have real resources to address land management issues on the ground. I do not suggest that implementing the catchment authorities will not be complex. Monaro is part of two of the new catchment regions, Murrumbidgee and Southern Rivers. I acknowledge that particularly in the Cooma-Monaro shire we may see challenges as the shire straddles the two catchments. Cooma is on the Murrumbidgee catchment, while Nimmitabel is on the dividing of the waters, as the town's motto says, with rivers on one side of town flowing to the Snowy system and those on the other side to the Murrumbidgee.

I know we will be able to work through these issues and make these authorities effective, because they will be driven by local people with strong support from the Government. I look forward to seeing the development of the working relationship between the new authorities and the many volunteers and existing groups in Monaro, particularly people like the land care groups along the upper Murrumbidgee River and Snowy River systems. I look forward to working with local farmers to make sure this works for them.

I am aware that last Monday the New South Wales Farmers Association postponed a briefing in Cooma to clarify some issues that it has been discussing with the Minister, and I understand that those discussions have been going very well. The Minister is addressing the issues that have been raised, and I understand he is also addressing issues raised by the Legislation Review Committee. This strong support leaves the National Party out on its own—still desperately searching for relevance in this debate. I vividly recall that the only response from the former National Party member at a New South Wales Farmers Association election meeting was to snigger behind his hand as this process was discussed. I also vividly recall the looks of dismay on the faces of local farmers at the apparent lack of a constructive approach.

Mr Ian Slack-Smith: Who was that?

Mr STEVE WHAN: The former member for Monaro, Mr Webb. Here again today we have seen an inability on the part of the National Party to get a constructive process under way, and to work with rural communities to put solutions in place.

Mr Andrew Stoner: It's The Nationals.

Mr STEVE WHAN: The Nationals. I cannot keep up with the name changes. Once upon a time I think the word "Country" was in the name; now there is only Country Labor. Unlike The Nationals, farmers and land managers in the Monaro have moved on. There are no heads in the sand; there is no pretence that we can ignore the problems caused by overclearing or poor land management. We have had too many tough years to believe that we can ignore those issues. Yet still The Nationals can only whine and carp. They are out on their own as everyone else supports these bills. For weeks they have been desperately searching for allies in their political game.

Mention was made earlier of a protest outside Parliament House yesterday. The only person that The Nationals found to protest on this issue was one of their former shadow Ministers, Peter Cochran—a good friend of mine who rings me up and gives me lots of advice every now and then. However, in this case I think he is wrong. He dredged through the archives and made a number of outlandish claims that were backed up by the Leader of The Nationals. This important and complex legislation will give farmers confidence that this Minister will continue to prove that he is willing to listen and make changes where necessary. Most importantly, he is prepared to take this great step forward for land management, farmers, and conservation in Monaro. It is a win-win situation. I commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour) [10.50 a.m.]: It is with sadness that I speak to the Natural Resources Commission Bill and cognate bills. The Government and the Minister for Natural Resources have conned the people of regional and rural New South Wales. The Premier and this Government adopted a report, the Wentworth report, that was written by a group of scientists at a pub. The Government said, "We will implement this report." If half a dozen farmers got together in a pub we would call them a mob of drunks. However, this group of scientists to whom I am referring was called the Wentworth group. The report was then referred to Ian Sinclair—a man who was described by the Minister for Natural Resources at a recent farmers conference as "that crusty old Nat". In his second reading speech the Minister said:

> Most particularly I thank the Rt Hon. Ian Sinclair, who chaired the group, for his wisdom and his stewardship in these matters. He is truly one of a kind...

He went on to state that the bill delivered the Sinclair report's standard definition for "native regrowth" and "protected regrowth" which would end broad-scale clearing. Ian Sinclair was named by The Nationals as the old warhorse. By using him as a tool against regional New South Wales the Minister has turned him into a Shetland pony. I feel sorry for Ian Sinclair as he has been conned by the Minister. When I spoke to Ian Sinclair he said, "It is not my report. I only had stewardship of it. It is the report of the New South Wales Farmers Association and it has been endorsed by the Wentworth group." So far as I am concerned, Ian Sinclair and the New South Wales Farmers Association have abrogated their responsibilities to the farmers of New South Wales.

Mr Steve Whan: Anyone who does not agree with you.

Mr ANDREW FRASER: I have spoken to many farmers and foresters and I know how this piece of legislation will impact on them.

Mr SPEAKER: Order! The honourable member for Monaro will come to order.

Mr ANDREW FRASER: When this bill was introduced at 10.50 p.m., Mal Peters was present in the gallery. He saw the look on my face and he saw me shake my head. He said to me later, "Do you have problems with this legislation?" Of course I have problems with this legislation! Mal Peters has not seen it.

Mr SPEAKER: Order! The honourable member for Lismore will come to order.

Mr ANDREW FRASER: No-one has seen the legislation and its disgraceful provisions. Clause 7 makes reference to the clearing of native vegetation. The removal of a limb from a tree or any activity that might cause a tree to die is regarded as broad-scale clearing. What a joke! Recent media releases refer to the fact that the equivalent of 200,000 football fields are being illegally cleared of native trees and grasses every year in New South Wales, which is a lie. Government members know that is a lie, but they continue to issue media releases which state that farmers are destroying the land. They are not. This legislation punishes farmers who, through good management and stewardship, have looked after their lands for generations.

Farmers who have not clear-felled their properties and who have managed riparian and other areas on their farms will be disadvantaged by this legislation. They will not be able to remove a tree from their properties without first obtaining a property vegetation plan from the Catchment Management Authority. The Catchment Management Authority, a body that is appointed by the Minister, implements those plans for 15 years. I recently had a discussion with members of the regional health boards. The area health board on the mid North Coast has nine members, eight of whom are card-carrying members of the Labor Party.

Mr Craig Knowles: That is not true.

Mr ANDREW FRASER: It is true. The Minister appointed Jenny Bonfield, Paul Sekfy and Peter Thorpe. What is Harry Woods, a former publican and former Minister for Local Government, doing on the Catchment Management Authority?

Mr Ian Armstrong: He is pulling beers.

Mr ANDREW FRASER: As the honourable member for Lachlan said, he is pulling beers. That is about all he will do. The Catchment Management Authority will devolve authority to local government. The question that I ask and which the Leader of The Nationals asked earlier is: What takes precedence in the Coffs Harbour local government area? Is it the local environmental plan, the vegetation management plan which states that farmers can clear only three metres from a boundary fence line? Or is it the definition in the bill that refers to 10 metres? Under this legislation councils will be given power to police these provisions. They will employ best management practices, not necessarily the practices that are referred to in this legislation.

People in my electorate are disappointed with this legislation. They do not know where to turn. At 6.30 this morning a potato grower in my electorate telephoned me and said, "We have heard about this legislation and we are frightened by it." Yesterday I received an urgent message from the President of the New South Wales Farmers Association, which states:

> Politicians will be deciding how you manage native vegetation tomorrow.

Politicians will not be deciding this issue. The bureaucrats who wrote the Wentworth report and ignored the recommendations of Ian Sinclair will be deciding this issue. The message continues:

> This affects your property.
>
> Over the past six months the NSW Farmers' Association has fought tooth and nail to get a better way to manage natural resources on our farms.

Farmers have been dudded by this legislation. The legislation does not contain the provisions that farmers thought it would contain. The message further states:

> The Association has been your voice in the halls of parliament.

I take exception to that statement. The voices of farmers are not being heard in the halls of this Parliament. The person who is seeking Labor Party preselection for the 2007 election has not been looking after farmers; he has been looking after himself. The message continues:

> However, the Bill currently in Parliament does not reflect the promises made by the Government to implement the system agreed to by the Association.

Earlier the honourable member for Monaro said that farmers, Mal Peters, and other members of the New South Wales Farmers Association supported this legislation. They do not support the legislation. This document, which was issued last night, states that they do not support this legislation. The document also states:

> It is only because we've been riding shotgun on this whole process that we now have assurances from Minister Knowles that changes will be made.

I remind honourable members and members of the public of the changes promised by this Government relating to plantation forests. We were promised that changes would be made and that those plantations would be given back. When the legislation went through the upper House those provisions were left in it unaltered. We will not get the amendments to that legislation that we need. There might be some tinkering at the edges but we will not get the amendments that we need to represent farmers in our electorates. Farming areas and rural residential blocks will be affected by this legislation, but people living in urban growth areas in Western Sydney do not have to comply with it. There is one rule for the bush and another for the city. People can clear whatever they like in Sydney but farmers in regional New South Wales are not allowed to manage their farms, which they have successfully managed for generations and which they will hand on to their children so they can continue to create wealth for this country. The final paragraph from Mal Peters' letter states:

> I have put the Minister for Natural Resources, Craig Knowles, on notice—that he has the future of rural NSW in his hands with this Bill.

It is not just the Native Vegetation Bill; it is the Catchment Management Authorities Bill and how the membership of those authorities will evolve. An appointment by the Minister will result in a Greens balance and a Labor Party balance. Farmers will not get the representation they deserve and need to ensure that catchment management plans will be handed down properly. There were promises that private native forestry would be excluded from this legislation. That forestry already goes through a strict regime of prescription and management. For the past two or three years that forestry has gone through processes that have meant a reduction in resources, but it has been managed properly. It is not given an exemption under this legislation.

Where will the Government get the resources to provide the 30 mills on the North Coast? They require timber from private properties to survive. The mills cannot get the resources from State forests because it is estimated that there are between 150,000 and 180,000 cubic metres of native vegetation left to supply a guaranteed 269,000 cubic metres. The Minister will not be able to look to private property to fill that gap. The Government will close down or severely affect 30 mills. In relation to the property vegetation plan, the statewide standards have not been set, the regulations have not been set and we do not know what effect they will have. It may be 12 months or two years before any private land can be logged for the provision of timber. If it takes that long, how will David Dent from Grafton survive? He gets 100 per cent of his resource from private land. He cannot survive. He employs 16 people in his mill. They will be out of a job because of this legislation.

Mr Steve Whan: Rubbish!

Mr ANDREW FRASER: The honourable member for Monaro, who has been a member of Parliament for about three minutes, says "Rubbish!" He is such a know-all. He thinks he knows all about the will of the people in relation to local government, but he has ignored them. He is now ignoring the complaints from farmers. He will vote with the Government on these bills and see his constituents out of work yet again.

Mr Steve Whan: Which way are you going to vote?

Mr ANDREW FRASER: I will vote against the bills—they are the most dastardly bills I have seen in a long time. [*Extension of time agreed to.*]

The people of regional New South Wales, who were represented outside this Parliament yesterday, do not trust the Government; they do not trust the process; they do not trust that there will be impartiality in this regard; they do not trust the statewide standards yet to be set; and they do not trust the Government to set regulations that they can work with. These bills frighten me. The other day we raised concerns with the Minister's office, but we did not get answers. We raised concerns and got only one answer, which was, "We think that is a drafting error. We will fix that." The rest of our concerns were ignored. The Government wants to push these bills through because of a media release stating that is has to be finalised by 1 January 2004.

The Leader of The Nationals indicated he will move an amendment. Why does the Government not put out draft bills until next year? All the concerns highlighted by New South Wales Farmers and others could be adjusted and fixed. Why does the Government not leave the bills in the community for a little while and forget the media releases put out by the Premier saying that it has to be in by 1 January. Farmers would then have an opportunity to go through these bills to see whether they can be improved to an extent that is acceptable. The assumption that farmers in New South Wales are devastating their land is lunacy. In my electorate approximately 70 per cent of the native vegetation is still in national parks, State forests and council reserves.

Why are we now looking at farmers, those rural land-holders, who have managed their property for native vegetation? Why would we now penalise them on the 30 per cent that is left? The frightening thing is that the Wentworth report said that the $120 million to be allocated as part of this process—with $400 million of old money and $120 million of new money—would fence rivers. Rivers would be increased to a total of 20,000 kilometres a year. Let us look at the definition of "rivers" in this legislation. It says that if you have a run in your paddock that holds water in time of high flood it is regarded as a river. Are the regulations going to state that you must fence it? I would suggest that they are. I would suggest that the Greens agenda is alive and well, and once this legislation is implemented the catchment management authorities will be able to do what they like.

Why has the Minister appointed one catchment management authority that runs from north of Taree through to the border, with more than a dozen catchments and who knows how many sub-catchments? How can they be managed collectively? They cannot. How can there be equitable representation on a catchment management authority that is going to have 10 or 15 members? It cannot be done. Those catchment management authorities will be political bodies forcing power down with regulations that will be misconstrued, I would suggest, by individual local government employees who will put their own interpretations on them.

Mr Steve Whan: What is your alternative?

Mr ANDREW FRASER: The alternative is to get this right. The bills should be put out until February. As the honourable member for Lachlan said, we might as well go back to State environmental planning policy [SEPP] 46 because it seemed fairer. This bill cannot work—it will not work—anywhere on the North Coast. The Wentworth report and the Sinclair report referred to compensation to farmers. We will not see it. Compensation is not mentioned in this bill. Instead of a carrot and stick approach, we have a stick approach—there is no carrot. The farmers will be belted by third parties who, for whatever reason, wish to play games with them. They will complain about a farmer, put in a complaint to a catchment management authority, and then walk onto the property. Catchment management plans can be altered at any time within the 15 years. It could take two to three years to get them approved. How will the farmers and the foresters survive? How would a farmer fence all his waterways and manage a property—out of his own pocket?

Mr Peter Black: You don't.

Mr ANDREW FRASER: But that is what will happen under this legislation. I guarantee it. The Government should listen to what the farmers are saying. It should look at the Wentworth report and the Sinclair report. It needs to understand how this will destroy regional and rural communities, the wealth producers of Australia. It will destroy them. The people who drafted this legislation do not understand the bush—they do not understand anything past Western Sydney. That is evidenced by the fact that the growth areas of Sydney are excluded from the legislation. This legislation is biased against farmers and regional communities. The honourable member for Monaro will be looking for a new job after the next election.

Mr PETER BLACK (Murray-Darling) [11.08 a.m.]: I am pleased to support my coalition colleague the Minister for Infrastructure and Planning, and Minister for Natural Resources in relation to the Natural Resources Commission Bill and cognate bills. Unlike the honourable member for Coffs Harbour, I will not ask for an extension of time. I draw the attention of the House to some of the key elements in this $406 million package. One key element is the establishment of 13 community-driven organisations across New South Wales to take responsibility for the enactment of this bill. To my great delight, these 13 organisations replace an existing 72 boards and committees, including the existing 19 catchment management boards, 20 regional vegetation committees and 33 water management committees. Of the 13 catchment management authorities, no less than 6 are either wholly or mostly within the Murray-Darling.

Despite the claims of this pathetic "Notional Party", these organisations will not be Labor Party hacks. I do not gainsay that the six farmers referred to earlier were not members of Country Labor. However, an increasing number of farmers are joining Country Labor as a result of the collapse of the "Notional Party"

because we represent their interests. I refer to the Murray, Murrumbidgee, Lachlan, Lower Murray-Darling, Western and Central West catchment management authorities. I draw a line down the middle of a map of New South Wales. To the north the Western Catchment Management Authority includes Bourke, the Lower Murray-Darling Catchment Management Authority is centred in the Wentworth shire, the Central West Catchment Management Authority includes the Lachlan shire—it is a pity that the seat of Lachlan will be abolished in the next redistribution—the Lachlan Catchment Management Authority includes the town of Hillston, the Murrumbidgee Catchment Management Authority includes Hay, and the Murray Catchment Management Authority is to the south. Those great communities are led by the mayors of Murray, Balranald and Wakool shires.

The Natural Resources Commission will oversee these catchment management authorities and will provide the Government with independent advice on natural resource management issues in the rural and urban context. The commission will report directly to the Premier, underscoring the importance of this organisation to country and regional New South Wales. In the interim, a committee has been established to oversee the actions of the Government and to do the requisite fine-tuning. The chairman, referred to by the "Notional Party" as a Shetland pony, is the Rt. Hon. Ian Sinclair. He is a great friend of the honourable member for Lachlan, the real leader of the former National Party. I refer to Mal Peters, who is in the gallery. Members of the "Notional Party" called him a Labor Party pleb. He has my enduring respect. I will give him a membership form, but I do not think he will sign it. What can one say about Jeff Angel? The least said the better. Another member is John Kerin, a colleague with whom I have been on the campaign track in the bush. He is a great man and he was a great Federal Minister for Primary Industries. Rick Farley is not bad. I refer also to Jennifer Westacott. Five out of the six members are good value.

I congratulate a number of people on their efforts. I congratulate the Minister for Natural Resources, Craig Knowles. Did honourable members hear the "Notional Party's" reference to mayors earlier today? The Minister received his training as a mayor. These processes were initiated in 1999. The honourable member for Mount Druitt claims he did not develop a taste for seafood because he was never in local government. That is his only real flaw. The Speaker, John Aquilina, was another great mayor, as was his an immediate predecessor, John Murray. I refer now to four great starters. The first, who carried on the process for four years, was Genny "Evil" Slattery, one of the greatest kneecappers in this House, who led with dedication. I refer also to Kimberley Ramplin, Leanne Shedden—who was driven out of the House when Stoner the Goner was speaking—and Elise Schumacher. These incredible people are driving this process.

I acknowledge the New South Wales Farmers Association, with whom I have had extensive negotiations in the place "The Notionals" refer to as the bush, where they never go—the great west of New South Wales. Numerous meetings have been held with mayors at Ivanhoe, where Country Labor, for the first time in history, had a swing of 29 per cent, bringing in a vote of 55 per cent—a swing made possible through the help of the "Notional Party". Local mayors have worked long and hard to ensure that we remain on the right track. I make special mention of a group in the Bogan shire known as the Fiveways group, in particular I refer to Brian Plummer, and Joe and Gabby Hayes. I shall go through the history of what I regard to be the toughest nut to crack in relation to regional native vegetation plans. A number of Ministers have visited Fiveways. The first visit, some time ago now, was supposed to be a secret visit by the Premier. Also present were those I have already mentioned, plus other colleagues. Lo and behold, during this secret visit two helicopters flew overhead and a car rally zoomed past. The Premier observed the car rally whilst listening to the reasoned arguments of the Fiveways group. The honourable member for Mount Druitt was also present.

We inspected some of the worst cases of erosion that one could imagine—erosion occasioned by a monoculture created by new growth. I am always fascinated about the elements within the National Parks and Wildlife Service. I do not refer to the workers—I have the greatest respect for them—I refer to elements within management of the National Parks and Wildlife Service, the Environment Protection Authority and the former Department of Land and Water Conservation. These people are the Stalins of the twenty-first century. They have no regard for reality; they are driven by a blind culture. They do not care about the erosion created by the monoculture of black pine and woody weed. This is new growth. I have photographs of long ago that show this country was woodland; it is now choked with woody weed.

The twenty-first century Gestapo would have us think that it is regrowth. It is not. Interested people should read Tim Flannery's book *The Future Eaters*, which describes the way in which the Australian landscape has been degraded through the death of the megaherbivores 30,000 years ago and there being not enough Andrew Frasers—that is, not enough bushfires. We run around with our 650 tankers and put out bushfires when they occur. This has led to erosion. After Richard Amery, the Minister for Land and Water Conservation went

out and met the same people. After him, the Minister for Natural Resources met the same people. It has taken a long time to get to this stage, but I believe we have got it pretty well right.

I must mention some of the issues that still need to be addressed. One issue is native vegetation. Why on earth would The Nationals not take an interest in native vegetation, because they will be declared the first endangered species? One outstanding issue is that of illegal clearing. I have had discussions with the Minister about what has been put forward—and I am referring in particular to the mid west, and whether the clearing was illegal is still a matter for debate. In terms of the definition of "remnant vegetation", I am totally aghast at the notion that these monocultures are in some way defined as "remnant vegetation". Clearly, that is total rubbish. I have had consultations with the Minister about woody weed, which is a problem peculiar to the Western Division and especially Murray-Darling. We have a total invasion of woody weed to the extent that many of my graziers can no longer graze cattle or sheep; they are reduced to grazing goats. Some of them, the Franciscos and so on, are putting in more goats to improve the quality of the feral goat. But at the end of the day these are desperate measures because woody weed, which these neo-Nazis would have us believe should be there, has come in and obliterated native grasses.

The "Notional Party" referred to private forestry. I have discussed this matter with the Minister. Private forestry will continue. In terms of the private forestry, I must recognise some of the great people who have contributed to the development of what we are doing. I am referring to Ken O'Brien at Barham and Graham Campbell at Balranald. They are great people who have a vested interest in the red gum industry, which is vital for the continuance and the wellbeing of the Murray-Darling. Finally, we still have problems with and debates about water sharing. I have one massive problem: when the water sharing plan for the Murrumbidgee was formulated, for some unknown reason the lower Murrumbidgee was left out. The fact of the matter is that unless water gets through the lower Murrumbidgee the water will not get into our organic growing areas. That matter needs to be addressed.

In conclusion, the brief contribution by the Leader of The Nationals was a total and absolute disgrace. I do not know who wrote it, but have a look at it. When the honourable member for Lachlan was the Leader of the National Party in 1998 The Nationals had 20 seats. When the honourable member for Upper Hunter was the leader in 1999 The Nationals went into the election with 17 seats and came out with 13. At the election on 22 March this year the number of National seats reduced from 13 to 12. I will not cherrypick the 12 Nationals who are left, because leadership of the sort we have seen today is leadership to nowhere. [*Time expired.*]

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [11.23 p.m.]: I shall make a brief and hopefully constructive contribution to this debate. At the outset let me say that while I am no longer the shadow Minister, I was the shadow Minister for eight years. Natural resource management arguably is one of the most important areas of public policy in New South Wales at the moment. Earlier, the Leader of The Nationals gave what one might almost describe as a forensic analysis of the legislation. I do not propose to go over the areas that he and other members have highlighted, although I will say something about private forestry. The first point to make is that, because this is such an important issue, it is important that we get it right. The Minister for Natural Resources needs to take on board the concerns of the New South Wales Farmers Association and people who have a long history and experience in developing a model in New South Wales that will work.

The fundamental challenge before any government in this area is how to develop an integrated model that is basically streamlined without losing the expertise that is necessary to deliver outcomes on the ground. Essentially, that is what it is about. It must be said that this particular model—replacing 72 committees with the Natural Resources Commission, an advisory council and 13 catchment management authorities—provides much greater opportunity for integrated outcomes in natural resource management. I have long been a supporter of providing a more integrated approach and a much simpler model than what we developed in this State over the past seven or eight years. So to that extent there is something positive to be said about this particular model. However, I am concerned about the potential loss of expertise in some areas. For example, I shall comment on the Coastal Council.

I served on the Coastal Council under both Coalition and Labor governments, and we had a lot of pressure in relation to coastal management issues. While the Coastal Council was not everybody's cup of tea, I think it made a constructive contribution to management issues in New South Wales. Indeed, the Coastal Council developed the first coastal policy for New South Wales and then later refined it. While State Environmental Planning Policy No. 71 will stay in place—I think that will be well received by people who are concerned about overdevelopment on the coastline—I am concerned that a model that by its very definition

must deal with issues way beyond coastal management could, if not properly resourced, see a reduction in the focus by the catchment management authorities in particular but the commission in general, and possibly the advisory council, on key issues that previously were addressed by bodies specifically set up to focus on particular areas of natural resource management, whether it be the Coastal Council, the Healthy Rivers Commission, the Resource and Conservation Assessment Council or any of the bodies being abolished under this legislation.

The fundamental challenge for the Government is to ensure that in this transition it does not lose the expertise and corporate knowledge that exists now, and that the resourcing of all the different facets of natural resource management is more than adequate. That is the first and overriding point I make. The second point is that the catchment management authorities will have the ability to introduce its own levies. My concern is that if this is not managed intelligently it will be possible, under either this Government or future governments, for the burden of reform in natural resource management to be placed directly at the feet of land-holders via a catchment levy. It is fairly well established that land-holders alone should not bear the full burden of natural resource management reform. Under the model being put forward, there is a possibility that we could see a transference of responsibility from State agencies and the State Government to land-holders via this mechanism which will enable catchment management authorities to put in place levies designed to bring about natural resource management outcomes. I come back to the matter of providing resources to ensure that the catchment management authorities do not feel that they have no alternative but to impose on land-holders a levy that is in some way compensating for a lack of commitment by Government agencies and governments generally.

Mr Craig Knowles: A $4 million kick-off is not a bad start.

Mr DONALD PAGE: That seems like a lot of money but we all know that the issues we are confronting are substantial. In terms of salinity alone, we are talking about billions of dollars over time to bring about appropriate outcomes.

Mr Craig Knowles: But it's not a bad kick-off.

Mr DONALD PAGE: It is a kick-off. If I can use a rugby analogy, at the moment the ball is in the air and we are waiting to see whether you spill it when it comes down or whether it is going to a ruck or a maul. Let us hope you repeat the performance of the Wallabies last Saturday, that you do not drop the ball and that you meet the demands put in front of you.

I am concerned about the exclusion section of the native vegetation legislation. While most of those exclusions are justified and necessary, I am concerned that there is no mention of sustainable forest harvesting on privately owned land. That is a serious issue. As I understand it, at the moment a property management plan is needed for each property and that plan must take into consideration private forestry operations. Because of the lock-up of Crown resources under the forest agreements on the one hand and the requirement of government to supply timber to the timber industry on the other, there is a real chance that over time there will be an undersupply of timber, and that timber will have to come from a private resource. If the Government is serious about meeting its obligations to the timber industry, it will need to have a mechanism in place that enables access to the private resource on a sustainable basis. I am concerned that no provision is made under the exclusions to develop a code of practice for an ideal model, similar to the one in Tasmania, under which people agree that they will harvest in a sustainable fashion. This code is audited from time to time, everyone knows where they stand and there is some certainty in the process. At this stage that is not in the legislation.

One of the big challenges in natural resource management is the potential conflict between local government planning, local environmental plans [LEPs], and catchment-based planning instruments, whether they be water plans, vegetation plans or, in this case, catchment management plans. It needs to be acknowledged that from time to time there will be potential conflict between what is permitted under an LEP and the provisions of a catchment management plan. I could not see in the legislation any way of reconciling those differences. I suggest that if there is confidence in the catchment management plan, the LEPs should be brought into line with it and made consistent at the first available opportunity. It is not necessary to change local government boundaries to meet catchment boundaries. The LEPs should be consistent with the catchment management plan, provided there is confidence that the catchment management plan will deliver the desired outcomes for the particular catchment.

The last point I make is that the threatened species legislation seems to hang over this proposed model. It is a complex issue because threatened species are special. I am concerned that under this model one could do

the right thing, end up with a property management plan and have it registered on the title, but have no real certainty because under the threatened species legislation part of the property could be deemed to be critical habitat. If that were so, a concrete plan on the title that allows routine agricultural activities and other matters—for example, private forestry—may have the threatened species legislation hanging over it in such a way that the intended certainty is not provided. I do not know how to solve that problem, but it is a significant issue that the Minister might like to address in reply.

I am concerned about resourcing. I seek a commitment from the Minister that the expertise in bodies like the Coastal Council will not be lost and that the focus on the grass roots level will not be reduced, because it is at the grassroots level that one gets practical outcomes. A great deal of funding has gone into natural resource management across the country—not only in New South Wales—and we have to make sure that that funding is put into achieving results on the ground. The proposed model offers the potential for some improvement in that regard because it provides for a more integrated approach and the abolition of many committees. On the other hand, in so doing there is the potential for the loss of a great deal of expertise. People have been working for seven or eight years on a range of committees and their corporate knowledge should not be lost. We must make sure that they continue to make an ongoing and positive contribution to natural resource management.

Finally, I am concerned that the arrangements for catchment management authorities to levying land-holders should not be used as an excuse for future governments to avoid their responsibilities and put more responsibility onto individual land-holders, thereby taking away the overall responsibility of government to provide sustainable outcomes in natural resource management.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [11.36 p.m.]: As the member who followed the honourable member for Ballina on the Coastal Council when it was established in 1997 I am pleased to follow him in this debate and to thank him for his contribution. I also take this opportunity to again congratulate the Minister and the Government for setting up the Ministry for Infrastructure, Planning and Natural Resources. The Natural Resources Commission Bill, the Catchment Management Authorities Bill and the Native Vegetation Bill deal, in a comprehensive and forward-looking way, with the sustainability issues faced by New South Wales and, indeed, the whole nation. This package of legislation makes a commitment to drive the process to bring sustainability into agricultural life and the management of our water resources and vegetation resources. As the honourable member for Ballina said, the bills focus on that area of New South Wales that is subject to the greatest pressure, the coastal strip, where continued population pressure will create situations that need excellent governance.

Obviously, that governance can come from State level as well as from local government level, but it also needs the continued engagement of the community and of those who have been involved over a period of time in the various bodies that this bill will replace. That process will involve building on the efforts that have gone before and not lose any of the great strengths. As the parliamentary member of the Coastal Council, I take this opportunity to thank Professor Bruce Thom and all the members of the Coastal Council, both government instrumentalities and the various community representatives, whether they represent the development community, the landowner community or the nature conservation movement. They have worked in a forward-looking and thorough way to bring to the coast the focus that it deserves. The Minister in his second reading speech made it clear. He said:

> The Coastal Council, made up of government and non-government representatives and chaired by Professor Bruce Thom, is a good example of the work done by these organisations. It has been ably advising the Government on coastal management issues for a number of years. The Natural Resources Commission will not in any way diminish our focus on the coast. Rather, we recognise the fundamental links between coastal issues and the myriad of other natural resource issues.

At the recent coastal conference a broad range of members passed a motion supporting that focus. People cannot stand at the head of a tide and lose focus on the area of the coast where, as the honourable member for Ballina ably put it, there is an increasing pressure of population. Balancing development and protection of the environment on the coast is necessary. The Minister's second reading speech shows that that will be the focus. We look forward to a continuing involvement of coastal issues in the development of catchment discussions and policies. The Government has given coastal issues strong emphasis with the Coastal Protection Act, the development of a comprehensive coastal assessment and the upgrading of the coastal management manual.

The Coastal Council, led by Professor Bruce Thom, had a good connection with councils up and down and the coast, providing ongoing advice on coastal issues. I am sure this will continue within the commission, the catchment management authorities and the advisory committees. I am sure that clearing of vegetation on the coast will be focused on by the commission and the catchment management authorities. This package of

legislation will bring enormous positive change in the management of our natural resources and the protection of coastal assets—economic, natural and social. The coast has the greatest population growth and this will continue to be the case. I note that this morning's paper refers to population pressure in Sydney and the resulting increase in population in the Illawarra, the Central Coast and Newcastle. Such changes will occur up and down the coast. We have to get the balance right and this package of legislation will assist in doing that. I commend the bills to the House.

Mr IAN SLACK-SMITH (Barwon) [11.44 a.m.]: This legislation was a great chance to get it right. There are a couple of steps in the right direction in relation to catchment management authorities and property vegetation plans. But I believe the Minister has blown it by putting out a half-cocked production that I would describe as the Mugabe bill. The legislation is far worse than State Environmental Planning Policy No. 46 and the Native Vegetation Conservation Act. There is a chance that the legislation could be fixed, but as far as I can determine at this time the bill has nothing to do with the Sinclair report. I believe that the Minister used Ian Sinclair simply to make the report look good. I note that the honourable member for Monaro said that the legislation has been supported by the New South Wales Farmers Association. I acknowledge the presence in the gallery of Mr Peters, the President of the association. I am fairly sure that he got an unpleasant surprise when he realised that the legislation has nothing to do with the Sinclair report.

There has been great praise and acknowledgement of the Wentworth group. Apparently some eminent "scientists" met in a pub named the Wentworth. That is how they became the Wentworth group. Their catchcry has consistently been: Stop clearing! That is all they have said. They claim that clearing is causing the blue-green algae blooms in the Murray-Darling and our vast salinity problems. The salinity levels in the Murray River have been decreasing since 1949. The area of New South Wales with the highest salinity is Western Sydney, which is exempt from the legislation. Let's get real! Charles Sturt discovered that the Murray River was salty and noted in his diary blue-green algae blooms in the Darling River. I suppose he turned to his crew and said, "We must stop land clearing. That is what is causing the problem"!

I am a farmer and I think I am a reasonably good one. My neighbours are also good farmers. We are hell bent on sustainability and making sure that our land this year is better than it was last year. I believe that 99 per cent of farmers in New South Wales have the same attitude. But this legislation indicates that we are environmental rapists intent on completely denuding the country of productivity. To me this is insulting legislation, and I think many farmers agree with me. I bought my land: I have title to it. It is freehold unrestricted. I carry out good, sustainable farming practice on my land. It is a tragedy that in a society people who choose not to own land can, at no cost to themselves, influence laws and take action according to their own philosophy—it has nothing to do with scientific reasons or methods—to restrict, control or even ruin people like me. That is insulting to the people of New South Wales. We are the best farmers in the world. There is no doubt about that, yet we are being imposed upon by people who believe that we are environmental terrorists. To me, the environmental terrorists in our State are the extreme Greens.

This legislation has been written by pure idiots. Imagine not being able to clear land more than three metres away from a windmill! If the windmill is 20 feet high and the trees are 30 feet, what a waste of time putting up a windmill! You would not pump any water. It is absolutely ridiculous. If vegetation cannot be cleared more than three metres from a stockyard you would never wear it out because you could not get the stock into it to start with. The legislation was written by fools. If I fell one shrub I can be charged with illegal broad-scale clearing. That defies all belief. If the catchment management authorities have a shortfall they will have the power to impose funding levies on farmers. This is another tax on producers in New South Wales. The $406 million will go to paying bureaucrats who, if it were not for farmers, would not have salaries, jobs or a living. The analogy is that these people are living off the sweat and production of farmers. We dip sheep to get rid of a little insect and there might be a relationship between the two.

One important and scary aspect of these bills is that the extreme environmentalists—that is, third parties—can initiate proceedings against any farmer, for no reason, regarding the farmer's activities, and the farmer must prove that he is innocent. Earlier in his life the Minister was a valuer. Would there be any chance of my making a vexatious claim on his land, leaving the claim in place until court proceedings had been completed, waiting for him to go broke, waiting for the price to drop, and then withdrawing the claim and buying the land? This legislation could encourage people involved in real estate to make vexatious claims on land, tie the property up in a court case without having to prove anything and then take over the land when the land-holder goes broke. That is a frightening aspect of these bills. This legislation has been developed by spin doctors. It is unworkable and insulting, but there is a chance that it can be fixed. However, that will take some fair dinkum work by people with commonsense.

The Catchment Management Authority and public vegetation plans are good ideas. However, there must be flexibility, because farmers will have to get down to the nitty gritty of deciding what they will do with their land in 15 years. If time stood still, I could be doing the same thing, but given new technology and crops and advances in modern machinery I would no doubt be farming differently then. If I were not, I would go broke. We must have a certain amount of flexibility. We must have proper vegetation plans so that if a person is cropping he can switch to grazing if the financial situation deems that appropriate. That is important. I have no problem with vegetation plans, but there must be flexibility. I also have no problem with the Catchment Management Authority, but it must have the power to make decisions because every catchment in New South Wales is different.

I come from a little town called Wee Waa. To the north is rich, heavy black soil and to the south is red, light soil. Those areas require totally different land management strategies. That happens in many other places across the State. This legislation can work, but it is in the hands of the spin doctors. I ask the Minister to take it back and to inject some commonsense into it. If that happens and it enables farmers in New South Wales to become more productive—not bankrupted as a result of land being locked up by the extreme Greens—The Nationals will support the legislation. It is up to the Minister. At the moment the legislation is totally unacceptable. The Minister should take it back, do his homework and consult the New South Wales Farmers Association. I am sorry the honourable member for Monaro is not in the House. I want to question him about the New South Wales Farmers Association fully supporting the bill, not the Sinclair report, because I believe that, like us, they have been dudded.

Mr IAN ARMSTRONG (Lachlan) [11.55 a.m.]: Debate on the management of the environment and native vegetation is certainly not new in this place or in this State. Indeed, I suspect that parliaments have been talking about it one way or another since they were first established. People who own and manage land and who make their living on the land admire and respect it. Land is the basis of every job, the quality of our lives and our future. There is probably no subject on which there has been more rhetoric and fewer results in recent years. When the Coalition was in government in 1988 it introduced amendments to the soil conservation legislation that were simple and served the purpose of conservation well. Legislation relating to total catchment management was introduced in 1991. I was the responsible Minister, along with the Hon. Ian Causley.

That legislation attracted widespread support, including the support of the New South Wales Livestock and Grain Producers (Industrial) Association; it served a function. But I made one fundamental mistake. The legislation required committees to have a 51 per cent land-holder representation. It should have referred to primary producers. In many cases those committees were captured by people with interests other than that of land-holders or people who cared for the land. There are plenty of reasons for land management to be raised again.

When the Carr Government came to power in 1997, the responsible Minister introduced native vegetation legislation. At the time I was the Leader of the National Party and I opposed that legislation. I got a fair hiding for doing so, but I was right, and that was acknowledged later. In 1999 legislation was introduced and again I opposed it. The Opposition was asked to move amendments and it was suggested that there was no point in trying to amend flawed legislation. If the legislation is fundamentally flawed it cannot be amended to make it workable. The Opposition moved a couple of amendments on behalf of farmers organisations and they were defeated in another place. This point has been a long time coming, and once again we face controversy.

If any legislation passed by this Parliament is to work it must have the confidence of the majority of people it affects. If honourable members want people to drive on the left-hand side of the road, the majority of drivers have to agree that is appropriate. If honourable members opposite want native vegetation policies to work, the majority of people have to believe they will do the job and that they can work within the parameters. If that confidence does not exist, the legislation will not work. There would be conflict, doubt and different interpretations and, as sure as God made little apples, we would be back here in four or five years debating further amending legislation addressing the same subject and not achieving our objective of looking after the environment and protecting native vegetation in this harsh, dry country.

I unequivocally support the protection of the environment. I am cognisant, as are previous speakers, of the history of this legislation, the Wentworth group, the Sinclair report and so on. I am also conscious of the history of European settlement. We have not been here for long and we do not know much. Oxley said when he crossed the Darling River the second time that it took him a day and half to find water fresh enough for his horses. The water was saline even then. He said that when he went across the Evans Plains near Bathurst he was surprised about the progress he was able to make over sparsely timbered plains. If honourable members do not believe me they can look at Oxley's records in the library.

Every three months or so we read an article in the newspaper, see a television program or hear a radio program about disastrous broadscale land clearing in Queensland or New South Wales. Apparently the equivalent of thousands of football fields are being cleared. But what the media reports do not say is that satellite technology is being used to determine land clearing and that it does not distinguish between the various types of vegetation. For example, it does not distinguish between 8,000 or 10,000 hectares of turpentine, which is a woody weed, and 8,000 or 10,000 hectares of yellow box, white box and gums. All vegetation appears to be the same colour on the satellite image. If members do not believe me, I suggest they look at the maps in the Parliamentary Library or the Mitchell Library and they will see exactly what I mean. The technology is great, but it is very much flawed; it does not make that distinction. Therefore the figures that are put forward are totally wrong. I will argue that anywhere, at any time.

Mr Craig Knowles: I agree with you. I have said it in the Parliament.

Mr IAN ARMSTRONG: The Minister agrees with me. We have to get that right if we are to manage the issue of land clearing. That is a challenge to us as members of Parliament, it is a challenge to the farming organisations, and, in particular, it is a challenge to the scientists. If we are to manage the environment we have to manage issues such as woody weeds. We have to be able to manage the introduced species to the native environment. We have to be able to manage such species as Paterson's curse, saffron thistle and Scotch thistle, as well as the myriad regrowth in the Western Division.

A constituent of mine who lives west of Lake Cargelligo owns some leasehold property under a special lease, the details of which I will not go into. The constituent is severely restricted because of the type of lease, but he is quite happy with that. Some 15 years ago, in an average year without drought, he ran about 9,000 sheep on the property. However, he now runs only about 4,000 sheep, because of the whipstick pine regrowth on that property. The pine regrowth would not have occurred 100 years ago, but it has occurred now because we have learnt to control fire and we have also changed the whole management process. Unless that whipstick pine regrowth is controlled, the most severe wind erosion one could imagine occurs.

About 12 or 15 years ago the CSIRO conducted an intensive study into wind erosion on a well-known property southwest of Bungendore, on top of the windy plains between Bungendore and Braidwood. One of the findings in the extensive CSIRO report was that where there was regrowth of eucalypt saplings or seedlings and it was not controlled because white man had controlled fire, and the density of the regrowth seedlings prevented the native and natural grasses from propagating. Once again, the wind erosion factor was horrendous. I would be happy to tell anyone who is interested how to obtain a copy of the report, and I am sure that the person who owns the property, who is well known, would be quite happy to talk to them. I do not believe that the legislation addresses those fundamental issues. On behalf of the land-holders and land managers, I do not believe that this legislation will achieve its stated objective of better land management. I must declare an interest in this matter. I am an agriculturist and lessee of extremely fertile agricultural land. The land has a river frontage, it has native timber and some native pasture, and it also has highly improved pasture.

Mr Thomas George: And your wife, Jenny, does all the work.

Mr IAN ARMSTRONG: My wife does all the work—and she does it very well too. Recently we have been going through some very tough times. Last weekend when I was having a bit of a walk around the property I noted some native grasses growing back in tree guards that were put up in the last couple of years. I also noted some very undesirable weeds growing. As I understand this legislation, I would not be able to deal with those tree guards, which were planted with the yellow box seedlings over the last 12 months or so. The seedlings are now about a metre high. We would not be able to deal with the weed growth there, because it is very difficult to cut out weeds selectively where whitetop grass seedlings are about 10 centimetres apart and weeds are in the middle. One would almost need a pair of tweezers to pluck them out.

In 1984 I planted yellow box trees in and around the cattle yards on my property. The other day we were going to put cattle in the yards. As we approached the yards we noticed a very large limb in the forcing pen behind the crush, on top of the yellow box tree. So the man who helps my wife do all the work got out his chainsaw and cut up the limb, and we carted it out so we could use the cattle yards. Why did the limb fall off the tree? The reason is very simple: the tree had grown big, and the limb had grown over the top of the fence and depressed the fence. When the wind came up, the limb broke off at that point because it had no elasticity.

Under this legislation I would be liable, and someone would take me to court. Then I would have to pay to defend myself, under the principles of French law. In this country we have always worked on the premise that

you are innocent until proven guilty; that is fundamental in Australian law. I understand that the reverse applies under French law. However, under this legislation a person can be required to demonstrate their innocence at any time. This could lead to vexatious litigation. For example, if a person leased a property and for some reason there was some bad blood and the owner wanted to get the lessee off the land, would that not be an opportunity to put pressure on the lessee by giving notice of land abuse? That is just one suggestion. I could give 20 more examples, because I have been around for a long time and I have seen how the land works. This is a flawed concept, and the Minister must reverse it. People are innocent until proven guilty. The Crown is responsible for two things: taking our taxes, and giving us proper protection. That is the entitlement of every land-holder in this State. It is commonsense protection.

The cost of defending yourself in court is enormous. If you go to a court for a two-day hearing and have expenses of less than $50,000 you are doing pretty well. If the hearing goes a little longer you are probably looking at $100,000, which is a lot of money. Previous speakers, including the honourable member for Barwon, referred to the distance of buffers from such things as windmills, and I would like to offer something else for the Minister to consider. Most of the mills in the southern part of the State have 30-foot wheels, with a 15-feet diameter, and a 24-foot or eight-metre tail. A 24-foot tail spinning a full 360 degrees with a three-metre clearance will not work the mill, because the tail will be knocked off as soon as the wind changes.

The solution is to clear a strip of 10 metres as a fence buffer for about 30 feet. The average tabletop truck is 2.7 metres wide, which leaves a clearance on either side of the truck of less than a metre. Driving livestock up and down a three-metre track will seriously erode that land. I wonder whether the department will come out afterwards and put some gravel on the track for us, and repair the erosion and drainage problems that have been created. There are many anomalies in this legislation, and I ask the Minister to take cognisance of the amendment moved by the Leader of the National Party, which I unashamedly support. The Minister needs to get it right, and I am happy to work with him to do so. We are on the way to addressing the issues, but this legislation has more warts than a warthog in the Macquarie swamps in a drought.

Mr THOMAS GEORGE (Lismore) [12.09 p.m.]: The Leader of The Nationals and the members representing the electorates of Coffs Harbour, Ballina, Barwon and Lachlan have adequately put forward The Nationals concerns about the legislation. On behalf of the constituency that I represent I express extreme disappointment that the legislation fails to give real decision powers to local communities. Enough has been said by members from our side highlighting concerns with the bill generally, but one of the emails I received—and I am surprised that members on the other side of the House have not received any emails—was from Rous Water. Three questions were asked in the email and I would like answers to them. In relation to native vegetation legislation it stated:

> Does it define (or mean) floodplains and dry watercourses as wetlands?
>
> If so, do SEPP14 requirements then apply to such areas?
>
> If so, what are the implications for spraying (weed control) of drains, creeks, etc. by local authorities?

The honourable member for Lachlan highlighted concerns about committing a clearing offence. Under the present guidelines of clearing under native vegetation, a constituent in my area cleared some country and thought he was doing the right thing. But the department came along and questioned him, and he said, "I am not making any comment." The department said, "Righto, if you don't, we will have to take action, or, if you would like to give us a statement, we will then decide whether we prosecute you." He then reluctantly gave the department a genuine and honest statement, which was used to incriminate him. That statement, which was the basis of his defence, was used against him. It concerns me that he was forced into making a statement for the department to decide whether it would take action, and now he is left with no defence. It concerns me where we are going with such issues.

It is apparent from the number of emails and phone calls I have received that my constituents are concerned that this legislation is being rushed through. I was very honoured yesterday that some of my constituents got out of bed at 3.00 a.m., travelled all the way down from the North Coast—that is no mean feat in a bus—and then left Sydney immediately after the debate in the House yesterday afternoon and were back home this morning. I would say they would be too tired to work for the next two or three days. But they felt that strongly, and I know that many more constituents have expressed those concerns, so I place that on the record.

Mr RUSSELL TURNER (Orange) [12.12 p.m.]: As other speakers have said, the Catchment Management Authorities Bill and its cognate Native Vegetation Bill are very important. I thank the Minister for allowing the number of speakers that he has this morning, and we have heard various opinions. I acknowledge

that Mal Peters from New South Wales Farmers is present in the gallery this morning. Speakers have raised their concerns and The Nationals have certainly raised their concerns, as have many of our members. Some individuals have congratulated the Government, others have raised extreme concerns, and others have been everywhere.

I note that the honourable member for Murray-Darling said that we have pretty well got it right, or words to that effect. Even he is acknowledging that they have not got it completely right. As for the audacity of the honourable member for Monaro saying it is in the interests of farmers, I do not know which farmers it is in the interests of. As a member of the Legislation Review Committee I am aware that many people have used its digest to obtain information on these bills, about which the Legislation Review Committee has raised a number of concerns. The committee is concerned that the bill trespasses on the rights of individuals, that it does not give sufficient defined powers, and that it delegates powers beyond what the committee believes is totally desirable. Paragraph 1 on page 5 of the digest states that the object of the bill is to establish an independent commission to provide the Government with advice on natural resource management. Paragraph 3 states:

> (3) The objects of the Native Vegetation Bill … are to:
>
> - provide for, encourage and promote, the management of native vegetation on a regional basis in the social, economic and environmental interests of the State—

complete with an $11,500 fine—

> - prevent the clearing of remnant native vegetation and protected regrowth unless it leads to better environmental outcomes;

Again, complete with an $11,500 fine—

> - protect native vegetation of high conservation value having regard to its contribution to such matters as water quality, biodiversity, or the prevention of salinity or land degradation;

Again, subject to the appropriate fines—

> - improve the condition of existing native vegetation, particularly where it has high conservation value; and
>
> - encourage the revegetation of land, and the rehabilitation of land, with appropriate native vegetation, in accordance with the principles of ecologically sustainable development.

Again, in conjunction with the appropriate fines. Paragraph 14 on page 7 states:

> 14. The second reading speech noted that the purpose of the … bill is to "fulfil the Government's commitment to end broadscale clearing by reforming native vegetation management in New South Wales." It repeals the *Native Vegetation Conservation Act 1997*.

The Committee then went on to note that the bill does trespass on personal rights and liberties. Paragraph 29 of page 9 of the digest states:

> 29. Clause 32 of the … provides the Director General of the Department of Infrastructure, Planning and Natural Resources (the Director General) with powers to obtain relevant information about a possible contravention of the ensuing Act:
>
> The Director General may, by notice in writing served on a person, require the person:
>
> (a) to give to an authorised officer, orally or in writing signed by the person (or, if the person is a corporation, by a competent officer)—

With no definition of what "a competent officer" may be—

> and within the time and in the manner specified in the notice, any relevant information of which the person has knowledge, or
>
> (b) to produce to an authorised officer, in accordance with the notice, any document containing relevant information.

Paragraph 30 states:

> 30. Failing to comply with a written notice from the Director General … or giving false or misleading information in response to such a notice, constitutes an offence with a maximum penalty of $11,000 …

A number of speakers have noted that a person may inadvertently give incorrect information that was, to the best of their knowledge, given in good faith, and that the information can be used against them and that they may end up in court. Paragraphs 36 and 37 state:

> 36. The Committee notes that the right against self-incrimination (or "right to silence") is a fundamental right. This right should only be eroded when overwhelmingly in the public interest.
>
> 37. The Committee refers to Parliament the question whether compelling a person to make self-incriminating statements that (although not themselves admissible in criminal proceedings) may inform criminal investigations or be admitted in civil proceedings, unduly trespasses on personal rights.

The committee said it also has concerns about trespass on personal rights and liberties. It noted that clause 40 of the bill states:

> (1) In any criminal or civil proceedings in relation to a contravention of [the Native Vegetation Act], if it is established that native vegetation has been cleared, the onus of proof that the clearing is excluded from or permitted by this Act lies on the person who seeks to rely on the exclusion or permission.
>
> (2) In any criminal proceedings in relation to a contravention of this Act, the onus of proof that the person had a reasonable excuse (as referred to in the relevant provision) lies on the person charged with the offence.

In other words, they are guilty until they prove their innocence. The committee also noted:

> 45. Although it is increasingly common for legislation to reverse the burden of proof in relation to the issue of whether the accused had a culpable state of mind it is still quite unusual to require the accused to show that they did not engage in prohibited acts …
>
> 61. The Committee notes that the broad power of entry contained in clause 36 of the *Catchment Management Authority Bill 2003* trespasses on individual rights.
>
> 62. The Committee refers to Parliament the question as to whether this is an undue trespass on rights.
>
> 63. The Committee further notes that there is no limitation on the class of persons to whom these powers can be conferred. In addition, there appears to be no form of instrument or procedure for conferring these powers on persons. Nor is there any requirement on such persons to produce identification.
>
> 64. The Committee has previously noted its concerns regarding legislation which confers powers which significantly affect rights, without setting appropriate limits or guidelines as to whom those powers can be conferred—or their qualifications …
>
> 82. The Committee refers to Parliament the question as to whether allowing these significant matters to be prescribed by regulation is an appropriate delegation of legislative power.

The honourable member for Murray-Darling acknowledged that there are bad farmers. Indeed, all honourable members would agree there are good and bad farmers and some in between. However, this legislation will impact adversely on responsible farmers who follow good land management practices. When I was a property owner I accepted the responsibility to leave my farm in a better condition than when I purchased it, and the vast majority of farmers do likewise.

I ask the Minister to encourage all the sound practices that have been taking place over the past decade. Farmers are now more responsible and acknowledge their responsibility to improve property and the environment. Instead of restrictive legislation, the Government would do well to lead by example. I am a councillor on Orange City Council, which does not have tree preservation orders because Orange is known as the colour city, the city of gardens, and everyone is proud of their own little patch. The council is setting a good example. Perhaps more grants could be awarded and more open days held to highlight the advantages of better farming. These events could introduce ways to decrease salinity and highlight the advantages of tree belts.

I acknowledge that the Government holds field days from time to time that responsible farmers invariably attend, but, unfortunately, irresponsible farmers do not regard their attendance as necessary. I am unsure about ways in which those farmers could be encouraged to implement better practices. Perhaps that could be achieved by promoting pride in their farming achievements and improving land practices, rather than introducing restrictive legislation, which merely creates angst and rebellion. Once again the Government has it wrong.

Mr ANDREW CONSTANCE (Bega) [12.24 p.m.]: I do not intend to reiterate previous comments. However, as a Liberal member who represents a rural and regional constituency on the coast, I wish to highlight a number of concerns. I note the presence in the gallery of Mal Peters. I believe that the public relations aspect

has overtaken the substance and practicalities of the bill. Goodwill and a desire to ensure an integrated approach to natural resource management are important. Indeed, the bill contains some excellent components and highlights the many benefits for catchment management authorities and property vegetation plans.

A number of concerns have been raised with me over the past week. When the Minister reflects on his parliamentary and political career, hopefully it will not include mistakes of the past where this process must be repeated a couple of years down the track. Further consultation over the next couple of months would ensure that the devil in the detail is addressed, particularly the concerns raised recently by stakeholders. This size of catchment management areas is of concern, although the move towards regionalisation is an important step. It is vital for grassroots people to participate in the process. The membership of the catchment management authorities being left to ministerial discretion may lead to stacked committees, and although the Minister is a little more red than green—

Mr Craig Knowles: Red? Wrong colour, I suspect, my friend. Take that back.

Mr ANDREW CONSTANCE: I am happy to withdraw that remark. There may be questions about openness and transparency with ministerial appointments. The most contentious aspect of the legislation relates to certain definitions in the bill, namely, "clearing", "remnant vegetation" and "regrowth". These aspects are fundamental and have caused concern among people in the Bega Valley, as has the power of catchment management authorities to levy land-holders.

My electorate is diverse in that it encompasses both farming and coastal areas. I am concerned that the abolition of the Coastal Council of New South Wales will remove from bureaucracy and government the focus on coastal development. Although the Coastal Council did not always have the support of the community, it served an important role in making recommendations directly to the Minister about coastal issues. I guess the bills lead to further questions. For example, where does it leave State environmental planning policies and local environment plans for councils? That is another area of concern. In terms of reporting, providing for the Natural Resources Commission to report to the Premier and not directly to the Minister is a convoluted approach.

Mr Craig Knowles: The Independent Pricing and Regulatory Tribunal works in exactly the same way.

Mr ANDREW CONSTANCE: It is an area of concern in relation to this. Many farmers in my area want to see locally driven land management solutions. Some key components in these bills need to be acknowledged as good and sound, but again I question the practicalities and delivery of them. There must be more time for consultation, certainly with farmers on the ground. Farmers also want to reflect on and digest, with the leaders of their respective lobby organisations, what is provided in the legislation. To that end, I call on the House to postpone passage of these bills to allow for that consultation to take place.

Mr ADRIAN PICCOLI (Murrumbidgee) [12.31 p.m.]: It is with mixed feelings that I speak on these three bills. I have mixed feelings because the media campaign in the past three or four weeks has been positive in many ways. Many positive comments have been made about the Sinclair report, and a lot of positive things have been said by land-holders, New South Wales farmers and many groups that have a distinct interest in this legislation. The comments we heard were good, because the current system has been a complete disaster almost from the beginning, when this Government introduced the original native vegetation legislation. My point is that the present system could not have been much worse. Many land-holders resented the original legislation, the former Department of Land and Water Conservation and the whole regulatory regime. There were many problems. We were all pleased to read the good report that came out of the Sinclair committee. There are good things in that report.

The Nationals expressed some concerns, which were printed in the *Land* a few weeks ago. Certainly, the role of the Opposition in the Parliament is to raise what we see are potential problems. The Leader of The Nationals, the honourable member for Oxley, said that the devil would be in the details. Now that we have seen the details, we know that the Leader of The Nationals was correct. There is no denying that this is a complex issue, and I concede that it is impossible to get it right first go. However, I am of the opinion, as are other Opposition members, that this legislation has gone far from the mark. Legislating for a regulatory regime and a consultation regime for vegetation, land and water management is complex and difficult. Providing members of Parliament, industry representatives and farmers with only a few days to consider the legislation makes it much more difficult. I certainly support the call of the Leader of The Nationals to lay the bills on the table as draft bills so that any necessary corrections can be made.

The Minister has foreshadowed that some changes will be made in the upper House, and we hope that those changes will be positive changes. However, having had only a few days to consider the legislation, we do not know the true nature of the legislation and what its impacts will be. I turn now to a couple of significant points. The process has been interesting. I have a problem with the fact that these bills have been introduced as cognate bills. All three bills are significant, and honourable members need the opportunity to speak on them separately. The legislation will have far-reaching implications for all electorates in New South Wales, not only country electorates like mine. As I said, the rhetoric of the Government, the Minister and the Premier, the comments from industry representatives and the like, and the personalities that have been brought into this process are interesting because I believe they have been used to hide the real threat of these cognate bills—that is, the Native Vegetation Bill. I liken it to a landmine; when an explosive device is hidden under the ground or perhaps native vegetation, everything on the surface looks nice but the danger lurks underneath.

The Native Vegetation Bill, which I believe is the real danger, is designed to satisfy an urban constituency more than a rural constituency. However, a bit of a sop has been thrown to the rural constituency in the form of the catchment management authorities and divesting some of the consultation and advise processes to farmers. I flag that as one of my significant concerns. The idea of catchment management authorities is good. For a long time farmers have been saying that they want a greater say in the process, and it is a good idea for the membership of an authority to include farmers—I know it includes other groups. I have the same concerns as those flagged by other speakers in relation to the size of the catchment management authorities. That is a difficulty because we do not want too many committees. In the past the committees were so large that, for example, seven representatives covered a massive area like the Lachlan Valley or the Murrumbidgee Valley, with the Hay Plains at one end and alpine areas at the other end.

There is some concern about the membership of the catchment management authorities. The area health service boards seemed to be a good idea when they were introduced in 1996. Nominations for the Greater Murray Area Health Service included a few Labor Party branch chairmen. That was not surprising. However, I will not disparage the chairmen of the Labor Party branches. The Opposition has serious concerns about membership. On many occasions the Premier has championed himself as having the greenest Government New South Wales has ever had. I cannot imagine for one second that he would let go of control of the management of native vegetation, including water.

Obviously, there will be control over who is appointed to these boards and how much of their advice to the Government will be heeded. The Natural Resources Commission will have a great deal of influence, as will the Minister and the Premier. The Government is pursuing a green agenda. The Labor Party had a preference deal with the Greens during the recent election campaign, and I am sure it was not made lightly or to be thrown away by this legislation. That is of serious concern. I believe we will revisit this legislation in years to come as the implications of it become known and as people start to see that it is not working as well as the rhetoric led us to believe it would. The final point I make to the Minister is that farmers can get it right. It is time that environmental groups understood that farmers can get it right. We have a very good example of how farmers can get it right. In my electorate of Murrumbidgee key water management is of particular interest, and farmers have got it right in the way they manage water.

Murrumbidgee Irrigation, Coleambally Irrigation and Murray Irrigation have done a lot of work. Members of those organisations have got it right in many respects. There were, and will continue to be, issues about water quality and the like. However, farmers in those irrigation corporations have identified the problems that are a threat to their viability and have set about correcting them. They have achieved this through government funding and through funding projects themselves. Salinity in the Murray River at Morgan, South Australia, is at pre-World War II levels. Obviously, that is because of some capital works along the river. However, it has a lot to do with the things farmers have been doing to improve our riverine environment. I use them as an example of how farmers can get it right. They do not want to trash the land or native vegetation; they want a future for themselves. No responsible farmer or businessperson is going to trash his own livelihood. I hope that we are coming out of the worst drought in 100 years. Farmers should be commended for putting in place on-farm and financial programs to help them survive the drought.

I found through conversations with banks in my electorate that very few farmers had to sell their farms as a result of the most recent devastating drought. Things have been tough but not many farmers had to sell their entire properties, which is different from previous droughts. That is an example of how farmers can get it right if they are given the opportunity to do so. Over-regulation only fosters what has already existed in native vegetation reforms, and that is conflict. If there is conflict or if farmers believe that the Government will be heavy-handed they will not co-operate. I refer to a classic example with respect to the plains wanderer. Farmers

invited environmental groups and government regulators onto their properties to identify habitat because they wanted to do the right thing and protect the habitat of the plains wanderer.

That research inhibited farmers. Word gets around pretty quick in rural communities and there was a significant drop in farmers complying with any requests for entry into their properties. That is not what we want, that is not what farmers want and that is not what the Government wants. If the Government continues to regulate in the manner contained in this package of bills, particularly in the Native Vegetation Bill, there will be non-compliance from farmers because they will feel threatened. That is the most significant problem with this legislation. The Sinclair report contained some good points. However, this legislation is using those good points to hide some draconian provisions. I support the amendment of the Leader of The Nationals asking that this legislation be postponed. It will have serious consequences for New South Wales.

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [12.45 p.m.], in reply: I thank all honourable members who participated in this important debate. I recognise that there were some good and considered contributions, just as there were the same old contributions with the usual rhetoric and scare-mongering that have been a hallmark of natural resources debates since I came to this place in 1990. Natural resources legislation always attracts the polarised views of communities and stakeholder groups, and is therefore fertile ground for people who want to scare the living daylights out of people where no such need exists. Having said that, I also place on record my great appreciation of the farming communities and regional productive communities I have had the privilege of meeting and working with over recent months.

It has been a joy to work with people who have a great commitment to the notions of sustainable natural resource management and integrated natural resource management. If people want to see some of the best practice, they should go to our farmers in Australia and see it in world-class terms. That is a given. If one removes the fear and looks at the opportunities presented, this is a great opportunity for communities to work together to get something beneficial and to move us beyond the historic rhetoric, the historic argument, the historic polarisation that has existed as the hallmark of these debates since they started decades ago. The position of The Nationals today has to be explained and put on the record. When the honourable member for Lachlan was the Leader of the National Party he said that if The Nationals did not like a bill there was no point amending it—that it was better to vote against it, start again and get it right. I can probably search *Hansard* and find Leon Punch saying the same thing, find Wal Murray saying the same thing and find the honourable member for Upper Hunter saying the same thing.

However, today The Nationals have moved an amendment—they do not want to oppose the legislation; they want to defer it. It would have been more honest for Opposition members to say, "There are parts of the bills we can live with and parts that continue to need work. However, let us put this in a positive sense for our communities and get it right and make it work. Let us then argue for a deferment in those terms." Today Opposition members made accusations that these bills are worse than rapists and murderers—to quote one honourable member—draconian and time bombs. All those horrible notions suggest this is bad legislation. If it is bad legislation, they should have the courage of their convictions and vote against it. They should have the guts to stand up and be the party they once were; they should follow the traditions of Punch, Murray and Armstrong and say no. Most people in the bush tell me the second-best answer after yes is no, not maybe. Today The Nationals have dished up a maybe amendment. I make absolutely no secret of the fact—in fact, I see it as a positive in the way we work with natural resource issues these days—that we work with communities until we get it right.

I pay tribute to the honourable member for Ballina, who made a considered and thoughtful contribution to this debate on a number of key points. For many years I have regarded the honourable member for Ballina as one of the more thoughtful members of this Parliament. He said, "There is a great opportunity in this bill to get it right, but the issue is to get it right." Therefore, the question is: How do we get it right? We get it right by continuing to work together. As I have said from day one, and as I have said in recent days as various stakeholder groups have raised concerns, the Government will keep working on it until it is debated in the upper House. If necessary, we will amend the bill. That logical, sensible, commonsense approach reflects what most members opposite were saying—that is, "There are some good things here. We do not want to lose them so we will not vote against the legislation, we will not say no. We will not have the courage of our convictions but we will try to keep the issue going." I am doing the same thing, but my commitment goes one step further: the Government will work with the various communities and groups, such as NSW Farmers and other farming groups, to get it right.

I will explain the situation again for the record and for those who may take an interest in this debate. Today we are dealing with bills in this fashion and not introducing a bundle of amendments into the Legislative Assembly because of the forms of the Legislative Council, which has a cut-off date for Government legislation so it can complete its program by the end of the year. The initial cut-off was close of business last night, but it has been extended by a couple of days through negotiation. I will use the opportunity presented between the close of the debate in this House and the resumption of the debate in the upper House to continue to work with farm communities, the NSW Farmers and anybody who wants to be part of continuing to improve the bills. I have no hesitation in acknowledging that the Government will amend the bills to make them better, to instil commonsense and to get it right, as the honourable member for Ballina said. How will we do that? We will use Sinclair. We will use the group of people who worked on this issue from day one, since the last election, and we will continue to work with them sensibly and properly.

The Nationals are now like a dog between two trees. The old maxim about St Augustine is that he said, "Lord make me chaste, but not just now. I want to do it, but not just now—a little bit later." The Nationals are saying, "We don't want to say we like this stuff because that would be a concession to the Government, but we will not say no to it". Nonsense has tumbled out of the mouths of The Nationals this morning. We have this mealy-mouthed, dog between two trees, equivocal approach of an attempted deferment. That does a disservice to the people of rural New South Wales. The National Party changed its name to The Nationals, a new brand purporting to represent a community. However, they are giving that community uncertainty. If they were truly representing regional communities and truly believed what they said, they would just say no.

The Government will continue to work through all the issues raised by honourable members today. People outside this Chamber have also raised questions about the bills. It is not surprising that there are questions of detail and arguments about the wording of the bills. The translation of the spirit and intent of the Sinclair report into legislation requires further work. To my memory, while I have been a member of this place substantive natural resources legislation and environmental legislation has had the same method of passage. That is the way these things are, and that is the way we will continue to work through them. The process started with Sinclair, and it is entirely appropriate that it conclude with Sinclair. Over recent months government officials have sat at the table. Equally, many people beyond government have had a chance to have a real say. It is about getting it right and reflecting the spirit and intent of Sinclair in the bills; it is not about getting bogged down in the legal hieroglyphics, the interpretation. It is the task of those people who sit down over the next few days to continue to work on it.

I recognise the people who have put so much time and effort into building this legislation over the past few months. Their efforts should not be disregarded in the terms expressed by some members of The Nationals today. Too much good work has been done and too much has been built that is of value to simply treat it in the way that it was treated by some honourable members today. It is a slap in the face, and I do not think it truly reflects what some of the members opposite think. They have all said that they liked the idea of less red tape and fewer committees. They want the money to go direct to farmers. They like the idea of property vegetation plans. They want all of those sorts of things articulated. That they described the bills as they did says more about them and their capacity to participate in this debate, and more about their disconnection or dislocation from their communities, than anything I could ever say. In my view, they should just vote against the bills. However, they will not do that. The Leader of The Nationals could not do what Ian Armstrong said he would do in his speech, and what people such as Leon Punch and others would have done. If they did not like it—

Mr Andrew Stoner: We have heard all this. It is tedious repetition. Get on with it.

Mr CRAIG KNOWLES: I know you do not like it, but I have had to listen to your tedious repetition since 10 o'clock this morning. It is now my turn. The Nationals sprayed the bill and then said, "But we sort of like it enough that we are not going to vote against it." In the next few days the Government will work with the Sinclair group to further refine the bills and to present amendments in the upper House, having regard to the timetable of its sittings. We will continue to work to get this right. I thank the people from NSW Farmers who are in the gallery. They have a tough job, a big job, to do. They do good work on behalf of their membership. They will be integral to the work we will do over the next couple of weeks, as will the other members of the Sinclair group. I understand that the debate on these bills will resume in the upper House on 2 December—or at least in a fortnight's time—and we will put forward our solutions. I commend the bills to the House.

Question—That the word stand—put.

The House divided.

Ayes, 51

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

Noes, 32

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

Pair

Ms Gadiel Mr Hartcher

Question resolved in the affirmative.

Amendment negatived.

Question—That these bills be now read a second time—put.

The House divided.

Ayes, 53

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

Noes, 30

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

Pair

Ms Gadiel Mr Hartcher

Question resolved in the affirmative.

Motion agreed to.

Bills read a second time and passed through remaining stages.

[*Mr Speaker left the chair at 1.11 p.m. The House resumed at 2.15 p.m.*]

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**.

Murrumbidgee College of Agriculture

Petition opposing plans to cut full-time and part-time residential courses offered at the Murrumbidgee College of Agriculture at Yanco, received from **Mr Adrian Piccoli**.

Department of Education and Training Restructure

Petition requesting a delay to the proposed restructure of the Department of Education and Training, received from **Mr Russell Turner**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Ms Gladys Berejiklian**, **Mr Steve Cansdell**, **Mr Thomas George**, **Ms Katrina Hodgkinson**, **Mrs Judy Hopwood**, **Mr Malcolm Kerr**, **Mr Daryl Maguire**, **Mr Steven Pringle**, **Mr Ian Slack-Smith**, **Mr George Souris**, **Mr Andrew Stoner** and **Mr Andrew Tink**.

Lane Cove Rotary Athletics Field

Petition opposing the use of the car park at Rotary Athletics Field, Lane Cove, as a construction storage site, received from **Ms Gladys Berejiklian**.

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**.

Tumbarumba to Jingellic Highway Upgrading

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

Windsor Road Traffic Arrangements

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

The Spit Bridge Traffic Arrangements

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

Orange Electorate Speed Limit

Petition opposing the blanket 50 Kilometre per hour speed limit and requesting that the Mitchell Highway and other main arterial roads revert to previous speed limits, received from **Mr Russell Turner**.

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 Steve Cansdell**, **Ms Katrina Hodgkinson**, **Mr Ian Slack-Smith**, **Mr George Souris**, **Mr Andrew Stoner** and **Mr Russell Turner**.

Newcastle Rail Services

Petition requesting the retention of Newcastle rail services, received from **Mr Bryce Gaudry**.

Social Program Policy Subsidy

Petition requesting that the social program policy subsidy be extended to residents in the Hawkesbury local government area, received from **Mr Steven Pringle**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [2.25 p.m.]: I move:

> That General Business Notice of Motion (General Notice) No. 173 [CountryLink Rail Services] have precedence on Thursday 20 November 2003.

I seek precedence for this motion so that this House can openly debate how the Government is running a calculated campaign to close down country passenger rail services. The clock is ticking on our country and coastal rail services, with the Government' s Parry inquiry due to deliver a final report next month. In a media release the so-called Country Labor parliamentary group convener said that in a submission to the Parry inquiry Country Labor had asked for the retention of CountryLink services. The Government should not be arguing about the importance of this motion to country people throughout the State. I have brought to the House some of the petitions I have received on this issue. These are only from the electorate of Oxley, but they are coming in from right around the State. CountryLink rail services is one of the most important issues facing regional and rural New South Wales. It is important that this motion, which is about a basic and fundamental right of the citizens of the State, be given precedence. It should not matter whether a person lives in the city or in the country, public transport is a basic right in this State.

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

Mr ANDREW STONER: Last week I was out at the station at Walcha Road. As the Armidale Xplorer service came through Walcha Road station it was full of passengers.

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

Mr ANDREW STONER: There were passengers accessing medical services in Sydney, passengers visiting family members further down the line, and tourists. In fact, I spoke to some people from New Zealand and wished them the best, although I wished the Wallabies all the best too. But that is the importance of country rail services, and now the Labor Government wants to shut them down. Let us have the debate and see whether the so-called Country Labor faction will support the Opposition's motion. No matter is more important to the people of country, coastal and regional New South Wales. That is why this motion must be given precedence, and that is why the Country Labor members opposite must cross the floor and vote with the Opposition.

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [2.28 p.m.]: The Government welcomes this debate. We want to hear from the Opposition about all the rail lines they closed when they were in government. It is a list as long as your arm—Broken Hill, Griffith, 34 rail lines all across the State. We want to hear all about it.

Mr Ian Armstrong: Point of order: My point of order is to assist. Labor has been in government for almost eight years.

Mr SPEAKER: Order! There is no point of order. The honourable member for Lachlan will resume his seat.

Mr CARL SCULLY: I turned up at Cowra. He was very rude; he was not even there when we announced that Cowra to Blayney would be reopened because the Coalition closed the line when it was in government. We want to hear about this. We want a debate and I want Country Labor to come out tomorrow in force and give them hell.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

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FORMER MINISTER FOR HEALTH AND NURSE WHISTLEBLOWERS

Mr JOHN BROGDEN: My question without notice is directed to the Minister for Infrastructure and Planning. Why, as outlined in a statement, did the Minister bully and intimidate a nurse from Fairfield Hospital, speaking over the top of her and becoming "hostile and threatening", at a nurse practitioner workshop at the University of Technology, Sydney, in February 2003 when she raised with the Minister allegations about patients receiving dangerous care and dying in some hospitals?

Mr CRAIG KNOWLES: This is becoming a very tiresome attempt by the Leader of the Opposition. I can recall attending a nurse practitioner workshop at the University of Technology, Sydney, on I assume the date mentioned, where I stood in front of, in round figures, 50 or 60 nurses and took questions for about an hour and thoroughly enjoyed the experience with them.

REGISTERED CLUBS MANAGEMENT

Mr PAUL McLEAY: My question without notice is directed to the Premier. What is the latest information on the Government's efforts to improve the standard of governance and management of New South Wales registered clubs?

Mr BOB CARR: On 17 September I said:

> I think there is a strong case for the Government looking more closely at the propriety and governance especially of the largest clubs. I'm looking at ways of doing that.

Those concerns were informed, in part, by the revelations last year about the Bulldogs. But our concerns are not restricted to a single club. We had the probity and corporate governance of clubs under close examination for some time. Last financial year 30 per cent of complaints lodged with the Department of Gaming and Racing against clubs related to maladministration. Since July that figure has increased to 44 per cent. These are not the branches in Wentworth; it has nothing to do with the Wentworth branches. The most frequent allegations include hidden payments, election rigging, conflicts of interest, nepotism, manipulation of boards by chief executive officers, providing credit and cash advances to high rollers, irregular accounting practices, loans being provided to directors and senior management, and irregular and fraudulent tendering processes.

In fact, an investigation into the State's top 100 clubs conducted by the Department of Gaming and Racing last month, revealed that 32 per cent had entered into contracts with board members, senior staff and/or immediate family members. The total value of such contracts was $6.8 million per annum. Many of these arrangements had not, of course, gone out to tender. In fact, it is widespread that expenditure on expansion plans and purchases does not go out to competitive tender. It is a situation crying out for change.

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

Mr BOB CARR: That is why the Minister has brought a reform package before the Parliament—plans that will dramatically improve the standard of corporate governance in clubs. But that still leaves us with the question of how we investigate serious allegations against clubs. At present the legislation prevents full and unfettered inquiry. For example, Department of Gaming and Racing staff have only limited powers to obtain information from club officials. They cannot investigate third parties at all and cannot investigate financial arrangements of club officials outside the club.

Members will be interested to know that the Government intends to remedy this by giving the Director of Liquor and Gaming the ability to establish major inquiries into registered clubs. Such inquiries will have powers similar to those of a royal commission or the Independent Commission Against Corruption, including the power to compel witnesses to give evidence, subpoena documents and refer material directly to law enforcement agencies. Inquiries will be undertaken by a judge or a legal practitioner with at least seven years legal experience. We all know good and reputable club directors and managers. We all want to believe that mismanagement within the clubs industry is not widespread, but until the department has the power to conduct full and unfettered inquiries, we will never know. Let us support those good and honest club managers who want to clean up the industry and restore its reputation.

FORMER MINISTER FOR HEALTH AND NURSE WHISTLEBLOWERS

Mr BARRY O'FARRELL: My question without notice is directed to the Minister for Infrastructure and Planning. In light of management telling a senior nurse who had publicly raised concerns with him about the quality of care at Fairfield Hospital that "You don't say what you said to the Minister for Health and expect to have a career afterwards", will the Minister confirm that he was responsible for the demotion and transfer of that nurse?

Mr CRAIG KNOWLES: That is puerile nonsense. First, we had an allegation that I attended a university workshop to train nurse practitioners, at which I spoke and took questions and—

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

Mr CRAIG KNOWLES: And I answered those questions, and that that in some way was intimidating someone. To then suggest that in some way I have knowledge of the placement of something in the order of—if my memory serves me correctly—30,000 nurses in the public hospital system and that I would arrange a transfer is just wrong and is madness.

Mr SPEAKER: Order! The Leader of The Nationals will come to order.

Mr Barry O'Farrell: Point of order: It is incumbent upon Ministers to tell the truth.

Mr SPEAKER: Order! There is no point of order. I call the Deputy Leader of the Opposition to order.

[*Interruption*]

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time. The Deputy Leader of the Opposition will resume his seat.

[*Interruption*]

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the third time. I ask the Serjeant-at Arms to remove the Deputy Leader of the Opposition.

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

INNOCENCE PANEL DNA EVIDENCE REVIEW

Mr PAUL LYNCH: My question without notice is addressed to the Minister for Police. What is the latest information on the Innocence Panel and related matters?

Mr JOHN WATKINS: Honourable members would be aware that in August I asked the Hon. Mervyn Finlay, QC, to conduct a major review of the Innocence Panel. The panel was set up to provide an independent process by which prisoners could apply for post-conviction checks of DNA evidence. The panel began its work in November 2002 and received 13 applications before I suspended its operations. Honourable members will recall that I took that action because of concerns about the way the panel had been established, and the way it was operating. In particular, I was not satisfied that the most important issue—victims' rights—was being adequately protected. I also wanted Justice Finlay's advice about how, if there were to be such a body, issues such as confidentiality could be addressed.

Justice Finlay's report includes recommendations for the future of DNA evidence and its review in New South Wales. It has confirmed that New South Wales should retain some form of DNA review agency, but not the sort that we had previously. However, the judge has found that the panel should be tightly controlled by legislation, and that is not now the case. He also believes that it is currently in the wrong place. It does not make sense that police, whose job it is to lock up crooks, should participate in reviews of their convictions. The Government has given in-principle support to the report's findings. One major recommendation of the report is that amendments should be made to the Crimes (Forensic Procedures) Act 2000 to establish a legislative basis for the panel. That legislative base will detail the membership and principal functions, safeguarding victims rights, disclosure and privacy provisions, the power to refer matters directly to the Court of Criminal Appeal; eligibility of persons to make applications to the panel, and renaming the panel the DNA Review Panel.

Mr Chris Hartcher: Point of order: The Minister was asked a question about the Government's information on the Innocence Panel. He answered that by saying what the judge had reported to him, which is proper. However, the Minister has now gone beyond answering the question and is giving a ministerial statement on intended Government legislation. In a ministerial statement, a Minister announces the Government's intentions and anticipated legislation. That is what the Speakers' rulings state, and I invite you to consult them. The Minister has gone beyond answering the question and supplying information, and is stating the Government's policy and intentions.

Mr SPEAKER: Order! Recently I have reminded members that the Chair cannot direct a Minister how to answer a question. The Minister is answering the question he was asked. How the Minister answers the question is a matter for him.

Mr JOHN WATKINS: The judge has also recommended that amendments be made to the Crimes Act 1900 or other appropriate legislation to require long-term retention of DNA material found at the scenes of serious crimes to facilitate post-conviction analysis. The Government should oversight the introduction and implementation by NSW Police of a best practice approach to the storage, retention and archiving of forensic samples, and legislation should be enacted requiring documentation by NSW Police of the destruction or return of crime scene exhibits. Police and the Attorney General's Department will work together to develop plans to implement the report's recommendations. The Attorney General and I have already agreed on shifting responsibility for the panel between our two agencies. I expect a name change to take place. The Innocence Panel has no powers relating to conviction, sentencing or appeal, so clearly that name is inappropriate. The Attorney General and I will work on these important changes, which I expect to report to the House next year. The panel will not take any applications from prisoners until those changes have been made.

PARKES DISTRICT HOSPITAL OPERATING THEATRE CLOSURE

Mr ANDREW STONER: I direct my question to the Minister for Health. Why has the Minister allowed the shutdown of Parkes hospital's operating theatre for the next 12 weeks due to faulty airconditioning

and the Christmas surgical break, leaving patients, including expectant mothers, to travel long distances to other hospitals in sweltering heat?

Mr MORRIS IEMMA: I am advised that a failure in the airconditioning equipment at Parkes health service has necessitated the Mid West Area Health Service to take action to ensure the safety and comfort of its patients and staff. Following external engineering advice, the airconditioning equipment had already been scheduled for a major upgrade in the new year. Unfortunately, the unexpected failure of the unit has overtaken these plans. The work is anticipated to be completed by Christmas.

I understand that Parkes hospital will not undertake elective and emergency surgery during this period. Emergency surgery will be conducted at Orange Base Hospital or Forbes District Hospital as appropriate, and arrangements have been made with doctors to transfer their planned lists to Forbes. A general surgical list planned for Parkes on 18 November has already been transferred to Forbes, and I am advised that the ambulance service has been advised of these temporary arrangements. I understand that a media release will appear in tomorrow's edition of the local newspaper informing the local community of these temporary alternative arrangements, which are based on safety and comfort.

RENTAL CAR COMPANIES INTERSTATE REGISTRATIONS

Mr GEOFF CORRIGAN: My question is addressed to the Minister for Roads. What is the latest information on rental car companies using interstate number plates to dodge fees and charges in New South Wales?

Mr CARL SCULLY: Honourable members will recall that earlier this year the Road Transport Vehicle Registration Amendment Act was proclaimed, making it tough for rental car companies in New South Wales to use interstate number plates. Indeed, some members would have seen people driving, on our streets, rental cars that look almost brand new, if not straight off the printing press, with Western Australian number plates.

Mr Ian Armstrong: It's cheaper in other States.

Mr CARL SCULLY: That interjection is of concern because I think our job is to protect New South Wales taxpayers. Last week I was asked why I was not protecting Queensland taxpayers; now I am being asked why I am not protecting Western Australian taxpayers. We introduced the Road Transport Vehicle Registration Amendment Act to protect the financial interests of New South Wales taxpayers. It has been estimated that almost $1.5 million was lost to taxpayers each year through unpaid Roads and Traffic Authority [RTA] registration charges from this fraudulent technique. That is money going to other States and Territories to register vehicles, which are primarily or wholly operating in New South Wales.

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

Mr CARL SCULLY: It is not only taxpayers who are losing out. When rental cars are registered fraudulently in other States the private sector loses out on third party insurance premiums. That is why we introduced a new scheme. New South Wales rental car operators are no longer permitted to fit interstate number plates without the express written permission of the RTA. It is now an offence for companies to cause, permit or allow an interstate-registered vehicle owned by that corporation to be used for any business or commercial purpose on a road in New South Wales if that vehicle did not travel outside New South Wales for at least 48 hours within a 90-day period.

Mr Ian Armstrong: Point of order: If the new scheme was introduced in January, why were there five rental cars with interstate number plates at Orange airport last week?

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

Mr CARL SCULLY: I want to know what the honourable member was doing in Orange. Companies must now keep documentation to demonstrate that they are complying with the new scheme, and are required to produce that documentation if so requested by the RTA. This commenced in January this year. In May the RTA began cracking down on businesses that continued to flout the new laws. Inspectors started personally visiting car rental businesses and interviewing their staff about interstate-registered rental vehicles that they observed on New South Wales roads. When interstate vehicles were observed within New South Wales, directions were

given to companies requiring them to produce documents relating to the operation of those vehicles in order to determine whether they were complying with this recent legislation. The RTA has evidence of vehicles that appear to be contravening the new scheme, again in an effort to test compliance.

I am pleased to advise the House, and it follows the rude point of order taken by the honourable member for Lachlan, that the scheme is working and working well. I am advised that 1,800 new rental vehicles have been registered in New South Wales since the commencement of the scheme. That is a 21 per cent increase in 10 months. One company was fined for failing to comply with the direction to produce documents and one company has transferred more than 50 of its vehicles to New South Wales after investigations into its business practices. That is a successful outcome of the policy objective designed to reduce, if not remove, the defrauding of New South Wales taxpayers.

One prosecution has been taken under the scheme and is due to commence shortly in the courts. The prosecution relates to several vehicles, which, despite all the communications to industry about the new scheme, appear to be in clear breach. The company appears to have vehicles registered interstate when it is operating fully in New South Wales. If successful, this case will provide further encouragement and inducement to the car rental business to comply with the new scheme. I thank those rental car companies that have done the right thing. A number of them have done the right thing over a period of years and they were among the people who complained to me about the uncompetitive environment in which they had to operate because of fraudsters registering vehicles in other States, particularly in Western Australia. They were the people who said that we should do something not only to make it a level playing field but also to protect the financial interests of the people of New South Wales. This appears to have been a successful government initiative.

BOARDERS AND LODGERS REGULATION REVIEW

Ms CLOVER MOORE: My question is directed to the Minister for Fair Trading. Given the long saga of working parties, bills, reviews and task forces about the need to provide a legal framework for boarders and lodgers, when will the Government introduce a boarders and lodgers bill, incorporating the boarders and lodgers action groups proposals?

Ms REBA MEAGHER: The Government recognises the need to protect the rights of those who live in boarding houses. I understand that a preliminary boarders and lodgers review on regulation in this industry has been completed. As a range of complex issues is involved, we support a more detailed examination, including a whole-of-government assessment.

LOCAL COUNCIL AMALGAMATIONS

Mr ANDREW FRASER: My question is directed to the Premier. Will the Premier give a guarantee that the residents of the seven affected councils in the Australian Capital Territory region will have March elections and that Labor will comply fully with section 218F of the Local Government Act, which requires a 40-day public consultation period from the postal poll of residents before any amalgamation or boundary change?

Mr BOB CARR: The Government is committed to consulting widely with the ratepayers on how councils can serve them better. The Minister for Local Government has referred proposals coming out of the Australian Capital Territory regional review to the independent Boundaries Commission. I recommend that every member of this House, in order to refresh their spirits, carry with him or her at all times a copy of the Local Government Act. That is the standard I am setting. These proposals will now go through the commission's public inquiry process along with all other proposals affecting that area. The review was held in addition to the public consultation process that is set out in the Local Government Act. The facilitator of the review, Professor Maurie Daley, held 12 public meetings, and meetings of councils, and took written submissions. There would be wide endorsement throughout the area of the Government's consultative process.

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

Mr BOB CARR: If the honourable member would like me to look at any of the submissions I invite him to send them to me, and I assure him I would waste no time in reading them.

Mr SPEAKER: Order! I place the honourable member for Coffs Harbour on three calls to order.

Mr BOB CARR: The honourable member for Coffs Harbour has been saying things about various councils interstate, and not making any friends for himself. For example, he went to Orange and said that the Orange council was a predator. Orange council is doing its business, looking after jobs growth, keeping the streets clean and keeping Orange functioning, and the shadow Minister arrives in town and decries the council as a predator.

Ms Katrina Hodgkinson: Point of order: The question related directly to the ACT regional review, and I ask that you direct the Premier back to the question.

Mr SPEAKER: Order! There is no point of order. Earlier in question time I reminded the House that the Speaker cannot direct a Minister how to answer a question.

Mr BOB CARR: The shadow Minister arrived in Orange and said—

[*Interruption*]

Here is the Act. I told you all along I had the Act with me. It was not the Act and now it is the Act. I am a magician. He arrived in Orange and said:

> The total problem is that the Orange council, and I could name a dozen of them that have been placed in a situation where they are regarded by their neighbours as predators …

What a thing to say about a gathering of civic-minded people committed to their welfare and prosperity—was his parliamentary colleagues not among them once—branding them all, defaming them as predators.

Mr Andrew Stoner: What are you doing with Yarrowlumla?

Mr BOB CARR: I am not doing anything with Yarrowlumla. Yarrowlumla is getting along quite well. A review is going on. Are you accusing that council of being a predator as well? This defamation of law-abiding, civic-minded people in local government has gone on far enough. We cited a letter from the mayor of Queanbeyan before attacking you for the lies you delivered about another good council. I suppose you would call that council a predator as well.

Mr SPEAKER: Order! I remind the honourable member for Coffs Harbour that he is on three calls to order.

Mr BOB CARR: I mentioned what the mayor of Queanbeyan said about attacks by the honourable member for Coffs Harbour. This was a letter dated 24 September from the mayor and is addressed to the honourable member for Coffs Harbour. To the best of my knowledge this serious, well-regarded mayor is not politically aligned. This could be emblematic of any member on the Opposition frontbench. The much-respected mayor of Queanbeyan said:

> Clearly you are not a person who believes in checking the facts …

That is what the mayor said about the honourable member for Coffs Harbour. I am sure there is something in the Local Government Act that mandates the checking of the facts before making serious allegations. The mayor went on to say:

> Your comments in relation to the … City Council … demonstrate … your unsuitability even for the Shadow Ministry …

And we know how lax the standards opposite are. This is very revealing and I submit that we have the time to check it out. This is what he got wrong. He alleged that Queanbeyan City Council was Labor led. The mayor said:

> I have been the Mayor of the City since 1991 and I am not a member of, or aligned with, any political party.

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

Mr BOB CARR: This is truly devastating. He said:

> With regard to your pathetic accusations that the Council overspends and cannot manage its own affairs, you should note that the Council not only has cash investments of over $40M it also has property investments in the CBD of the City valued in excess of $10M.

The shadow Minister would not have the competence to raffle a duck in a pub on a Saturday afternoon, let alone comment on a big operation such as this. The mayor continued:

> On the issues of good management, you should be made aware that as a result of a policy decision made many years ago, the Council's General Fund is debt free and its other funds have a debt service ratio of less than 2.2%.

The mayor outlined what appears to me to be the exemplary record of the council. He concluded with this advice to the shadow Minister: "It is about time you checked your facts." All Opposition members should check their facts, as mandated by my favourite reading material, the Local Government Act. I go back for a moment to what the honourable member said about Orange council. He said that members of Orange council were predators, presumably because they wanted to gobble up all the surrounding areas. The Stasi have been on the job and a bit of electronic checking has been going on.

It turns out that the honourable member for Orange served as a very prominent member of Orange council and voted with the council to take over Cabonne and Blayney. The shadow Minister denounces his colleague the honourable member for Orange—someone who I think has the respect of all members—as part of a predatory band. This move was against all the opinion in those surrounding councils. We have just turned up one of the columns of the honourable member for Orange. It is said that he has more columns than the Parthenon or the Pantheon. We all remember his column of 6 August 2003.

Mr Andrew Stoner: Point of order: My point of order relates to relevance. The question specifically concerns section 218F (3) of the Local Government Act, the Premier's favourite reading material, and whether he is going to conduct a postal ballot and give 40 days notice. I ask the Premier to please answer the question.

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

Mr BOB CARR: It is precisely because I take the question so seriously that I came to the Chamber with the Local Government Act. As I am sure many of us will remember reading at the time, the honourable member for Orange said in his column of 6 August 2003:

> As an Orange city councillor I voted in favour of council preparing a submission expressing council's view on amalgamation with those two surrounding areas.

He is branded a predator for that. To clear the air, the former member for Orange, fortuitously, has turned up in the gallery today.

Mr Andrew Tink: Point of order: He is not the only former member who has turned up, Mr Speaker. Your predecessor is out the back. I think it is time for a few second opinions.

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

Mr BOB CARR: I read the letter of the Mayor of Queanbeyan, taking apart the criticisms by the shadow Minister point by point, and saying that he is clearly someone who does not check his facts. For clarification, according to the *Queanbeyan Age* of Friday 26 September, at the time the honourable member for Coffs Harbour attacked Queanbeyan council he actually had Yass in mind. He intended to make the attack on Yass. So intimately aware is he, as a National party member, of the layout of country New South Wales that he thought Yass was Queanbeyan and Queanbeyan was Yass.

PUBLIC HOSPITAL PERFORMANCE

Ms ALISON MEGARRITY: My question is directed to the Minister for Health. What is the latest information on public hospital performance in New South Wales?

Mr SPEAKER: Order! The Leader of the Opposition will come to order.

Mr MORRIS IEMMA: I thank the honourable member for Menai for her question and her support of our public hospitals. She has been a strong advocate for public hospitals during the whole process of negotiating a new agreement. Yesterday I outlined the latest national bulk-billing data for the September 2003 quarter, which showed that just 67.4 per cent of general practitioner [GP] services were being bulk-billed nationally. That is down from 68.5 per cent in the June quarter and down from 71.2 per cent just 12 months ago—the lowest rate of bulk-billing in 14 years. In real terms that translated into a further reduction of several thousand bulk-billed GP services for families. Not surprisingly, the continuing decline in bulk-billing rates impacts both directly and indirectly on the level of activity in our public hospitals. Today the Auditor-General released his Financial Audit, Volume Five, and it refers to several of these impacts. It accurately reflects the increased level of activity in our public hospitals and the wider health system in the past year.

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

Mr MORRIS IEMMA: Prime examples from the Auditor-General's report of heightened activity in 2002-03 include an increase in admissions to New South Wales public hospitals from 1.295 million to 1.321 million; a 637 rise in total bed numbers—this is an important point—across the New South Wales public hospital system; an increase of 1.6 million vital outpatient services such as chemotherapy to 21.3 million services in 2002-03; and a 4.3 per cent increase in ambulance responses, to 895,700. These figures clearly indicate that more public health services than ever before are being provided in a variety of ways, and we are continuing to improve the way they are delivered. The critical issue of assessing patients in our emergency departments is a good example. The Auditor-General's report shows that key initiatives that have been implemented to improve the treatment of emergency department patients are having a positive effect.

Despite the continued rise in emergency department attendances in the past year—due in part to the crash in bulk-billing—the time taken to begin assessment and treatment of patients is on the improve. Most importantly, the Auditor-General found that a 100 per cent record was maintained in the beginning of treatment within the benchmark period of two minutes for patients with an "immediately life-threatening" condition. The Auditor-General found that performance in patient triage categories 2 through to 5 was consistent with the previous year. The results for August this year show significant improvements over those for August last year, particularly in the group of 19 metropolitan hospitals at which rapid emergency assessment teams were established and funded as part of the Government's election and budget commitments.

The average waiting time for patients in triage categories three and four in the 19 hospitals was seven minutes less in August 2003 than in August 2002. That performance was despite there being almost 5,000 more attendances at emergency departments. Although there were more patients coming in the front door as bulk-billing plunged, they waited less time to receive treatment than they did a year ago. The Auditor-General's report also referred to access block—that is, the time taken to transfer a patient from the emergency department to a ward bed. That reference should be examined in the context of ever-increasing admissions and pressure on public hospitals and the challenges associated with a steady rise in the number of older people requiring admission for a range of complex illnesses. Ward admissions for August 2003 were up by 1,244, or 4.3 per cent, on August last year.

Earlier this year I established a working group of senior clinicians to look at all aspects of patient flow through our hospitals. That task force is headed by Professor Brian McGaughan. His important work has identified key issues regarding access blocks, such as the ageing population that has resulted in increasing numbers of admissions with more complicated illnesses. Our biggest challenge is to improve the health care of our ageing population, and that work must go on beyond hospitals. The treatment of patients in nursing homes by general practitioners is critical, as is transitional care to help aged people return to the community. That is an important issue for the Commonwealth and the State.

As honourable members know, each day up to 900 elderly citizens are in acute hospital beds waiting for more appropriate Commonwealth-provided aged-care accommodation. The State Government is not simply waiting for the Commonwealth to do its bit, to pay its fair share or to pull its weight. The State Government has introduced a number of initiatives designed to more effectively identify and urgently address the needs of older citizens in our hospitals. They include 36 aged service emergency teams in hospitals and 97 community care packages to assist senior citizens to return home from a public hospital bed.

I have given my commitment on behalf of the Government to work with the Commonwealth to improve outcomes for elderly citizens in this area. Honourable members should make no mistake: the demand is growing and pressures are increasing on public hospitals, but the Commonwealth has delivered a five-year health agreement that cuts funding to public hospitals. That, along with the collapse of bulk-billing, places enormous strain on doctors and nurses to find new ways to cover the gaps that the Commonwealth Government refuses to fill.

CONVENTIONS AND EVENTS

Mr MATTHEW MORRIS: I address my question to the Minister for Tourism and Sport and Recreation. What is the latest information on Sydney's convention and events sector?

Mr SPEAKER: Order! Members on the Opposition benches will come to order.

Ms SANDRA NORI: I want to talk about Sydney's thriving convention business, and I will do so in the context of major events. No other city in the world can claim to having been able to host two of three of the

most important sporting events held in the past three years. Those events not only bring in the dollars but also constitute a massive branding campaign. The Sydney Convention and Visitors Bureau, which is charged with pitching and bidding for conventions business, can clearly see the difference since the Olympics.

Events such as the Olympic Games and the Rugby World Cup give the city prominence, which makes the bureau's job easier. Organisations holding conferences want to maximise the number of delegates, and they know that Sydney is the best delegate booster in the country. That is why Sydney has 42 per cent of the national convention and conference market. We need major events to boost the city's profile, but they need to be strategically chosen. To sustain the tourism industry we need a steady stream of high-yield visitors day in day out, week in week out, and year in year out, not the peaks and troughs that come with major events. Obviously the Rugby World Cup is providing enormous exposure, with daily broadcasts around the world, and we are ready to go into our key international markets in the near future to gain leverage from that profile.

The Sydney Convention and Visitors Bureau is continuing to pursue major events, and announcements will be made in the near future. The Major Events Board will be pursuing the 2007 World Weightlifting Championships, and the Australian Weightlifting Federation is behind the Sydney bid. If we win the right to host the event, about 1,200 visitors will come to Sydney in 2007, and that will provide an economic benefit of about $17 million. I will take a moment to address the furphy of the Sydney versus Melbourne approach to major events. Any intelligent person would realise that Melbourne and Sydney are perceived differently in the marketplace, particularly in international markets. The Victorian Minister for Sport, Justin Madden, has said:

> We don't have the natural attractions of tourism that Sydney might have, and we don't necessarily have that glorious sunshine that we'd like to have with regularity like other parts of Australia. We have to attract international visitors with a particular strategy.

He is a clever bloke because he recognises that Melbourne needs branding. Everyone talks about the Grand Prix, but a recent article in the *Melbourne Herald Sun* stated that a musical like *Mamma Mia* can generate the same level of economic benefit as the Grand Prix. *Mamma Mia* generated $170 million and *The Lion King* will generate $110 million and attract 200,000 domestic and international visitors. Sydney is lucky because it has global recognition and icons. Clearly, if Sydney is doing well, so is Australia.

However, when it comes to major events we must be strategic. There is no point putting money into a promoter's pocket for nothing. I am not quibbling about the amount spent on major events, but if we do not get a return that at least matches the outlay, what is the point? There is no point in spending money on a major event if it does not generate returns in visitor nights and yield per visitor unless the exercise is simply a branding campaign.

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

Ms SANDRA NORI: Sydney is doing extremely well with branding. I will bring honourable members up to date on the conference industry.

Mr SPEAKER: Order! The Leader of the Opposition will come to order.

Ms SANDRA NORI: Many people do not realise that the convention and conference sector is the silent partner in the events industry. It does not get the same level of media and public attention as major events, and clearly it does not get the attention of honourable members opposite because they do not understand the situation. However, that market now generates about $175 million more in direct expenditure than it did in 1999-2000.

Mr SPEAKER: Order! There is too much audible conversation on both Government and Opposition benches.

Ms SANDRA NORI: Sydney is ranked thirteenth in the world for this kind of business tourism, and seventh in the world for numbers of delegates. Its nearest rival is Melbourne, which is ranked thirty-first. Sydney is in the top three Asian-Pacific cities for conferencing, along with Singapore and Seoul, and it is ranked in the top 10 internationally for scheduled meetings post-2002. The Sydney Convention and Visitors Centre [SCVB] has secured more than 41 events to be staged this financial year, worth $214 million. The Rugby World Cup will be worth $350,000 to this city. The SCVB has secured 128 conventions for between 2003 and 2012, worth an estimated $819 million to the New South Wales economy. The most significant of those conventions is the Lions Club International Convention, which will bring 25,000 visitors to the State and about $91 million to the State's economy.

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

Ms SANDRA NORI: It is this State's strategic approach to tourism that makes the difference. We have the right mix of major events, business tourism and the leisure market, and that is why we lead the rest of the country when it comes to tourism.

FORMER MINISTER FOR HEALTH AND NURSE WHISTLEBLOWERS

Mr CRAIG KNOWLES: Earlier this afternoon I was asked a question about activities at a University of Technology nurse practitioner workshop. As a consequence I asked my staff to contact one of the organisers of that workshop and, with lightning speed, the organiser has produced a signed statement, which I will now read onto the record. The statement reads:

> I recall being at a NP workshop at UTS in February 2003. The Honourable Craig Knowles attended for an informal meeting with the participants.
>
> During the discussions there was a statement and question put to the Minister regarding patient care at Fairfield being described as similar to Camden and Campbelltown, at that time being scrutinised by the HCCC.
>
> The Minister put it to the nurse that allegations of that nature would need to be substantiated and followed up through a more formal process than an open discussion group of that nature.
>
> The Minister did state that they were very serious allegations but at no time was aggressive or exhibited behaviour that could be considered as intimidating.

Questions without notice concluded.

CENTRAL COAST FOOD MANUFACTURING INDUSTRY

Ministerial Statement

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.25 p.m.]: The Central Coast is home to many of our leading food manufacturers. Investment by major names like Sanitarium and Sara Lee have put it on the map as a great place to add value to our clean, green primary produce. When we talk about the Central Coast and the food industry, we are talking about not just quality but quantity. Sanitarium's Berkeley Vale plant produces 1.2 million Weet-Bix every day—almost 100 kilometres of cereal. Sara Lee can produce 72 family apple pies each minute—that is, up to 34,560 pies per day. These two companies employ 1,000 people. Kellogg's is expanding its Charmhaven facility to become its primary health and snack food centre, superseding operations in Queensland. The $12 million extension to the plant will prompt a work force expansion from 120 to 220. Turnover is tipped to increase from $30 million a year to $78 million a year. The plant now produces 304 health bars a minute, and that will increase to 1,145 after January.

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

Mr DAVID CAMPBELL: Kellogg's and fellow Central Coast food companies Masterfoods and Specialty Cereals recently presented their unique products to representatives of giant British grocery company Tesco. Tesco's delegation visited the Central Coast at the height of the region's Rugby World Cup campaign. The grocery giant has 2,291 stores around the world and employs 296,000 people. It is now looking to the Central Coast for new, innovative and quintessentially Australian products. The interest of such a grocery giant reinforces the region's position as a leading hub of value-added food production. I am advised that more major food companies are considering moving to the Central Coast. I am confident that the continuing success of the region's existing food businesses will encourage them to make the move.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.26 p.m.]: The Opposition is well aware of the importance of the Central Coast as a major provider of jobs in a number of areas, particularly the food industry. The fact that Sanitarium, Sara Lee, Kellogg's and now other companies, including Tesco, are considering a move to the Central Coast is a welcome development in New South Wales. Of course, the successes of this business have been made possible by very sound economic management by the Federal Coalition Government in reducing interest rates to record low levels and reducing unemployment. We have economic circumstances that allow businesses to grow and to employ more people. Because of increased consumer demand, if people have more money in their pockets they will buy more food products, particularly value-added products.

The Opposition acknowledges the Federal Government's contribution to reducing Federal debt, lowering interest rates and reducing unemployment. I note that the Central Coast is not the only location for these sorts of enterprises and factories. Indeed, on the mid North Coast—in Smithtown, to the east of Kempsey—Nestle is producing Milo, Nestle Quick and other products. I am led to wonder why we cannot have decentralised industry and decentralised jobs in this State. It is certainly the Opposition's policy to provide enhancements and encourage businesses to operate and prosper throughout regional New South Wales.

RETIREMENT VILLAGES LEGISLATION

Ministerial Statement

Ms REBA MEAGHER (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [3.28 p.m.]: The New South Wales Government intends to stop the practice of retirement village operators charging personal fees for residents after they have died or moved out of the village. Currently operators can charge personal fees for services such as meals and laundry for up to 28 days after a resident passes away or moves out of the village and into a nursing home or hostel. There is justification for a period of ongoing liability in the event of a temporary absence for hospitalisation or a holiday. However, I am concerned about the fairness and equity of charging the estates of former occupants for personal services that are not provided during the 28 days. It is not uncommon for residents to be charged up to $2,000 a month for these types of services. Residents moving to a nursing home can be liable in the short term for two sets of fees. This imposes a serious financial burden on them or their families.

Some 40,000 people live in 700 retirement villages across New South Wales. The majority of them are over the age of 70, many receive the pension and 80 per cent of them are women. Fees cause them great concern. In 1999 the Carr Government brought in the most significant reforms ever undertaken to regulate the retirement village industry in New South Wales. Before 1999 there was much less regulation of the industry. In fact, we heard horror stories about some residents being charged for meals, laundry, cleaning and other personal services many years after they had died or left the village.

Under the 1999 Retirement Villages Act a cap of 28 days was placed on the charging of personal fees to residents who die, move out or are temporarily absent. That was an important step, to put a clear cut-off time on charging these fees. I am keen to see this 28 days cap completely lifted in the case of residents who have died or who have permanently left the village. I will be introducing legislation to put an end to this practice. The statutory five-year review of the Act was due to commence in early 2005. I inform honourable members that I intend to bring this review forward to the first part of next year. This will afford industry stakeholder groups and retirement village residents an opportunity to comment on the legislation and on how we can move forward in the future.

Ms KATRINA HODGKINSON (Burrinjuck) [3.30 p.m.]: The Opposition has great respect for the elderly. We do not want them to be taken advantage of by unscrupulous retirement village operators. We look forward to the introduction of the legislation and to its subsequent debate.

CONSIDERATION OF URGENT MOTIONS

Federal Government Liquefied Petroleum Gas Tax

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.30 p.m.]: The importance of the liquefied petroleum gas [LPG] industry to the State is evident. The wording of my motion reinforces why it is urgent and why it should have priority. The impact increased LPG costs would have on businesses and industry in country New South Wales reinforces the importance and urgency of my motion.

Former Minister for Health and Nurse Whistleblowers

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.31 p.m.]: The Opposition's motion is urgent because it seeks to identify and clarify a clear method of behaviour from the former Minister for Health, Craig Knowles, with respect to whistleblower nurses. To date we have proved in this Parliament that two nurses—two former employees of Campbelltown Hospital in the Macarthur Health Service—were intimidated and, indeed, bullied by Craig Knowles when they sought to do nothing more than tell the truth and expose a great failing in the health system. Today we go one step further to establish a clear pattern by Craig Knowles of intimidation and threats.

Mr SPEAKER: Order! The Leader of the Opposition will refer to the Minister by his correct title.

Mr JOHN BROGDEN: We will establish a clear pattern of intimidation of whistleblower nurses by the former Minister for Health—the current Minister for Infrastructure and Planning. I seek to read from a statement that I referred to during question time, which clearly indicates the former Minister's behaviour.

Mr Alan Ashton: Point of order: The Leader of the Opposition must establish urgency. He must establish that his motion is more urgent than that of the Minister for Regional Development. He cannot do that by simply reading something from a document. In fact, he has not mentioned the word "urgency" once.

Mr SPEAKER: Order! The Leader of the Opposition is well aware that he must show why his motion should have priority and that he should not deal with the substantive issue. Clearly, the reading of statements would be regarded as dealing with the substance of the motion.

Mr JOHN BROGDEN: This motion is urgent because the statement indicates quite clearly the pressure under which this nurse was placed when she sought to bring matters of real concern to the attention of the former Minister. This motion is urgent because, in part, the statement indicates that she was bullied by the former Minister. It is urgent because, in part, this statement—received only today by the Opposition—shows that she indicated to the former Minister that she was concerned about these matters and that his attitude changed from approachable and friendly to hostile and threatening. She stated, "He asked me for my name and the hospital I worked in. He ridiculed me and spoke of the development of Liverpool Hospital."

Mr SPEAKER: Order! I again remind the Leader of the Opposition that he must show why his motion should have priority over the motion of the Minister and that he should not deal with the substantive issue.

Mr JOHN BROGDEN: The motion is urgent because it goes to the core of this issue.

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

Mr JOHN BROGDEN: It is urgent because it adds to the substantiation of the matters that we have discussed in the past few days. This nurse raised real concerns about the health system. Within two days of raising these concerns she was called before the director of nursing who asked her, "Was this because of what occurred between Craig Knowles and myself? You don't say what you said to the Minister for Health and expect to have a career afterwards."

Mr Carl Scully: Point of order: If the Leader of the Opposition wishes to reflect on a member of Parliament he is entitled to do so under the proper forms of the House. He has to move a substantive motion that reflects on a member of Parliament. He cannot do it under a general motion that talks about the health system. The Leader of the Opposition should be brought to order and he should speak to the matter before the House: why his motion is urgent. He should not be reflecting on a member of Parliament.

Mr SPEAKER: Order! I uphold the point of order. The Leader of the Opposition is well aware of the standing orders and I ask him to abide by them.

Mr JOHN BROGDEN: This motion is urgent because it calls on the Government to support nurses, not to intimidate them. It calls on the Government to do the right thing by nurses, not to scream at them, not to thump hands on the table, not to intimidate them. It calls on the Government to stop its hypocrisy and to support nurses. Time and again the Government intimidates nurses and threatens them with the loss of their jobs. This is a disgrace. It needs to be exposed. The attempts of the Government and the Speaker to shut me up will not stop me from pursuing this issue. [*Time expired.*]

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

The House divided.

Ayes, 51

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

Noes, 36

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

Pair

Ms Gadiel	Mr Armstrong

Question resolved in the affirmative.

FEDERAL GOVERNMENT LIQUEFIED PETROLEUM GAS TAX

Urgent Motion

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.45 p.m.]: I move:

That this House expresses its concern at the Federal Government's proposal to impose a new tax on liquefied petroleum gas.

At a time when the Federal Government's coffers are full, it is grasping for yet another way to tax the New South Wales community. This time the tax will impact on regional communities. It will affect jobs, businesses and the environment. The Federal Government plans to impose an excise on liquefied petroleum [LP] autogas. This new tax will see the price of LP autogas rise from the current 44¢ a litre to as much as 82¢ a litre. This will directly impact on regional areas, which have 70 per cent of Australia's consumption. Even though the Federal Government does not plan to introduce this excise for a couple of years, the decision will have an immediate impact on business confidence in regional New South Wales. It will affect a whole range of industries and consumers. It will seriously impact on the sustainability of our liquefied petroleum gas [LPG] industry. For

years we have promoted LPG as a clean, green, environmentally friendly energy source. The Federal Government is now showing total disregard for the environment by placing a tax on this important fuel. It is yet another example of the arrogance that the Federal Government continually displays.

Australia is currently self-sufficient in LPG production. Being self-sufficient means that we are not reliant on imports. Our home-grown industry supports jobs in Australia—jobs based here, not overseas. If an excise is placed on LP autogas, Australian jobs will be lost. Indeed, this excise on LP autogas would destabilise the LPG industry. It means yet another successful Australian industry could be decimated and we could end up buying this fuel from overseas markets. Thousands of workers are employed by the LPG sector. They are involved in production, supply, conversions, component manufacturing and sales. Obviously, the Federal Government does not care about Australian jobs in this sector. It is certainly ignoring what happened when other countries decided to tax this energy source. When France and Thailand imposed an excise on their LPG industry in the 1980s the autogas industry literally disintegrated. In other words, if the Federal Government goes ahead with its plans to tax LP autogas, the flow-on effect will mean that the entire the industry could collapse. This would seriously impact on our regional businesses.

Agricultural businesses relying on LPG would be severely affected. Our State's $635 million cotton industry would be seriously impacted because LPG is used as a fuel source in the ginning process. More than 20 gins are located in our major cotton growing districts in the north-west of New South Wales. They are mainly based in the Namoi, Gwydir and Macintyre valleys. Our State's horticulture industry would also be affected. Greenhouse horticulture production of tomatoes, cucumbers, capsicums, eggplant, herbs and hydroponic lettuce is worth $350 million a year to New South Wales. Growers in the Sydney Basin and on the Central Coast would be seriously affected by a collapse in this industry. Our $575 million State poultry industry would also be seriously affected, which means that almost 9,000 jobs will be threatened. New South Wales is a significant pork producer. Our $652 million industry is a significant user of LPG. Almost 9,000 regional workers would be affected by the Federal Government's decision.

Jobs in virtually every region of this State would be threatened, but the Federal Government's decision to target LP autogas would also be felt in cities and towns. The Australian Taxi Industry Association has advised that the Federal Government's plan for an excise duty on LPG will force taxi prices up by 8 per cent. Every day in New South Wales 5,800 taxis drive people to 500,000 different destinations. The Federal Government's ill-conceived decision means that catching a taxi will be more expensive. As Minister for Small Business I am conscious of the hard work and commitment that our State's self-employed taxi drivers put into their business. I am concerned that taxi drivers now face the prospect of dramatically increased fuel costs, at the same time as the National Competition Council wants to flood the market with taxi licences.

The Australian Liquefied Petroleum Gas Association has advised me that autogas is better for greenhouse and urban air quality than petrol or diesel. It is cleaner and its use improves health outcomes. I am advised that LPG has lower emissions of nitrogen oxides, particulates, hydrocarbons and other smog-forming compounds. It is a low-carbon, high-hydrogen fuel. LPG use has already delivered major greenhouse benefits. I am informed that current LPG vehicles save around 900,000 tonnes of carbon dioxide each year. The LPG industry has a demonstrated commitment to further improving its environmental performance. I am advised that until the Federal Government's tax plans became widely known industry was embarking on a major technical upgrade to further improve environmental performance through new dedicated gas vehicles. The disappearance of the autogas sector will pressure other LPG users. It could cause the writing off of billion dollar investments for industry and consumers. For example, it would affect 3,500 service stations, distribution tankers, storage depots and fuel producers, and 500,000 vehicles. A large number of Ford dedicated sedans, station wagons and utilities would fall into this category.

The Federal Government's tax plans are inconsistent with trends elsewhere in the world. Germany, France and Spain have recently reduced or removed, or are in the process of reducing or removing, excise. I am advised that Austria, Belgium, Denmark, Finland, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Sweden all have zero or minimal excise regimes to promote and support LP autogas. Perhaps the Federal Government does not support the goals of the Kyoto protocol in reducing greenhouse gases. Perhaps it does not have a particular regard for small business around the country. Perhaps it does not want to support the agricultural industries that provide benefits and are extremely competitive as a result of the use of Australian LPG.

Perhaps all those factors came together to lead the Federal Government to make this decision and announcement. Whatever the reason, it simply does not add up. It simply does not make sense to impose an

excise on a product that is totally Australian; it does not compete with international products or with imports. Whatever the reason, it simply does not make sense. That is why I have moved this motion today, and it is why I call on the Federal Government to reconsider this tax, which will no doubt have a devastating effect on the whole community and, most particularly, rural communities and primary producers.

Mr BRAD HAZZARD (Wakehurst) [3.53 p.m.]: The Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business has raised an issue that addresses broad Federal Government policy. Contrary to what the Minister said, the Federal Government has a sustainable view of the future of Australia's industry, commerce and employment. The Minister started his contribution by saying that the Federal Government is effectively brimming to the top with taxes. I simply point out that not only is the Federal Government doing well in relation to business reform and industry generally; it is doing well on unemployment. While the Minister expressed concern about adding to the unemployment level, perhaps he should have some regard for the fact that New South Wales has the lowest unemployment rate in Australia as a result of the Liberal-National Government in Canberra.

I do not anticipate that the Federal Government will do anything that is detrimental to workers, industry or business in Australia. It sees workers, business and industry as partners in the future of Australia. It does not play the class warfare game, which unfortunately members opposite regularly resort to when they must fill up the hours in this place. The Federal Government is not rushing the imposition of fuel taxes on LPG. Indeed, it is part of a comprehensive approach to the current fuel tax arrangements. The Federal Government will reform the current fuel tax arrangements to bring all currently untaxed fuels into the excise and customs system, not in a couple of years, as the Minister said, but by 1 July 2008. Why is the Federal Government making this change? If one listened to the Minister one would think that the Federal Government has malicious intent, that it is out to destroy the very industry that it has supported after a long period of destruction by the previous Federal Labor Government.

The Federal Government is making this reform because it will establish a long-term sustainable taxation framework for fuels and address a number of anomalies in the current fuel tax system. The changes also provide increased certainty for investors while at the same time meeting existing Government commitments, and provide time for industry to adjust. The New South Wales Opposition wants to ensure that whatever changes are made by the Federal Government do not in any way diminish the sustainability and viability of employment in New South Wales. We believe that by working with the Federal Government we can achieve successful outcomes for the people of New South Wales and indeed, in the broader sense, for the people of Australia. Listening to the Minister say that the Federal Government is brimming with funds, it struck me that we are in the New South Wales Parliament—that has probably not yet sunk in with the Minister—and we should be talking about issues that affect the State Labor Government. To bring the debate back to what we should be talking about, I move:

> That the motion be amended by leaving out all words after "That" with a view to inserting instead "this House expresses its concern at the high level of State taxes in New South Wales, including funds raised in the off-budget sector."

It is appropriate that the Minister wants to debate this issue today. He is showing a marked interest in bringing this issue on because today the Auditor-General of New South Wales brought down his report on various financial aspects of New South Wales. Every year for the past umpteen years we have heard the Treasurer talk about his surplus budgets. I have news for the House, including Labor members who may not do anything other than read prepared speeches—

Mr Peter Black: I don't read prepared speeches!

Mr BRAD HAZZARD: —with the exception of the honourable member for Murray-Darling. They might be interested to note that since the Labor Government has been in office it has ripped off industries, particularly the electricity industry, through capital equity restructures—

Mr Peter Black: You've been reading my speeches.

Mr BRAD HAZZARD: It sounds like the honourable member for Murray-Darling agrees with me that the Carr Government is ripping off the New South Wales electricity industry. The honourable member should be concerned because the electricity providers in his area need to be shored up and supported. They are effective but they need support. They do not need to be ripped off by the Carr Government. One does not have to read far into today's financial audit report. The first section talks about significant items. At the bottom of the first page the Auditor-General felt it necessary to bring the following to the attention of the people of New South Wales:

> Capital restructuring of the NSW electricity entities continues. In 2002-03 Macquarie Generation repaid $400 million and Delta Electricity repaid $120 million of equity to the Government, financed by increased debt. The total amount of capital repaid since reforms began in 1996 is now $5.2 billion …

That is shameful when the Carr Government pretended that its budgets are in surplus. Looking behind the budget documents, the Auditor-General is telling us that the very corporations tasked with the job of making sure power is delivered to the people of New South Wales are being ripped off by the Carr Government. Effectively, the Premier is treating the electricity industry in New South Wales as his personal Aladdin's cave. Whenever he needs money he sticks his hand into the corporation, through his Treasury officials, and says, "Give me some more gold, I need $400 million out of Macquarie Generation and $120 million out of Delta Electricity." And that is not only this year. It has been going on for the eight years this Government has been in office. The sum of $5.2 billion is an incredible amount to have taken out—but that is not all. On top of that, over the years the Government has taken out dividends. In the same report, the Auditor-General said:

> In 2002-03 electricity entities paid the Government $835 million [in dividends and taxes.]

That is almost another billion dollars that has been taken in dividends out of electricity companies in the past year. We are talking about a massive amount of money being ripped out of the electricity industry. Why does that matter? It matters because there are blackouts and we are facing more blackouts. It matters because the electricity companies do not have the money to provide the sort of electricity infrastructure needed in New South Wales. Does the Carr Government care? The Minister for Regional Development should have brought into this debate today a focus on what is happening in New South Wales. It is extraordinary that between 1996 and today $5.2 billion has been taken out in repaid capital, and in the past year $835 million has been taken by way of dividends and taxes.

Because of limited time I will not go through all the dividends that have been ripped out of these companies over the past eight years in addition to repaid restructures, but at the end of the day the Premier will be directly responsible. The industry has no choice; it is now before the Independent Pricing and Regulatory Tribunal, seeking to have electricity costs increased. The average mums and dads of New South Wales will pay for the largesse and the pea-and-thimble antics of the Treasurer in ripping out capital and dividends from the electricity companies, which are now absolutely desperate to get a reasonable income. That means increased costs. The Opposition warns the people of New South Wales that in the near future the Government will push hard for those increased fees. It is time for the Minister for Regional Development to focus on New South Wales issues.

Mr STEVE WHAN (Monaro) [4.03 p.m.]: I am pleased to support the motion and to speak about LPG autogas. From the comments by the previous speaker, it seems that the Opposition does not care about that industry in New South Wales. The decision to tax LPG autogas, which the Federal Government has announced but has not clarified to give certainty to the industry, will threaten the viability of the LPG industry. At the moment the Federal Government is only talking about autogas, but the Minister mentioned how, in overseas countries where this tax has been imposed, the whole LPG industry has gone down. The tax would have a serious impact on business and tourism in the area I represent, including the snowfields. Autogas and natural gas are important energy sources in those areas. If the autogas market collapses, the non-automotive users of LPG will no longer benefit from the economies of scale delivered by autogas prices.

Many resorts in the region I represent are significant users of LPG because many regional towns do not have natural gas. Our world-class resorts at Thredbo and Perisher Blue are significant users of LPG. Nearly two million visitors a year travel to the New South Wales snowfields in the winter months. Indeed, 1.2 million vehicles travel each year between Cooma and Jindabyne. LPG is the major source of energy for heating in the snowfields and for commercial establishments, swimming pools and domestic use. The tax will have a dramatic increase on prices and on the economy of that region. Visitors to the region I represent inject about $335 million a year into the State's economy with about 8,000 jobs dependent on them. Overnight visitors spend around $380 per person. That has a big multiplier effect on the whole Snowy Mountains region. Every $100 spent in alpine resorts creates $1,260 in economic activity in the alpine region. Every $100 spent on accommodation in alpine resorts results in more than $300 being spent in the region. Many industries will be hurt by this decision by the Federal Government to tax LPG autogas.

One of the Opposition speakers referred earlier to political debates getting into class warfare. I have seen that many times from both sides. LPG is one of the key areas. LPG conversion was one of the steps many low-income earners took a few years ago to try to reduce their fuel costs. Not only were they making a positive contribution to the environment but they were getting a cheaper source of fuel for their cars. The first time LPG was taxed was when the GST came in. Now another tax is to be placed on it to make it even harder for low-

income earners. Their costs will be increased and they will find it hard to get around. Many small businesses in regional areas will be affected. When the GST impost came in and prices rose significantly, one autogas converter in Bega almost immediately went out of business. Those sorts of businesses will be affected by this tax.

The tax will mean job losses in regional New South Wales and hardship for many families who rely on gas. It will also mean that a clean source of energy is being taxed at a higher rate, thus making it less attractive. I have a quaint view that may be unfashionable in many circles: we could use our tax system to make environmentally friendly sources of fuel more attractive. It is a retrograde step to tax LPG, which is a cleaner source of fuel, at such a high rate. The honourable member for Wakehurst, in speaking to his amendment, mentioned an Auditor-General's report. I noticed he did not speak about the Auditor-General's report that was tabled last week. That report referred to the period that the Government has been in office and presented figures that showed that there has been a 60 per cent increase in the net worth of the State during that time. That was over the whole spectrum of government. The Government, by wise management of the economy, is helping the State to gain a net increase in wealth for every citizen. The honourable member for Wakehurst forgot to mention that figure, and it goes to the heart of why his amendment should be rejected.

Mr ADRIAN PICCOLI (Murrumbidgee) [4.08 p.m.]: I commence my contribution to this debate by asking the Minister a question. If the Federal Labor Party wins the next election, will it reverse this proposal by the Federal Government? I ask the Minister to answer that in his reply. It is one thing to stamp one's feet, but in the unfortunate event that Labor wins the Federal election next year it will not reverse the tax. If the Minister is fair dinkum, he should make a commitment that the Federal Labor Government will reverse the tax.

I now turn to the amendment so ably put by the honourable member for Wakehurst regarding New South Wales taxes. Some Government members may not recognise it, but this is indeed the New South Wales Parliament, so it is only appropriate that we talk about issues affecting New South Wales. In talking about taxes on energy I will pick up a couple of points that the honourable member for Wakehurst made about special dividends being taken by New South Wales Treasury from electricity generators which at the end of the day are a tax on electricity. Delta Electricity had total revenues of $738 million for the financial year 2002-03. It had to pay a special dividend of $113 million to the New South Wales Government. That 18 per cent special dividend is an 18 per cent tax on electricity. That is just at the generation level.

These figures were taken out prior to the amalgamation of distributors into Country Energy. About another 10 per cent of their revenue goes at the delivery level. If the Government were fair dinkum about electricity, instead of that money going into consolidated revenue for the Minister for Transport Services to waste on the Millennium train or the Minister responsible for Sydney Water to waste on billing services or the Government to spend hundreds, thousands or perhaps millions of dollars on Rehame, it would return some of that money to electricity consumers. This is not the only source of additional revenue for the Government. It constantly claims it is wonderful at managing the economy. It takes $400 million out of an electricity distributor and puts it into New South Wales Treasury and then makes the electricity generator borrow the money. So the borrowings are in the balance sheets of the electricity generator rather than of the State. It is clever accounting but there are plenty of other ways in which the Government generates additional taxation and fee revenue.

In question time today the Minister for Roads referred to hire car companies registering their vehicles interstate. Can we blame them for going out of the State to register their vehicles? Of course, we want revenue to come to New South Wales, but the fees for registering a motor vehicle in New South Wales are much higher. I have had plenty of representations about this, and I have made representations to the Minister about it almost from the day I became a member of Parliament. But so obstinate and greedy is the Government that it refuses to do anything about the problem. In Victoria it costs $42 to register a caravan, compared with $348 in New South Wales. That is nearly 10 times as much. The honourable member for Murray-Darling knows that people who live in border areas will register their vehicles interstate if given the choice. They know that they are doing the wrong thing and breaking the law. But often these people are struggling to make ends meet. Registration is much cheaper in Queensland and Victoria. I do not blame them. This is a greedy Government that is balancing its budget only by way of spin. [*Time expired.*]

Mr PETER BLACK (Murray-Darling) [4.13 p.m.]: I am pleased to support my colleague Minister David Campbell, the former Lord Mayor of Wollongong, and the honourable member for Monaro, Steve Whan. This issue pertains very much to the bush. I am intrigued to know why the Opposition would pick the honourable member for Wakehurst to lead for the Opposition in this debate. The case is simple: there are 520,000 liquefied petroleum gas [LPG] vehicle users in Australia and 70 per cent of that number live in regional

and rural Australia, what we refer to as the bush. Of the 520,000 users of LPG autogas, one-third do not have a job. They are self-funded retirees, pensioners, the battlers who invest in LPG for the long-term trip because it is cheap. For many years they have looked forward to going around Australia or whatever. I have done some sums, as the Minister has done. The Shell garage I use at Broken Hill today is charging 46¢ a litre for LPG. Under the Federal Government proposal the price will rise to 84¢. As the Minister said, the change will not be introduced directly but it will have a long-term effect.

In this House I have done a unity ticket deal with the honourable member for Lachlan, Ian Armstrong, over Shannon Noll. There will be a big show tonight down at the Opera House. At about 12.55 p.m. today 2UE challenged the honourable member for Lachlan and me to get a pair and go to the Opera House to urge Shannon Noll on tonight, but unfortunately we both have overriding Parliamentary commitments so we cannot go. People are ringing 1902555561 to support Shannon Noll. A large number of people are coming down from the bush, from Condobolin, where Shannon Noll was born 27 years ago and works as a farmer. They are coming from all over the Central West for the huge show tonight. It is possible that it will have more viewers than last Sunday's rugby international. Because of the concentration of LPG in the bush many people coming to Sydney for the show tonight will come in LPG vehicles.

There may well be a unity ticket in this place on the matter of Shannon Noll but there will be none with the likes of John Cobb, Warren Truss and John Anderson, who have walked away from this issue because it is a matter peculiar to the bush. When the honourable member for Wakehurst, Bradley Hazzard, was speaking on electricity issues I interjected, suggesting that he had been reading my notes. I was referring to my notes as Mayor of Broken Hill when the Greiner Government took electricity away without compensation from the Broken Hill City Council. It took $30 million out and formed Broken Hill Electricity. The people of Broken Hill received no compensation whatsoever. I do not know why the honourable member for Wakehurst, leading for the Opposition in this matter, would talk about electricity because he is standing on shaky ground. At that time Tamworth City Council took the Greiner Government to the Supreme Court in relation to the takeover of electricity in its area. It lost. But the damage done to local government through the Greiner Government and the subsequent Fahey Government was memorable.

As a result of the decision of the Greiner Government, the General Manager of Broken Hill City Council receives $140,000 a year and, because of some crazy rule, the Managing Director of Australian Inland Corporate receives $252,000. The issue before us is the effect that the increased price of LPG will have. People travelling on the Tibooburra or Ivanhoe roads see tray tops bouncing up and down with gas bottles strapped in on the back. The current use of gas in the bush will be under threat, and that will have a substantial influence on the pastoral industry. Many irrigation pumps are powered by natural gas. At the end of the day this is a bush issue. I fail to understand why The Nationals were not leading the debate for the Opposition. [*Time expired.*]

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.18 p.m.], in reply: I thank my Country Labor colleagues the honourable member for Monaro and the honourable member for Murray-Darling for their support of the motion. Their contributions show the importance of affordable liquefied petroleum gas [LPG] autogas to country and regional New South Wales. I appreciate the support they have offered. As always, members of the Opposition demonstrated their total lack of research. Two members opposite simply read from the Auditor-General's report.

However, amazingly, the honourable member for Murrumbidgee said that he did not know. If that does not condemn him, I do not know what does. The honourable member for Wakehurst spent five minutes defending and praising the Commonwealth Government, but halfway through his contribution he decided that this was not an appropriate forum in which to debate Commonwealth Government issues. He spent half his time doing what he argued against. That is amazing. The honourable member also said that dividends are a rip-off. I am not sure what his stockbroker or the Australian Stock Exchange would think about that.

Mr Joseph Tripodi: Or Johnny Howard!

Mr DAVID CAMPBELL: He thinks that all Australian families should be shareholders and not get dividends. It does not add up. This is a sad amendment. The Carr Labor Government has worked hard with the business community to build a more competitive economy, to create new jobs and to attract more investment. The Government supports business because it creates jobs. The Government has cut payroll tax rates, halved the rate of tax on insurance, and abolished debits tax on bank accounts and credit cards, and it is the only State government in Australia to do so. When the Coalition was last in office, payroll tax hit 8 per cent, and today it is only 6 per cent. During the recent election campaign, the Opposition ran up $7.3 billion in pre-election spending promises. If those promises were to be kept there would have been only three ways to pay for them: tax increases, borrowing or cuts to government services.

Mr Brad Hazzard: Point of order: In his reply the Minister must address the issues raised during the debate. It is obvious that he is reading a prepared speech.

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

Mr DAVID CAMPBELL: The debate was about taxes. In our first term, the Labor Government provided significant business tax concessions; abolished the tax on loan refinancing—a move hailed by the Chamber of Commerce as a major victory for small business; introduced indexing of the tax-free threshold for land tax; halved share transfer duties; cut effective tax rates applying to TAB and oncourse racing; broadened exemptions from contracts and conveyancing duty for the transfer of rural property between siblings; introduced a tax rebate for regional headquarters; exempted apprentices and trainees from payroll tax; and lifted the tax-free threshold—

Mr Brad Hazzard: Point of order: This range of taxes has not been raised in the debate. This is new material; the Minister is not speaking in reply.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! There is no point of order. The Minister may continue. The honourable member for Wakehurst will resume his seat.

Mr DAVID CAMPBELL: The Opposition's amendment complains about the alleged high level of State taxes. That is why I have mentioned these taxes. The bottom line in this debate is the Commonwealth Government's outrageous decision to tax autogas and the fact that it is already impacting on this State's economy. Once again the Commonwealth Government's short-sighted approach is adversely affecting businesses in New South Wales. The Australian Liquefied Petroleum Gas Association Ltd has advised that the Commonwealth Government's plans to tax autogas are already hitting home. I am advised that orders for LPG vehicles and conversions are already being affected. It is reported that they are down by 30 per cent to 50 per cent as companies decide not to proceed with plans to buy LPG-fuelled vehicles for their fleets. The House should support this motion because of its importance and its potential impact on businesses, particularly rural and regional businesses.

Amendment negatived.

Motion agreed to.

SPECIAL BROADCASTING SERVICE VIETNAMESE GOVERNMENT TELEVISION PROGRAM BROADCAST

Matter of Public Importance

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [4.26 p.m.]: I draw the attention of the House to the anger and hurt felt by many in the Australian-Vietnamese community within my electorate and throughout Australia in recent weeks. The Australian-Vietnamese community has expressed strong objection to the screening of the "Thoi Su" news program by SBS commencing on 6 October. The community regards this program as propaganda spread by the Communist government in Vietnam. Dr Nguyen, Vice-President of the Vietnamese Community in Australia, was quoted on 15 October in the *Fairfield City Champion* as saying:

> This news Program is essentially the mouthpiece of the communist party.

The program presents the activities of the Communist government in the most favourable light, as would be expected of a State-controlled program reporting the self-proclaimed success of the regime. The program generates an intense emotional response from its audience because these people bear the scars of the inhuman treatment they, their families and communities experienced under the Communist regime of Vietnam. Horrid experiences are continually reported through all kinds of mediums in Australia. They feature heavily in our local community in Fairfield. For example, on 29 October, Mr Tuan Phan of Canley Vale told a horrific story to the *Fairfield Advance* about being forced to bury people alive after being captured in Vietnam when he was just 16 years old. Sobbing uncontrollably as he told the story to the reporter, Mr Phan tells how he vividly remembers the faces of his friends who were screaming for their lives to be spared as he was forced to throw dirt into their mouths while he was beaten with the end of a rifle.

I simply cannot understand how the management of SBS can behave with such callous indifference to the emotion and despair generated by the content of "Thoi Su." The evidence of personal anguish is not simply

anecdotal. This morning I received an email from Tiep Nguyen, a social worker with the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors [STARTTS], which states:

> As you might be aware, since 6 October 2003, SBS-TV has put to air every morning a program in Vietnamese of news and current affairs produced by the VTV4 of the Socialist Republic of Vietnam.
>
> This has created a great shock and raised a wave of anger and discontent in the Vietnamese refugee communities in NSW and other states.....
>
> In general, the event has affected many Vietnamese clients (of STARTTS), in one way or another, very deeply and seriously. One client (a new referral) claimed that for the last 14 years he has had a peaceful life, free from intrusive memories of his past experiences. Then suddenly a chance switch to the SBS channel when the Vietnamese program was on, brought him back to the darkest years of his life, and since this day he has started to develop severe insomnia, headaches, lack of concentration, irritability and angry outbursts aimed at his wife and children. He said SBS-TV had caused disruption to his family life and has made him ill and unable to work at his best.
>
> There are too many cases of people suffering the bad effects from the Vietnamese Communist TV program to mention. I could only present one, but I am willing to present more if required.

Mr Nguyen's email continued:

> The points I want to make are these:
>
> 1. The SBS-TV daily broadcasting of Vietnamese News produced by Communist Vietnam in Vietnamese has been a trigger to many clients of their painful and horrible memories.
>
> 2. The reliving of their past traumatic experiences has brought about symptoms and problems of post-traumatic stress or made it worse.
>
> 3. The development or reoccurrence of symptoms has largely and seriously interfered with their well-being and daily functioning.
>
> 4. With some, the family dynamics has been affected, causing tension and disruption.
>
> 5. With many, the level of hurt is high. It is like a wound, not yet completely healed, now suddenly opened up.

SBS must understand that the oppression of the Communist regime in Vietnam continues to affect Vietnamese expatriates in Australia. They tell me they are happy to see programs detailing cultural, economic and social life in Vietnam but they do not want a service that serves the political agenda of the Communist regime.

The response from SBS is not good enough. It has argued that it advises viewers about the source of the program before the broadcast, and that if viewers are offended by the program they can switch off their televisions. This is the only television station in Australia, if not the world, that is asking its viewers not to watch its programs. It is absurd. The pain caused by the program does not go away if people turn off their televisions. If anything, they feel that the Communist regime has won again. People cannot watch their SBS program, because the will of the regime has defeated their wishes once again—even here in our Australian democracy. The Vietnamese community is not alone in their objection to this program. Frank Grady, the President of the New South Wales branch of the Vietnam Veterans Association of Australia, asked some commonsense questions in a letter to the Managing Director of SBS Television. He wrote:

> Given that there are few, if any, viewers of this program, then would not the resources of SBS be better served to provide a more suitable program where the intended viewing persons did not find that program to be offensive?

A public broadcaster should gauge the interest and support of its audience before it broadcasts. To do this properly, it must consult. There is a structure to accommodate consultation: the Community Advisory Council created under the SBS Act 1991. I am advised that the Vietnamese community did not know of the program until a week before its first broadcast. A meeting with the Community Advisory Council finally occurred on Monday of this week. A 12-member delegation representing the Vietnamese community, some from interstate, attended the meeting. Members of the delegation have expressed their disappointment about that meeting. Rather than being accepted and listened to as a legitimate lobby for their community, they were quizzed about their legitimacy. They were questioned about how the delegation had been elected to represent the community, and about whether the election had compulsory voting. What a ridiculous question. How many community organisations in Australia have compulsory voting?

Other silly questions also offended the delegation. It appears from reports of the meeting that the SBS consultative committee had become a defence committee—justifying the station's decision, rather than advising SBS of the community's views. The message that the consultative committee should have understood is simple:

the Vietnamese community does not want a news service that legitimises the Communist regime in Vietnam. I urge SBS to recognise that it is serving a community that is overwhelmingly refugee. SBS must recognise that "Thoi Su" is causing enormous anguish to its viewers, and that to simply say switch off the television is just not good enough. During a media interview on Radio National on 30 October Mr Nigel Milan, the Managing Director of SBS, said that SBS has an obligation to be sensitive to the communities it serves. I totally agree.

Ms GLADYS BEREJIKLIAN (Willoughby) [4.35 p.m.]: I support the concerns expressed by the honourable member for Fairfield regarding the hurt and angst felt by the overwhelming majority of the Australian Vietnamese community in relation to programming on SBS television depicting Communist propaganda, which I understand commenced on 6 October this year. I too believe that the management of SBS should consider the intense feelings of the overwhelming majority of the Vietnamese-Australian community and take their sensitivities into consideration. I urge the consultative committee to do just that, and to reconsider current and future programming.

To appreciate the justifiable concerns raised by the Vietnamese-Australian community on this matter, it is appropriate to briefly reflect on the history of the Vietnamese community in Australia and why these sensitivities are so justifiable. The Vietnamese who have enjoyed the fruits of Australian freedom and democratic institution—and who, equally, have made an enormous contribution to our society—are concerned about the human rights violations of the past and what is occurring at the moment in relation to the lack of political and religious freedom within Vietnam.

In the first years of their settlement the Vietnamese Australian communities played an important role in reinforcing traditional values and identities, fulfilling cultural needs, and explaining their community interests to Australian authorities and society in general. In the late 1970s their role was expanded, and they disseminated information about welfare, legal and education services, settlement issues from sponsorship to personal counselling and immigration policies, and education and cultural maintenance. Most had a welfare role, and some catered for cultural, religious, education and recreational needs.

The 1990s saw steady population growth, increased social mobility, cross-cultural activities, and contributions and achievements of many prominent Vietnamese Australians. Many have taken an active part in all aspects of Australian life, ranging across local, State and Federal affairs, including business, education, grassroots community projects, charity, workshops, festivals, performing arts, and so on. The 1990s also saw an increase in the Vietnamese language media in all forms, and a proliferation in the many organisations that service the community.

The reason I raise these issues is to stress the overwhelming contribution that Vietnamese Australians have made to our community. They represent a significant proportion of SBS viewers; they represent a significant proportion of our community who helped make New South Wales the multicultural success it is. I believe it is incumbent upon public authorities such as SBS to appreciate the concerns expressed by an overwhelming majority of Vietnamese Australians and, at the very least, to ensure that adequate consultation occurs in relation to current and future programming, particularly in relation to programs that might cause the level of angst and hurt which I understand the current programming has thrust upon the community. I support the concerns raised by the honourable member for Fairfield.

Ms REBA MEAGHER (Cabramatta-Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [4.39 p.m.]: I congratulate the honourable member for Fairfield on bringing this matter of public importance to the attention of the House. It is an issue of enormous concern and angst in my electorate of Cabramatta, which is densely populated with people who have fled the Communist regime and have very dark memories of their lives under the oppressive Hanoi regime. I wish to read from a press release issued by Mr Trung Doan, the Federal President of the Vietnamese Community in Australia. Mr Doan stated:

> Vietnamese Australians want to see Hanoi's Communist TV news programs as much as the Jewish community wants to see Hitler's Nazi news programs.

That is a graphic encapsulation of the depth of sentiment that exists within the community. I find the decision by SBS to soldier on with broadcasting this program to be quite extraordinary. On 27 March 2002 Mr Peter Cavanagh, the then head of SBS Television, wrote to the Vietnamese Community in Australia—obviously, SBS then thought the organisation was legitimate enough to write to—confirming that SBS Television would invite comment from the organisation before any decision was taken to assess news services of the Socialist Republic of Vietnam. However, SBS Television did not keep its word. It did not consult with the Vietnamese community in New South Wales; it simply went ahead and began to broadcast the program. The reason for that is that the Communists give SBS Television the news programs for free.

I am advised SBS sources its news programs from the Communist Vietnamese Government at no cost The concern of the Vietnamese community in New South Wales is that SBS Television is disseminating propaganda. It is a lazy and obviously cheap programming decision by SBS, and it should be reviewed as a matter of urgency. As the honourable member for Willoughby said, the Vietnamese community in New South Wales has made a proud contribution to New South Wales and Australia. It deserves more respect and its concerns should receive more consideration.

On 28 October, in the middle of the day, there was a protest outside the headquarters of SBS when about 5,000 Vietnamese people turned up to voice their protest. SBS has not seen a protest like that for the past 10 years, so there is a very clear message that the community is not going to tolerate what SBS is doing. I was pleased to be able to send a message of support that was read out on the day, and I am happy to lend my voice wherever possible to the campaign by the Vietnamese community to have this decision overturned. On 21 October I wrote to the Hon. Daryl Williams, the Federal Minister for Communication, Information Technology and the Arts, asking him to consult with SBS and advising him of the sentiments of the Vietnamese community in having SBS desist from airing this program.

There can be no greater issue for this House to consider than the preservation of democratic rights. I believe that we as members of the oldest Parliament in Australia should be prepared to lend our support when people believe that those rights are being violated or threatened in some way. I consider that it is unacceptable that the Vietnamese community in New South Wales, who have such strong memories of their experiences under the Communist regime in Vietnam, should be subject to the propaganda of that government. The Vietnamese community are very active campaigners for the peaceful transition to democracy in their homeland, and I am sure that all members of this House would support that campaign. It is a strong campaign that I support and I would urge SBS to review its programming decision with some urgency.

Again I congratulate the honourable member for Fairfield. We each represent very large Vietnamese communities in south-west Sydney, and I commend him for saying on the public record that the members of this House do not agree with the stand that has been taken by SBS television.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [4.43 p.m.], in reply: I thank the honourable member for Cabramatta for her supporting remarks and I welcome also the Opposition's support. It is good to see that both sides of the House have the same view about the SBS decision to continue to broadcast this program. As both speakers before me said, the Vietnamese community have worked very hard towards achieving success in this country, and they deserve it. They have enjoyed the freedom of this country and they have come to cherish it. Dare I say that they cherish it more than those of us who were born here and have enjoyed it all our lives, because they have experienced what it is like to live in a country that is not democratic.

As a consequence of the oppression they experienced under the regime in Vietnam they risked the lives of their families—their children, their parents and their grandparents—to leave Vietnam in very dangerous circumstances, many of them in boats that risked the dangers of the seas, to go into refugee camps in all parts of the world. Many of them came to Australia. We welcomed them and they have made a wonderful contribution. These people know firsthand what it means to live under a Communist regime and they have a lot to offer us in terms of our learning about the values and merits of a democracy. Given their history and given their contribution to this country, I believe the voices of these people should be heard. They should not have to experience the same kind of oppression they suffered in their original homeland. Their attitude to this program is not being considered.

Until the honourable member for Cabramatta told the House I was not aware that the response from SBS was that it is running this program because it is free. That is quite a pathetic, lazy, unintelligent, and offensive justification. I believe that SBS should make more of an effort, and if it cannot source a program from Vietnam, there is no reason why it cannot put together a team and reproduce the news for Vietnamese people in Australia so they can be informed about issues occurring in their homeland. That would obviously give them far more objective information than they are receiving from the program that is currently being broadcast. The Vietnamese are very industrious people, yet 5,000 of them took time out of their day to protest at the offices of SBS. I do not believe there could be a clearer statement that the cancellation of this program means a great deal to these people; that the offence generated by the continuing broadcasting of this program is of such a degree that any government should have to listen.

I believe that the management of SBS should also listen, because they are responsible for, and in control of, millions of dollars of taxpayers' money. I would expect that they would research what their audience

wants before they go ahead—and that research should include consultation with the community. I believe it is a very bad indictment on SBS to have a community consultative committee and not use it, and to not exercise a committee obligation to consult the community but to make a decision that would cause obvious unrest and obvious pain within the community it seeks to serve.

I think that is a pretty pathetic response, and I believe that anyone exercising any amount of intellect at SBS should realise that anything that seeks to push the political agenda of the Communist government in Vietnam would cause offence to Vietnamese in Australia, because just about all of these Vietnamese are refugees who chose to risk their lives to flee that country and that regime. Of course, Vietnam is always close to the heart of the Vietnamese people; it is their homeland. We would expect that they would want information from there. But they do not want to be subjected to more propaganda from the Communist regime they sought to escape from. I believe that the voice of this community should be heard by any management team responsible for managing taxpayers' resources and seeking to service a community—which is, of course, part of the charter of that organisation. I say to the Vietnamese community: Your cries are being heard and we will continue to campaign on this issue.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

HUNTER AGRIBUSINESS INDUSTRY PLAN

Mr JOHN PRICE (Maitland) [4.48 p.m.]: On 10 November it was my pleasure to launch in my electorate, jointly with the Federal member for Paterson, Mr Bob Baldwin, the Hunter Agribusiness Industry Plan. As members will be aware, Tocal College is an outstanding agricultural college, not only in this State but also nationally and internationally. It is an excellent venue for demonstrating the prowess of the small farming community in the Hunter region. The launch focused on beef production, lamb production, milk and associated products, and organic vegetables such as mushrooms. They are all things we are familiar with. These are niche markets that many smaller farmers have worked into and to which they supply specialist items.

The economic growth of the Hunter is still dependent on its agricultural industries. We have had a rugged time with dairy deregulation, and the poultry industry is certainly under some threat. So it is a matter of being versatile and making sure that farmers get their product range right, that they market their products, and that they support the schemes that are supporting them. That has been the case with the Hunter Industry Agribusiness Plan. It is extremely important that the Government not only takes part but also actively supports the program. I congratulate the principal organisations, that is, the Hunter Economic Development Corporation and the Hunter Area Consultative Committee, which jointly funded the study program back in April 2001. A series of plans has now been launched in each area of agricultural production, and the Hunter is being promoted as a leader in this area. Farmers' markets are associated with the plan, with the establishment of a number of successful markets around the Hunter and on the Central Coast. All these businesses have been given departmental planning assistance to ensure that their produce is right and that they receive the appropriate advice at the right time.

I am amazed at the sustained work that has gone into the program by a small group of dedicated public servants and consultants. Their work has been fantastic. The planning manual is outstanding and will take its place as one of the premier documents in this branch of the agricultural industry. The Hunter is emerging from the drought but it is still suffering badly. It will take some time for the area to fully recover, particularly if we have the back-to-back El Niño that is forecast for the coming summer. It is a sad commentary on the way we have conducted agricultural business over the past two centuries that we have only now attempted to get it right, probably in some of the worst conditions we have had for decades.

Notwithstanding that, the rural community is resilient. They want to remain in the industry and they are prepared to take whatever steps are necessary to achieve that aim. Businesses do not have to be large to succeed, a fact that has been quite evident to the general agricultural and retail agricultural communities. This is a wonderful plan, and I congratulate all those involved in it, particularly Cameron Archer, the Principal of Tocal Agricultural College, on his in-depth involvement and for giving permission to enable the agricultural community in the Maitland electorate to use the college premises.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [4.53 p.m.]: I thank the honourable member for Maitland for bringing this important Hunter initiative to the attention of the House. I always enjoy listening to him speak about initiatives in his electorate and the Hunter region generally, because that area is usually the hallmark of innovation. I agree that it is important for governments to support and participate in

programs. I was delighted to hear about the joint funding for this plan by the Hunter Development Corporation and the Hunter Area Consultative Committee. Those two entities are putting their money where their collective mouths are. I was pleased to hear about the success of the farmers' markets because in my private capacity I have visited a couple of them. I also join with the honourable member for Maitland in paying tribute to Cameron Archer, the Principal of Tocal Agricultural College. Without his practical support, the plan would not be the success it is today. I thank the honourable member for Maitland for enlightening the House about innovations in the Hunter.

MURRAY FARM PUBLIC SCHOOL

Mr MICHAEL RICHARDSON (The Hills) [4.54 p.m.]: Once again I bring to the attention of the House the need for an assembly hall at Murray Farm Public School, Carlingford. With 880 students, Murray Farm is the biggest primary school in my electorate and one of the biggest in the State. The school is a living advertisement for public education: the range of programs on offer is outstanding, as are the results achieved. Murray Farm has been growing when one might have expected it to shrink. When the school was built in 1969, Carlingford was a growth area. Today it is a mature suburb and many of the children in the area are beyond primary school age. But that has not stopped the inexorable growth of Murray Farm Public School. It attracts students from near and far. Houses are advertised as being in the Murray Farm catchment area—surely unique for a primary school—and it has not been unknown for some parents to rent in the area to ensure that their children attend the school.

Fifty-five per cent of the students at Murray Farm come from a non-English-speaking background—surely a great advertisement for our non-discriminatory immigration program—and they are great achievers. The school obtains the best basic skills test results in the Hornsby district, which, in turn, enjoys the best basic skills test results in New South Wales. Murray Farm students consistently score around three times the State average in literacy and numeracy. This year an incredible 33 students, or one in five year 4 students, were offered opportunity class placement. They will be the scientists, medical specialists, computer engineers, and entrepreneurs of the future—people, who, almost by definition, will make an enormous contribution to this country's future.

These bright students want to learn, and it is always a delight to visit the school and spend time with these wonderful children. Even watching them queue in an orderly fashion to get onto the bus is a pleasure. They are supported by parents who value education, and by excellent, dedicated teachers. It is an unbeatable combination that the Carr Government should be using to promote public education. Instead, the school community feels neglected and ignored by the Carr Government. It has been campaigning for some time for an assembly hall big enough to accommodate the whole school. At the moment the school makes do with a demountable food servery, converted to a hall, not by the Department of Public Works and Services but by the school parents and citizens association.

Students from only two grades can fit into the building at one time, so any activities involving the whole school are held outdoors, unless it is raining, in which case the activities may be cancelled. There is a limit to what can be undertaken outside. Performances involving musical instruments, actors, dancers, props and backdrops are not possible—not for the whole school, anyway. Therefore, these kinds of activities tend to be restricted to single or joint years. That means that the little kids cannot see what the big kids do and what might be expected of them when they reach the ripe old age of 11 or 12. Parents are frequently not invited because it is too difficult to ask them not to attend if it rains. Theatre, dance and music groups have to give three performances. Speech night, which I attend every year, is held in Carlingford High School assembly hall. It is very hot, it has to be specially booked, and it is not the same as having a hall on site. I have received many submissions from parents on this issue, including an email from Peter Schouten, which states:

> Dear Mr Michael Richardson,
> Member for The Hills,
>
> We are seeking your support for the construction of a much waited for and much needed school/community hall at Murray Farm Public School in Carlingford. We strongly urge you to use your influence and position as our elected member of the NSW Parliament to ensure capital works funding is attained for this purpose in next year's NSW government budget.
>
> Given that you have written in the past that you support the need for a school hall at Murray Farm Public School, and the fact that funding was attained for the nearby West Pennant Hills Public School for the same purpose, we had expected that it would have been announced in the current budget, but along with the whole school community we were deeply disappointed to learn that we had yet again been overlooked. As you know, this public school has one of the highest levels of enrolments in the state and has been providing for students for over 30 years without a school hall that is capable of meeting basic school needs. The existing

> demountable temporary hall is totally inadequate in all respects and in no way meets prescribed Government guidelines for school halls.
>
> Whilst the school P & C and the community have started raising funds themselves for this purpose, the cost of providing such a facility will always be prohibitive without Government funding. I now have 2 children attending this fine school and we were all benefit greatly from the establishment of a school hall to help further the education of our future generations.

Mr Schouten's concerns are mirrored by those of most parents of this fine school. Murray Farm is now the only school in my electorate without a large assembly hall of its own or one under construction. For example, Glenhaven Public School has an assembly hall that doubles as the local community centre. The hall was built by the former Coalition Government on council land next to the school—a first for the State. This week I visited West Pennant Public School to view the construction of its new hall. The school dates back to 1850, so it has taken 153 years for it to get a hall. Understandably, the students and parents of Murray Farm Public School do not want to wait that long. I implore the Government to help Murray Farm Public School get its hall. The parent body is prepared to provide some financial assistance but it cannot raise all the necessary funding. I ask the new Minister Education and Training, Dr Refshauge, to visit the school, listen sympathetically to the concerns of the school community, and include funding for the construction of the hall in next year's capital works program.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [4.58 p.m.]: I am sure all honourable members would join me in congratulating the teachers and students of Murray Farm Public School on the excellent basic skills test results in literacy and numeracy. In August, 164,245 government and non-government students in New South Wales sat for the statewide basic skills test, and the results were very encouraging. As the honourable member pointed out, the results achieved by Murray Farm Public School are impressive. I am surprised to hear about the growth in that area. Growing up in the Dundas area, I am surprised to hear that the catchment for Murray Farm Public School is continuing to grow, which is placing demands on the school. One would have thought that the population in that area was starting to settle. It is timely that the honourable member has brought this matter to the attention of the House because, as he would know from past experience, budgets may be brought down in the middle of the year but they start to be debated and drawn up any time from now. I am sure the Minister for Education and Training will take this matter into account, along with the many other State priorities.

NEWCASTLE PUBLIC TRANSPORT REVIEW

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.00 p.m.]: On 23 October I attended a meeting of Save Our Rail in Newcastle City Hall. Some 452 people attended the meeting. One only had to look across the audience to see the absolute need for public transport improvement in the area and the strong call for the retention of rail services to Newcastle station. The resolution passed by the meeting was clear. It called on the State Government to put together an integrated transport study and plan for the lower Hunter and to base that transport plan on the heavy rail service serving Newcastle, connecting us not only to Sydney, the Central Coast and the Hunter Valley as far as Scone, but also to the Hunter Valley services to Dungog. The meeting called for a fully costed and funded comprehensive lower Hunter integrated transport study and plan under the direction of the Department of Infrastructure, Planning and Natural Resources based on the principles of social justice and environmental sustainability.

Certainly, with greenhouse issues, and with the greater concentration of cars being used not only in the Hunter but across New South Wales, removing rail services from Newcastle station is clearly an issue of conflict in our community. A delegation from Save Our Rail came to Sydney today to continue its advocacy outside Parliament House and in a meeting with both Government and non-government members. It is timely to say that this is taking place during a period of review: public transport is being reviewed by the Minister for Transport Services, Barrie Unsworth reviewed bus services—that report is now out for public consultation, and today we had a briefing by Mr Unsworth—and the Parry review focused on the need for sustainable public transport. That is the issue in the Hunter.

With the talk in yesterday's paper of population growth, particularly Sydney's overflow population growth going to the Hunter and the Illawarra, there could not be a more important time to say that we need a sustainable public transport system. I believe strongly that the rail service to Newcastle station should be the backbone of the public transport system in the Hunter. We need a plan. We need a clear integration of bus and rail services. We need to understand the costs of providing that, and some of the social decisions that will have to be taken by groups such as Newcastle City Council to deal with parking. It is very easy and cheap to park in inner-city Newcastle. The review of public bus services pointed out that that needs to be changed.

If we are to have what is called a free bus service in Newcastle's central business district [CBD], that must be paid for partly by the State Government and partly by Newcastle City Council. That issue needs to be

looked at. We also need much better marketing. I point out that there is no marketing of the Newcastle rail service in Sydney's CBD to indicate the tremendous facilities that people can reach by train, and that must be part of improving rail services. Let us look at the rail in Newcastle not as a barrier—that is the way it is brought up—but as an opportunity for a sustainable public transport service with rail as the backbone. The rail service, which links Newcastle to Sydney, the Central Coast and the Hunter, is underutilised at the moment. We need to look at this as a long-term planning phase. City development as an important part of that phase must be taken into account but it should not override the public transport issues, public transport long-term planning and land developing planning that underpin a sustainable public transport and land use plan for the lower Hunter.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.05 p.m.]: As the honourable member for Newcastle said, we are experiencing an intense period of review of the provision of public transport in New South Wales. As usual, the honourable member has not missed an opportunity to put forward his community's views on this issue. I am encouraged to hear about the co-operation of Newcastle City Council because land use planning both for transport and housing must go hand in hand so that we do not repeat the mistakes of the past. Indeed, as the honourable member pointed out, we must make things better in the longer term. Once again I thank the honourable member for bringing this matter to the attention of the House. The voice of his community is never silent while he is in the Chamber. I look forward to a successful resolution of this issue.

TOURIST RAILWAY ASSOCIATION KURRAJONG INC.

Mr STEVEN PRINGLE (Hawkesbury) [5.06 p.m.]: I draw the attention of honourable members to the work of a local Hawkesbury community organisation called TRAK Inc., the Tourist Railway Association Kurrajong, whose vision is to rebuild the Richmond to Kurrajong railway line, which served the area so well from 1926 to 1952. As honourable members would be aware, preserved steam railways are enjoying a renaissance worldwide, probably because they are one of the most identifiable and tangible links with the Industrial Revolution and the romantic notions of the age of steam are constantly being reinvented, whether it is the ABT railway in Tasmania, recently opened by the Prime Minister, the Flying Scotsman in the United Kingdom, the famous 3801 here in New South Wales or many others.

TRAK members envisage that the Richmond to Kurrajong line could become as popular as Melbourne's famous Puffing Billy narrow gauge railway. Puffing Billy attracts a massive 250,000 visitors each and every year and, importantly, a third of these visitors are international tourists. Puffing Billy has become one of Victoria's premier tourist attractions, and I am sure that most members here, with their families, would probably have ridden the train at least once on their visits to Melbourne. There are many parallels between the Puffing Billy and the Kurrajong railway line, whether it be the distance from the city, the length of the line, the picturesque scenery, the grades, the hilly terrain or even the makeup of the local population surrounding the line. TRAK believes that the Kurrajong railway line can at least partially replicate Puffing Billy's success because there are no similar tourist railways operating in such close proximity to Sydney.

TRAK members also believe that other preserved steam railways operating a little further afield could well benefit from the operation, as would regional tourism in general. As people's interest in preserved steam railways is rekindled, they will be more likely to visit these other tourist railway operations, including the famous Zig Zag railway at Lithgow in the electorate of Bathurst or the Railway Museum at Thirlmere. TRAK was formed as recently as 1999, and it has an impressive list of achievements, including increasing awareness of the railway, commemorating the seventy-fifth anniversary of the opening of the railway, production of a book about the history of the railway, developing a realistic and workable business plan, developing an engineering strategy, developing technical drawings and plans, amassing a huge collection of photographs pertaining to the line and developing a collection of associated memorabilia.

It has also been instrumental in organising basic land access agreements and maintaining financial responsibility and promotional activity to maintain a healthy bank balance, so important to such an organisation. Fortunately, much of the railway formation from North Richmond to Kurrajong still exists and passes through farming lands as part of the Hawkesbury harvest area. There is a substantial bridge in good condition crossing Redbank Creek. Historic features such as Kemsley's platform and the Kurrajong goods shed still exist. Kurrajong even has a town square—Pansy Junction—named after the steam engine that formerly worked the line. The Kurrajong Collectors Theatre also has an impressive display of photographs and memorabilia, and is a local drawcard.

In order to further progress the project, TRAK and I have submitted a modest request to the Minister for Transport Services for a small amount of materials. TRAK needs about 700 good-quality sleepers, second-

hand is okay; 60 lengths of 60-pound light rail, again second-hand is fine; ballast for about a 500-metre section of permanent way; access to a steam engine as a static exhibit, and it is access only; and access to an old derelict PC structure for spares in the North Richmond shed area. This is not much to ask to get the project off the ground. TRAK believes that with the supply of this equipment it will be operational by early next year in time for the lead-up to the 150th anniversary of railways in Australia. Once operational the Kurrajong railway will be a unique example of a rail operation on a New South Wales railways goods branch line. Under the plans a tank steam locomotive and vintage end-platform carriages will be used to convey passengers. This project is widely supported by the community and by Hawkesbury City Council. With modest support from Parliament, the Hawkesbury region and New South Wales can have a quality tourist project that promotes jobs and the environment.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.11 p.m.]: I was interested to hear of the impressive activities of the Tourist Railway Association Kurrajong Inc. [TRAK]. As a stationmaster's daughter, I can testify that railway enthusiasts are determined and energetic people, and usually find a way to realise their dreams. The reinvigoration of the Richmond to Kurrajong line is a vision that I am sure they will do everything in their power to achieve. Puffing Billy is in Victoria, so coming up with an appropriate name might be a challenge for everyone involved. I do not think honourable members should make suggestions. I will ensure that the Minister for Transport Services is aware of the request of the honourable member for Hawkesbury for the provision of materials needed for this project. I wish everyone involved in TRAK Inc. all the best for the project.

TRIBUTE TO MR DAVID BROYD

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.12 p.m.]: I pay tribute to the recently resigned director of development services of Tweed Shire Council, Mr David Broyd. David has been with the Tweed Shire Council for more than 12 years. As it says in an article in the *Tweed Daily News*, they were probably the most defining years in Tweed development. When he retired Mr Broyd graciously publicly acknowledged the professionalism and support of staff of the development services division of Tweed Shire Council. Some time ago in an interview on the ABC *Four Corners* program David answered a question about how much pressure he felt under as of result of the developments on the Tweed involving big dollars. David responded by saying:

> Big pressures also because the Tweed Coast is so beautiful and I really you know feel an ownership of making sure that the Tweed Coast in the future retains its character, is protected and the pristine environment is maintained. So I feel a great motivation there are as well but certainly the pressures are great and they're great all along the New South Wales coast, but I like to feel, I don't yield to any pressure from developers, I don't yield to any pressure from particular community groups, I have to have my own independent professional opinion, retain professional integrity, and very often it can be tough …

He made further comments in that regard. I pay tribute to David for the work he did in the 12 years he was director of development services for Tweed Shire Council. It got very tough for him. Pressure was put on him in all manner of ways. In the 12 years he has been there the Tweed has benefited greatly because of his vision and determination not to the yield to pressure, not just from developers but from some of the elected councillors who, at times, played the game very rough, if I can put it that way. David resisted that. At the same time, I can understand his preparedness to move on and say enough is enough. He has taken up a position with Wollongong City Council, from where he came to the Tweed 12 years ago.

I shall refer to a couple of things that I feel might have added to the pressure that saw David resign from his position with Tweed Shire Council. Recently the Tweed Shire Council voted to alter a development application. It was moved by Councillor Lawrie and seconded by Councillor Youngblutt that the staff recommendation be passed but with the following recommendations: first, remove the requirement to dedicate lot 17 as a public reserve—the estimated financial benefit to the developer, $250,000; second, reduce pavement width of roads in the subdivision from 11 metres to 7.5 metres—an estimated saving to the developer of $262,000; third, remove the requirement for the developer to construct kerb and guttering along the full frontage to Terranora Road—estimated benefit to the developer, $52,000; and, fourth, reduce the length of two-metre wide footpath/cycleway and reduce embellishment costs of public reserve—estimated benefit to developer, $18,000. The motion was carried by seven votes to four, the seven being the balance group or Bedser group, depending on how one likes to refer to them. The total saving to the developer was $582,000. The other saving was a windfall from being able to sell the other lots of the 56-lot subdivision that they no longer required for the public reserve. The sale of those blocks of land added another $300,000. The developer received a windfall of some $882,000, straight out of the pockets of the ratepayers of the Tweed.

The other area where pressure was exerted on David—who withstood the pressure enormously well—is contained in the Bulford report. The Bulford report was an inquiry into the environmental impact statement

process and the allocation of the contract to do an environmental impact statement for a section of land on the Tweed Coast. David made a recommendation to council. Council would not accept it, and Councillor Brinsmead went to the trouble of putting in a request to the Department of Local Government to investigate the process, saying that David had corrupted it. David stood on his dig. The Bulford report inquired into that matter and found that David had no case to answer. His integrity was not impugned and he was cleared. In fact, the shenanigans and goings-on of some councillors and other people were questioned. David, as he indicated to the ABC, stuck to his guns, maintained his integrity and deserves all the accolades we can give him.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.17 p.m.]: I join the honourable member for Tweed in paying tribute to David Broyd, the departing director of development services of Tweed Shire Council. Twelve years is a substantial commitment to any organisation. The pressures that can be brought to bear on council officers are often underestimated by those who observe them from a distance. David obviously found himself under pressure as a result of development in the Tweed shire. I am sure that he had developers and applicants at his heels on various issues. He also had his political masters on the council, some of whom may not have been united in their views. He also had to deal with the wider community and differing views. In his role as director of development services—as is the role of council officers—he had to try to meet those needs while, at the same time, he had to value his integrity, try to keep his head above water and to do the right thing by the Tweed shire. The efforts he put into the Tweed shire over the past 12 years will be appreciated and will leave a legacy for the next person in that role. The honourable member for Tweed will agree that the Tweed shire's loss is Wollongong's gain.

BRANCH RAIL LINES

Mr IAN ARMSTRONG (Lachlan) [5.19 p.m.]: I wish to speak about branch rail lines in inland New South Wales. A feasibility report was done on the reopening of disused rural lines. It summarises the PPK Environment and Infrastructure Pty Ltd feasibility studies in relation to reopening the Cowra to Eugowra, Greenethorpe to Grenfell, Cootamundra to Tumut, Narrandera to Tocumwal, North Star to Boggabilla and Yass junction to Yass town lines. I raise the issue this afternoon following presentation of the report and because we are now on the cusp of the 2003 wheat harvest. Indeed, harvesting has started in the north of the State and in the Central West barley is being harvested at West Wyalong and Temora.

The yield of the crop is mixed. In some places the crops are reasonably satisfactory; in other places they are much lighter than anticipated. But the bottom line is that there is a crop and it has to be carted to the seaboard. The whole industry—be it the Australian Wheat Board or the NSW Graingrowers Association or the private buyers, of which there is now a number—needs an adequate rail system to cart the grain. Local government also has a vested interest because if the grain does not go by rail it will go by road, and there is no indication from any government that funds will be apportioned from road to rail to repair the damage done to roads by putting another six or seven million tonnes of freight onto roads that were never designed for heavy loads.

The tensile strength of the pavement of country roads, particularly lighter roads, be they dirt or bitumen, was designed for comparatively light loads—probably in the days when single-axle trucks carried a maximum load of 4½ to 5½ tons per axle. Loads have increased dramatically in recent times. Trucks are also much more powerful. Modern B-double trucks have a minimum of 520 horsepower going through their bogey drive, which can do enormous damage to roads. Referring to the feasibility of reopening the Greenethorpe to Grenfell line, the report states, "It is marginally uneconomic—only marginally—and would indicatively require an annual CSO of $500,000." That amount would repair only 1½ kilometres of badly damaged road. So it is absolute commonsense economically on a holistic basis to reopen the line and maintain it as a community service obligation and for the prosperity of the area.

My colleague the honourable member for Murrumbidgee is in the Chamber. No doubt he would be keen to keep the Narrandera to Tocumwal line open. I represent Cootamundra, which is a major rail terminus. A lot of effort is being put into making it a major freight centre. The Tumut Visy Board operation transports 345,000 tonnes to 390,000 tonnes of product by road to the Hume Highway each year. With co-operation from government there is no reason why the line from Tumut to Cootamundra could not be reopened. The product could then go by rail directly to Sydney or Melbourne, which is its ultimate destination. It is essential that the line be reopened. The line from North Star to Boggabilla, in reasonable seasons, carries an enormous amount of grain.

It is estimated that even this year approximately 125,000 tonnes of wheat will be carted from Lake Cargelligo and west of Lake Cargelligo onto the main lines and eventually through to the port of Melbourne or

the port of Sydney—more likely the port of Melbourne. Again, in the interests of economy, that line needs upgrading from a 19-tonne axle line to a 23-tonne axle line so that the trucks can be loaded directly at Lake Cargelligo and go straight through to the port without being double handled. I hope that the Minister and the Government will acknowledge the veracity of my request this afternoon. [*Time expired*.]

HUTCHISON TELECOMMUNICATIONS OATLEY WEST TELECOMMUNICATIONS TOWER

Mr KEVIN GREENE (Georges River) [5.24 p.m.]: For just over 12 months Hutchison Telecommunications has been in dispute with the Oatley West community and Hurstville City Council. Hutchison Telecommunications has used Federal legislation to challenge the council's right to require it to go through a public process for the construction of a telecommunications tower. Late last year the company initially sought council approval to construct a tower and shed within Oatley Park but was denied approval by council on the basis of the environmental impact on the park as well as the impact on the local primary school. Oatley Park is a significant recreation area. It is the last remnant of the St George forest and provides a tranquil setting within the urban environment.

The community treasures Oatley Park and has a longstanding record of protecting it from destructive interference. On 15 January Hutchison informed the community that it would not construct a tower in Oatley Park and that it would investigate alternative locations. I participated in discussions that came up with an alternative site. Less than one month after this undertaking Hutchison commenced construction of the tower within the park. On Monday 10 February Hurstville City Council sought an injunction in the Land and Environment Court to have Hutchison cease work immediately. I was in attendance at the park that day supporting the community and the Mayor of Hurstville, Councillor Vince Badalati, and Councillor Stephen McMahon. Discussions were tense, indeed heated.

The injunction failed but it was agreed that the Land and Environment Court should be given the opportunity to hear the case, and work ceased until this occurred. Justice Nicola Pain decided in favour of Hutchison, and ruled that the council had failed to prove that Hutchison lacked the power to carry out the work on the tower without the need to obtain its consent under the Environmental Planning and Assessment Act. On 25 March council lodged an appeal against this decision with the Court of Appeal, which heard the case on 8 July. Hutchison gave an undertaking that if the appeal failed it would remove the tower within 10 days.

The Court of Appeal ruled in favour of the council, and deemed that the work Hutchison undertook was not covered by the maintenance provision within the Federal Telecommunications Act and therefore needed council approval. In response, Hutchison sought special leave to appeal to the High Court of Australia. By undertaking the appeal Hutchison was able to postpone the removal of the tower that it promised to remove at the time of the Court of Appeal hearing. On 3 October the High Court heard the appeal, dismissed Hutchison's argument and found in favour of the council. The High Court ruled that the construction of the tower could not be justified under the maintenance provisions of the Federal Telecommunications Act and therefore the company would need council approval to build any such structure.

Why have I gone into all the background of the dispute? Hutchison has lost its battle with the Oatley West community and Hurstville City Council. Yet recently Hutchison advertised in the local press and through letterbox drops to the local community stating that it has come up with a new plan involving two options. One involves placing a new tower some 50 metres away from the original tower in Oatley Park and the second involves placing it within the residential community in the Mulga Road shopping area. The new plan, of course, has upset the Oatley West community. I attended a meeting in the Oatley West Public School hall on Monday night. In excess of 100 residents attended to express their anger at the arrogance of the actions of Hutchison Telecommunications in indicating that it will again try to use Federal legislation to ride roughshod over the council and the Oatley West community.

When I was at Oatley West Public School addressing year 5 students on Monday afternoon they also raised the issue with me. This outstanding group of young children had great insight into the political system. I congratulate Graham Bromfield and the other teachers on the quality of the education they provide at the school. The council has now taken further legal advice. It will continue with the Oatley West community to fight the Hutchison Telecommunications plan, and I certainly will give them every support. While the company is relying on Federal legislation and there is very little that State Parliament can do, I will certainly be there to support the community. I particularly congratulate Louise Radcliffe, Ann Wagstaff, Jan Dawkins, and Kerry and Ghaleb Adra on the work they are doing, together with Councillor Vince Badalati, the mayor of Hurstville, in leading this fight against Hutchison Telecommunications. [*Time expired*.]

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.29 p.m.]: I congratulate the local member on bringing this issue to the attention of the House. Hurstville City Council and the local community have worked hard to develop community strategies to ensure appropriate development. Mayor Vince Badalati is known for the way in which he consults the local community. It is regrettable that Federal legislation overrides both State government legislation and local government planning laws. That leads to frustration on the part of residents, who feel they have no input into the future of their community. The Government has implored councils to work with local communities to implement strategies and local plans so that decisions about development, environmental protection, open space and so on are debated in the local community. Given that the Hurstville City Council has gone to extraordinary lengths to obtain community views and many people have turned up to meetings to be heard, it would be frustrating for those residents if their concerns were not heard because of the Federal legislation.

STRATA EXECUTIVE AND OWNERS SERVICES WEB SITE

Mr ANTHONY ROBERTS (Lane Cove) [5.31 p.m.]: It gives me great pleasure to draw the attention of this House to the fine work that Mrs Jacqueline Qualtrough, a constituent, has done in setting up the Strata Executive and Owners Services [SEOS] web site—*www.seos.com.au.* Every day hundreds of people in Sydney purchase units. However, many of them do not understand or are not told about the significant liabilities and difficulties involved in entering into a strata contract and dealing with strata laws. The services provided by this web site to executive committee members, existing owners and prospective owners are wonderful. The web site points out the importance of understanding legal liabilities and financial commitments when purchasing a strata title unit. The site is available 24 hours a day and provides information about strata laws and amendments. It also provides information about purchasing so buyers are not placed in a negative financial situation.

The web site also deals with administrative sinking funds and special levies, how to keep a tight rein on finances, the requirements of new owners and committee members, strata managing agents and tradespersons liability, links to councils for information on specific by-laws, and hints and tips regarding maintenance, disputes and monopolies. The web site also offers a question and answer section, allows contributors to make suggestions about improvements to the site—it is always happy to oblige—and provides information about amendments to the law. Jacqueline Qualtrough has offered a number of suggestions and recommendations to the State Government. The SEOS states:

> The law states that the Owners Corporation (OC) has the total liability for the maintenance and funding of the Strata Plan.
>
> However individual owners are not required by law, to personally receive Notices of Executive Committee Meetings (ECMs), Agendas of ECMs, nor Minutes of ECMs. The exception to this is if the Strata Plan does not have a noticeboard. Otherwise the law considers it satisfactory to place all information on the noticeboard.
>
> Neither does the law require that each owner receive a detailed financial breakdown on a quarterly basis, Email or post.

Those changes have been recommended to the Office of Fair Trading and the Hon. Reba Meagher, and I understand that she is examining them. The SEOS further states:

> We strongly recommended that the Secretary of the EC be given the power to act without the approval of the majority of EC members in certain circumstances. eg. in instances where the majority of committee members may vote for mis-prioritization of funds, and eliminate the requirement to hold a committee meeting to decide every minor point.

That recommendation has also been forwarded to the Minister, and the SEOS is awaiting a response. The SEOS also states:

> At present there is no law 'protecting' the Owners Corporation from a buyout or merger with Strata Managing Agents. You are not warned, or informed. As the law states that only the Owners Corporation can determine their choice of Strata Managing Agent, we find this a problem...
>
> There is certainly no law which states that you must be informed of this potential merger and given ample warning for you to hold the necessary meetings to vote.

That issue has also been presented for the Minister's response. My constituent has done a tremendous job. New South Wales and Australia have needed a site like this for a long time. The law can be confusing, particularly for younger and older people purchasing units. Feedback to the web site states:

> I wish I had known more about the liability of strata ownership prior to purchasing. It would have changed my decision about the kind of unit I bought. Thanks seos.

Another satisfied unit owner states:

> Like many owners I had little knowledge of the strata laws or my personal legal liability before experiencing conflict within the strata plan. Because of the financial implications, I made it my business to gain more knowledge and take a pro-active role. I would recommend any potential purchaser to join seos and gain the essential knowledge prior to any commitment.

The Minister might take this web site concept on board as a Government initiative. It is shame that a constituent has had to do it herself. This is a great opportunity for the Government to show leadership.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.36 p.m.]: I commend the honourable member for Lane Cove for raising this issue and join with him in congratulating Jacqueline Qualtrough from SEOS on providing this information about the complex and difficult nature of strata unit law. There is an old adage "Let the buyer beware". However, complex information that is not easy to access or understand can lead to people believing that their liability is minimal. They might be unaware of their liability should an elevator break down as a result of unsatisfactory maintenance.

Having access to such a web site will make it easier for those who wish to buy strata units. Some strata title plans are well managed and others are not. I will relay to the Minister for Fair Trading the issues the honourable member has raised and seek her help in examining what can be done legislatively. It is difficult when people seeking guidance from legal representatives are not given comprehensive information about their liabilities. Although the old adage is often used, consumer protection should be provided. I will inform the Minister of the honourable member's comments.

MR DENNIS RIDDLE JOB SECURITY

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [5.38 p.m.]: I would like to inform the House of an unintended consequence of the recent boundary changes between local government areas. On 8 May 2003 the boundaries between the Council of the City of Sydney, South Sydney City Council and Leichhardt Municipal Council were altered. At that time there was a great deal of discussion about maintaining service levels to residents and ratepayers, financial security for councils and the transfer of assets. Today I would like to tell honourable members about another consequence of those changes. Mr Dennis Riddle, a constituent of mine from The Entrance, was employed by South Sydney City Council as a street sweeper in an area known as north ward. North ward was subject to the boundary alteration and subsequently transferred to the responsibility of the Council of the City of Sydney. As a consequence, Mr Riddle's employment was also transferred to the Council of the City of Sydney. Mr Riddle had no choice in the matter; he simply had to either transfer or lose his employment.

Whilst still employed by South Sydney City Council Mr Riddle suffered an injury to his right shoulder on 19 December 2002 and 10 February 2003. South Sydney City Council accepted responsibility for Mr Riddle's injury, and a workers' compensation claim was lodged. Mr Riddle was on restricted duties at the time of his transfer to the Council of the City of Sydney. On 11 July 2003, while Mr Riddle was recovering from surgery to his right shoulder, he received a letter from the General Manager of the Council of the City of Sydney advising him that he was to be retired on medical grounds. A medical assessment conducted by the council found that Mr Riddle was permanently unfit to return to his duties as a street sweeper due to significant physical restrictions. This was despite the fact that Mr Riddle had a letter from his treating doctor suggesting some disability for a period of three to six months following his surgery, and that he should then be totally fit to resume his normal duties.

One of the values of South Sydney City Council which is publicly displayed on the council's web site is "Caring for its Staff". I am told that the council supports its injured staff through rehabilitation and light duties with a view to getting them back into full-time employment with suitable duties as soon as possible. I ask the question: Would Mr Riddle still have a job if he had not been transferred to the Council of the City of Sydney? What about the fate of the other 338 people transferred from South Sydney City Council, some of whom, I am told, were also on restricted duties at the time of the transfer due to work-related injuries?

Mr Riddle is a man in his early fifties who has worked hard all his life to enjoy a modest lifestyle. He is currently receiving workers compensation payments while he is recovering from his surgery. Once his recuperation is complete, and he is fit to resume work, he does not have a job to go back to. His former job was recently advertised. When he made inquiries about the job, he was told that he would have to apply for the position along with anyone else who was interested. Mr Riddle would like to continue to work in the job he has

enjoyed for many years. He now faces an uncertain future, with little prospect of future employment and perhaps even the loss of his home through loss of income. I ask the Minister for Local Government in another place to personally investigate the case of Mr Dennis Riddle.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.41 p.m.]: The honourable member for The Entrance, the Minister for Gaming and Racing, frequently brings to the attention of the House cases of people who have found themselves in situations beyond their control. In this instance I will ensure that the Minister for Local Government is made aware of the honourable member's concerns about Dennis Riddle's employment as a result of the transfer of his workplace from one council area to another.

MURRUMBIDGEE ELECTORATE EDUCATION ISSUES

Mr ADRIAN PICCOLI (Murrumbidgee) [5.42 p.m.]: I raise three important matters relating to education in the electorate of Murrumbidgee. The first relates to Narrandera High School. A few weeks ago I visited the school to address an issue that the parents and citizens association, the staff and the principal raised with me regarding the boys and girls toilets. The concrete flooring in both toilets slopes towards the rear wall, to which the toilet facilities are affixed. Obviously, the boys toilets have urinals and toilets. Because boys are not very good at aiming, over the years a lot of urine and water has collected on the floor and has soaked into the concrete. Every few days the floor has to be sterilised with disinfectant, but it lasts only a couple of days. The state of the toilets is becoming a serious hygiene problem, to the point where a number of students are refusing to use the toilets.

The matter was raised with both the Department of Education and Training and the Department of Public Works and Services. About a year ago officers from the Department of Public Works and Services inspected the school's toilets and said that the department would address the problem. However, to date nothing has been done. The parents and citizens association and the principal raised the matter with me and asked me to assist, and that is the reason I raise the matter this evening. Teachers are perhaps the most important aspect of our education system, but education facilities are also very important. Members would agree that having proper school facilities assists in ensuring good education. Something certainly needs to be done to assist Narrandera High School in this regard.

The second issue I raise is the shortage of teachers in country New South Wales. A good friend of mine who is a public servant wants to get out of the public service and become a high school teacher. He has had a look at a couple of the retraining programs available. He is married to a girl from Griffith, I believe they have four children, and the family wants to stay in Griffith. However, he has been told that if he retrains as a teacher he will be sent to one of three places—Griffith, Broken Hill or Cobar—because they are all hard-to-staff areas. I totally understand that concept, but here we have an opportunity to retrain a person in education so he can teach in Griffith where there is a shortage of teachers. However, my friend has been told that if he retrains he has a 66 per cent chance of being sent to a town that is up to 700 kilometres away from Griffith. As a result, he is not prepared to retrain. This means that Griffith has lost the opportunity to have an excellent teacher. He is a terrific bloke. He is smart and honest, a man of great integrity, and he would make a wonderful teacher. I understand to some extent the reason why the rules are in place, but something needs to be done to change the rules to provide an incentive for a person like my friend to retrain.

That brings me to the third matter, which is the teacher shortage in Griffith. Griffith, which has a population of 25,000, has an enormous amount of difficulty attracting teachers because it is not regarded as an area of need. I understand that Leeton, a town about 55 kilometres east of Griffith with a population of about 10,000, does not have the same sort of difficulty because it is regarded as an area of need. There are incentives in place to attract teachers to smaller communities such as Leeton and Narrandera, but the larger community of Griffith seems to have missed out. Recently I had dinner with Anthony Catanzariti, a good friend who is a former high school teacher, and about a dozen of his teaching colleagues. They all expressed the sentiment that because of the difficulty in attracting teachers to country areas, country schools are having to employ teachers who are perhaps not as well qualified or experienced as might otherwise be the case. Something needs to be done to address the situation in Griffith. It is a great town with great employment opportunities, but if we do not have the teachers to train our students it will certainly be an opportunity lost for those students.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.47 p.m.]: I listened with interest to the call by honourable member for Murrumbidgee for teachers and education maintenance work

in his electorate. I will take on board the issues he raised in relation to Narrandera High School, which are of concern, and I will pass them on to the Minister for Education and Training. The State Government has been innovative in looking at maintenance in schools. As members would recall, the Public Works Committee, which I chaired in the last Parliament, looked at maintenance contracts for the Griffith-Riverina area to ensure that necessary routine maintenance was carried out in a timely fashion. However, the honourable member has highlighted issues regarding Narrandera High School that involve much more than routine maintenance.

With regard to the shortage of teachers in Griffith, it may be appropriate that an approach be made to the Department of Education and Training to see whether it should make a list of preferred teaching places. That would demonstrate Griffith's need for teachers as compared with that of other country towns. It seems that other members representing country electorates could raise similar concerns about the need for teachers in their regions. I suggest that the honourable member for Murrumbidgee reassess whether Griffith has a shortage of teachers, and whether the issue can be addressed under the current policies, which provide incentives for teachers to work in regional and rural New South Wales.

HASTINGS EARLY INTERVENTION PROGRAM FUNDING

Mr ROBERT OAKESHOTT (Port Macquarie) [5.49 p.m.]: Tonight I talk about the continued frustrations and problems experienced by a local service provider, the Hastings Early Intervention Program. This program provides early special education support for under school age children with diagnosed disabilities or significant delays in their development and their families. The program is supposed to receive funding from the Department of Ageing, Disability and Home Care [DADHC] and small supplementary grants from the Department of Education and Training. In my area the program supports 70 families each year and employs seven staff. Since October 2000 the service has been lobbying for enhanced facilities and has unsuccessfully sought funding from the DADHC and from a Department of Education and Training intervention support capital grant.

The service has one office for six staff, no kitchen or toilet facilities, and has to pay for the storage of equipment. The premises are in breach of the Occupational Health and Safety Act, leaving the DADHC as the funding body liable for any accidents, incidents or psychological damage to staff and families. That was confirmed in June 2003 by an occupational health and safety audit report which commented:

> Current working conditions present physical and psychological risks to staff, children and parents.

The report recommended the immediate relocation of staff and children to premises that comply with occupational health and safety legislation. The report also stated:

> Staff, parents, children and visitors are at considerable risk under current conditions.
>
> No amount of reorganisation of staff or equipment can effect change to comply with the legislation and regulations.
>
> A toilet must be provided to staff, as is required under the legislation and regulations.

The audit recommended monthly risk assessments, due to the unsafe working conditions. Within the premises cleaning equipment is stored next to the children's toilet because of the absence of a cleaning cupboard away from children and visitors. The size of the building is such that the classroom computer is placed next to the toilet opening, creating a biological hazard. Children undergoing speech therapy are being consulted in their homes because there are inadequate facilities on the premises. Staff share desks because of limited space. The facility does not have hot water. There are two phones for six staff. The office being used by the six staff is only 2.5 metres by 4.0 metres in area. There is poor access to firefighting equipment. A survey of parents has been carried out and 100 per cent of the parents believe that the premises are inadequate in size for the purposes of childhood intervention. The facility does not provide for private consultations between parents, staff and children, and 100 per cent of the surveyed parents saw a need for a separate room for meeting and counselling.

If the Government introduces occupational health and safety standards, surely the onus is on the Government to meet those standards in key areas of service provision. I would have thought that dealing with children with diagnosed disabilities in early education would be considered a key area where occupational health and safety standards would be met. Following a meeting held between the service and me a range of telephone phone calls were taken from the regional office of DADHC and all sorts of allegations were made about promises that were or were not made over the past three years. Those allegations included an allegation from the regional office that it was up to the management committee to look at occupational health and safety issues, despite having previously been told to apply for grants. Comments were made about reorganisation,

including relocating the speech pathologist. Claims that submissions of up to $200,000 could be approved at a regional office level were denied.

There is obviously a real breakdown between the regional office and the service provider. Bearing in mind the range of allegations, information is obviously not getting through to the Minister and key decision-makers within the department. That is obviously frustrating those on the ground who are trying to provide a good service. It is clear that the local office of the Hastings Early Intervention Program is in breach of occupational health and safety legislation. It is clear that the service needs funding to undertake a significant upgrade of the facilities so that it can provide the service we all expect. I call on the Minister to consider this matter urgently and to make sure that important matters are not being overlooked in the regional office at Lismore.

PYRMONT POINT REDEVELOPMENT

Ms CLOVER MOORE (Bligh) [5.54 p.m.]: Despite stated policies to enhance public access to Sydney's world-famous harbour, successive governments have sold, developed and commercialised precious public foreshore land. The relocation of the Water Police from the old headquarters on Elizabeth Macarthur Bay is a unique opportunity to increase foreshore access and open space on the increasingly densely populated Pyrmont peninsula. In October I began presenting to this House a petition of 6,065 signatures calling on the Government to abandon plans to sell this publicly owned and managed foreshore land. The petition urges the Government to keep the site as public open space for the use and enjoyment of present and future generations of Sydneysiders and their visitors.

On 30 October about 600 people attended a rally and march from Union Square on Harris Street to Pyrmont Point to demand that the Government save the site from developers and return it to the community as public open space. Last week the Construction, Forestry, Mining and Engineering Union [CFMEU] supported concern about overdevelopment of the site by imposing an interim green ban, calling for more public debate and for the site to be retained in public ownership. While the call to preserve the site is widely supported by the community, the Government is pursuing the sale and development and has now announced revised plans for 87 units and buildings of up to 14 storeys. At a time when the Government has acknowledged a need to slow down urban consolidation, it remains intent on selling this and other harbour land now occupied by port facilities.

The impetus is the cashing in on public land, a motivation also driving planning processes for Eveleigh North rail yards, the Crown Street Reservoir, and the RED Strategy at Redfern and Waterloo. The Sydney Harbour Foreshore Authority, which is effectively a real estate arm of the Government, has reportedly been instructed to offload this 1.8 hectare public site to developers for an expected $30 million. The local community tried unsuccessfully to work with the Sydney Harbour Foreshore Authority to get an outcome of greatest benefit for the whole community and to maximise open space. A Government design competition, initially supported by the community to achieve the best use of the site, was undermined by requirements that excluded residents' hopes for public parkland.

The competition required designs to fit 120 residential units and a public car park on the site, with resident input reduced to voting on designs for buildings of up to 15 storeys. In protest, many residents wrote "No Development" across their voting cards. Feeling frustrated, disenfranchised and manipulated by the Government's process, residents formed a community group, the Friends of Pyrmont Point, to fight against any development. I strongly support the call for this significant public site to be retained in public hands as public open space. Over the past decade, the city population has exploded from 7,000 to over 32,000 and is expected to increase to 40,000 by 2006. Pyrmont is suffering significant overdevelopment, with little or no private open space and seriously limited public open space. A 1995 Sydney council open space report identified a shortfall of 8.1 hectares of public open space at that time.

Government urban consolidation policies are being undermined by the lack of oversight and mechanisms to ensure that amenities such as open space keep pace with increasing residential densities. A fundamental concern is the alarming rate at which public land and property is being sold off without proper and open process, and without investigation of alternative options for public use and benefit. Corporatisation of government authorities has accelerated this raiding of the public estate, and the creation of departmental property divisions has diminished responsible stewardship by government. The mounting evidence of crumbling and inadequate infrastructure across essential services indicates that the resultant revenue is not used to invest in our future.

I signed the Protectors of Public Lands pledge, as have many other members of this House. Protectors of Public Lands is a community coalition working to preserve public lands in public ownership for present and

future generations. The charter of the Protectors of Public Lands is based on the principle that public land belongs to the people of New South Wales, not to a transitory government. Government and government authorities merely hold this land in trust. The charter calls for full assessment of the significance of public land, with proper and genuine public consultation. Public land is of significance where it is of environmental, heritage, natural, cultural, social, historic, scientific, aesthetic, ecological or indigenous value, or where it is capable of providing a public benefit that outweighs any public benefit from alienation by sale or lease. Finally, I call on the Government to preserve the Water Police site at Pyrmont Point as significant public land under the terms of the Protectors' Charter, with no privatisation or alienation, the maximisation of public access compatible with its significance, proper protection and conservation, and proper and genuine consultation with the public.

MANLY DISTRICT HOSPITAL MATERNITY UNIT

Mr BRAD HAZZARD (Wakehurst) [5.59 p.m.]: I draw to the attention of the House the concerns of residents on the northern beaches about the latest proposal by the Carr Government to close some parts of the maternity unit at Manly District Hospital. The fight to save the Manly District Hospital maternity unit has been long running. When I researched the history of the battle, I noted on Wednesday 7 February 1996 this headline in the *Manly Daily*, "Maternity wards face closure". The lead-in paragraph to the article stated:

> At least one maternity ward on the north side of Sydney will close in the next 10 years.

The article quoted Dr Stuart Spring, the then Executive Officer of the Northern Sydney Area Health Service, as saying:

> "At some stage in the next 10 years some units will close and I can't guarantee any one unit over another," Dr Spring said.
>
> "But nothing is immediate."

Dr Spring clearly stated that one of the maternity units on the northern beaches would close, a statement that caused a public outcry. Over the almost nine years of this Labor Government the community has witnessed Manly District Hospital suffering a death of a thousand lashes. As soon as Labor members took the Government benches they started to work towards the destruction of hospital services throughout the northern beaches, and particularly health services provided by Manly and Mona Vale hospitals. On reflection I realise that the writing was on the wall back in 1996, especially when one considers the comments of Dr Spring. On numerous occasions through 1996 and 1997 the local community expressed its outrage at what was happening to the structure of both hospitals, but to Manly District Hospital in particular. On the front page of the *Manly Daily* on Wednesday 26 June 1996 an article stated:

> The future of Manly Hospital's maternity unit is hanging in the balance, with hospital executives and the Health Department giving contradictory information on its fate.

Unfortunately, that contradictory information has continued and we are left facing the same problems as those faced in 1996-97, with the exception that the Government apparently is nearing the conclusion of its long-term strategy. Back in 1996 the community made its opposition to the Government's proposals very clear. Indeed, the former member for Manly, Peter Macdonald, and I jointly sponsored a public meeting—and I have an announcement that has both our names—calling on people to attend a march on Parliament House on Tuesday 17 September 1996 in an effort to prevent the Government from behaving in this treacherous fashion.

People power worked back then and people power is the only thing that will work now. The sad difference is that we then had a combined team on the northern beaches. Although we did not always agree with the former member for Manly, on hospitals we fought with the Government like cats and dogs and together we manned the same barricades. Unfortunately, the current member for Manly, David Barr, appears not to have said very much at all. He seems to have accepted the latest announcements by the Carr Government that there will be a joint manager of the maternity unit at Manly District Hospital. It was the *Manly Daily* that gave the warning to Mr Barr. The *Manly Daily* stated:

> Well, Mr Barr, there isn't much room for compromise or appeasement on these positions.
>
> If the Government is really serious about delivering better health to this region and a new Manly Hospital, then it must deliver more than an empty promise. Any reduction of services along the way (apart from allowances made for the actual construction of the building) is simply a laughable proposition.

I ask the Minister: If the northern beaches is getting a new hospital, what sort of dirty deal has he struck with the honourable member for Manly to keep his mouth well and truly shut on this very serious issue? Approximately

1,000 babies are born each year at Manly District Hospital and their mums and other people on the northern beaches want to retain their maternity services. They do not trust the Minister and I urge him to give the community some guarantees. Also, I call on the honourable member for Manly to go out and fight the battle that everyone in the community needs him to fight.

Private members' statements noted.

[*Madam Acting-Speaker (Ms Marianne Saliba) left the chair at 6.04 p.m. The House resumed at 7.30 p.m.*]

CIVIL LIABILITY AMENDMENT BILL

Second Reading

Debate resumed from 13 November.

Mr ANDREW TINK (Epping) [7.30 p.m.]: The object of the Civil Liability Amendment Bill is, among other things, to preclude the recovery of damages for the costs of rearing or maintaining a child, or for lost earnings while rearing or maintaining a child, in proceedings where there is civil liability for the birth of a child; and to confine further the circumstances in which a public or other authority or a public official is liable for damages in respect of the exercise of public functions; and a couple of other related matters. I do not oppose those amendments. For the Opposition, the most important part of the bill is the amendment to the Civil Liability Act:

> … to preclude a person from recovering damages for non-economic loss and certain kinds of economic loss if the person's losses resulted from conduct of the person that would have constituted a serious offence if the person had not been suffering from a mental illness at the time of the conduct.

For months the Government claimed that this bill was unnecessary. However, the provisions in the bill are exactly what we have always argued should be provided to close a loophole identified as a result of the Presland matter. In that case Mr Presland received a substantial award of damages after he slit a woman's throat and killed her but was found not guilty on the grounds that he did not have the mental capacity to commit a crime. For weeks after the decision, the Government, the Premier and the Attorney General were saying there was nothing wrong with the law and that the matter would be sorted out on appeal. Object (a) (i) of the bill is proof that what they were saying was misconceived, misleading, a lie—whatever one likes to call it—if we assume that they received competent advice. And we must wonder about their bona fides in arguing that there was no problem. The only alternative is that their advice was wrong.

Coincidentally, this bill is a fairly pathetic response from the Government to what is obviously a significant legal problem. The confusion in the whole matter continues. I mean no disrespect to the Minister for Health, but it is intriguing that the Attorney General has not been in the Chamber during debate on this bill. I imagine he might be a little embarrassed, given the comments that were attributed to him at the time and immediately following the Presland case coming to light. Section 54 of the principal Act, which this bill amends, states:

> A court is not to award damages in respect of liability to which this Part applies if the court is satisfied that:
>
> (a) the person whose death, injury or damage is the subject of the proceedings was, at the time of the incident that resulted in death, injury or damage, engaged in conduct that (on the balance of probabilities) constitutes a serious offence …

For some time after the Presland case came to light the Attorney General and the Premier relied on the principal Act as it now stands to argue that the Presland case was wrongly decided and would be fixed on appeal, but that there was nothing wrong with the law. An article in the *Sydney Morning Herald* of Thursday 21 August 2003 stated:

> But a spokesman for Mr Debus said the operative word in the legislation was "conduct" rather than "offence". In addition, a future claim such as Mr Presland's would be prevented by other parts of the legislation which operate regardless of criminal conviction.

That was an attempt on behalf of the Attorney General, plainly in my opinion, to say that section 54 of the principle Act covered the situation. That section refers to "conduct that … constitutes a serious offence". The Attorney General's representative said the operative word was "conduct" rather than "offence", and that accordingly there was no problem. The point about new section 54A is that for the first time it is clear that what the Attorney General's representative told the *Sydney Morning Herald* back in August was rubbish. The only

issue is whether he knew it was rubbish or whether he was unaware of the problem being faced. Either way, it is fairly serious that something so fundamental was not immediately identified as a problem that needed to be rectified or, if it was understood immediately as a problem that required rectification, was misrepresented for some time as not being a problem at all.

Plainly, as we have said all along, the proper formulation is provided in the amendment. The Government must address "conduct" in the sense that it must say that the conduct would have constituted a serious offence if the person had not been suffering from a mental illness at the time of the conduct. One cannot talk, as the current section 54 does, about a person whose death, injury or damage is subject to proceedings who was at the time of the incident engaged in conduct that constitutes a serious offence. That does overcome the problem because it does not address the key issue of the lack of mental capacity. For months the Government was saying it was not necessary, and for the first time this bill addresses what we always said needs to be addressed: an offence that is such if a person had not been suffering from mental illness at the time of engaging in conduct that would otherwise be criminal. The errors did not stop with the spokesman for the Attorney General; the Attorney General was also guilty. In a news release on his letterhead dated 20 August he said:

> We have already introduced new civil liability laws to ensure that the courts do not award damages to anyone engaged in criminal activity.
>
> Had this case commenced after the introduction of our new laws it would not have succeeded.

That is just plain wrong. This amending bill now recognises that the statutory test is wrong and wanting in this respect. There was and still is no guarantee that then legislation—commencing after the introduction of the new laws on 28 May 2002; that is, the Civil Liability Bill in its original form—provides for this conduct. So in addition to what his spokesman was saying, the Attorney General's press release of 20 August is plain wrong. I am not surprised, but I am a little disappointed, that the Attorney has not been present for the debate on any part of this bill because I think an explanation is required. In the *Daily Telegraph* of 21 August similar comments were made by the Government in relation to how the current law needed no amendment, that it covered the situation and that an appeal was all that was needed. The Premier also made the same mistake in the 1.00 p.m. news bulletin on radio 2GB on 20 August. In relation to the Presland decision, he said:

> It's the sort of decision that can't emerge from court decisions about cases that have occurred since last year because we've already fixed up the law and prevented compensation payments being awarded by the courts to people who've committed a criminal act.

Similarly, in the 1.00 p.m. news bulletin on 2BL on 20 August the Premier said much the same thing:

> This payment has been approved by a judge because it's about something before we reformed the law.

The inference clearly is that last year's reforms to the civil liability legislation now cover the Presland case. They did not then, they do not now and they will not until this bill becomes law. The fundamental problem the Government—both the Attorney General and the Premier—was falling into is that it was equating Presland and people in his situation with people who committed a criminal act. Our point all along was that somebody who is of unsound mind to the point where he or she cannot commit a criminal act, by definition cannot and does not fall within the parameters of a provision relating to a person having committed a criminal act. They are mutually exclusive. That is the fundamental distinction here between where the Government thought it was for the past three or four months and where it recognises now that this bill makes the necessary changes. There is some further confusion attendant on all this in the Minister's second reading speech on 13 November. In the very first paragraph he said:

> The first case the bill seeks to address is known as the Presland case.

With respect, that is completely wrong. This is in the Minister's second reading speech that he delivered to Parliament the other day. Over the page there is a, I hope, polite interjection by me to clarify that this bill does not apply to Presland. The Minister's answer was:

> It does not affect the appeal in the Presland case.

So in the second reading speech on this bill we have two completely inconsistent statements by the Minister on whether this bill covers Presland. With great respect, this ongoing confusion is totally and utterly unsatisfactory. I still do not know what the Government's real intention is in introducing this bill. I do not know whether the Government wants to deal with Mr Presland or not. The first paragraph of the Minister's second reading speech says the bill seeks to address Presland. I would like to think that it does seek to address Presland, because I am

about to move an amendment that addresses Presland. I do not believe that this bill in its current form addresses Presland. I think the Minister was right when I interjected on him to seek clarification about whether it addresses Presland, and he honestly and fairly conceded that. The starting point of the speech is:

> The first case the bill seeks to address is known as the Presland case.

It does not do it. My question to the Government is: Does it want to address Presland? If it wants to address Presland, it is not doing it in this bill. This is not simply a debating point. If the legal position had run smoothly until now I would have a lot more confidence that the Government is doing what it wants to do. The problem for me is that we have already seen examples of how the Attorney General personally and the Premier personally have been misrepresenting the existing law—whether innocently or otherwise I do not know—and they are now misrepresenting this bill, saying that it covers Presland, when it does not. I remain very confused, and I am concerned that the Government is confused, about its motives and intentions with this legislation.

I want this bill to cover Presland. I know Presland is currently subject to an appeal and I think the bill still ought to cover him. I will tell the House why and foreshadow my amendment. It is a fairly serious step to extend the provisions of legislation to a case that is currently before the courts. It is fair to say that it would be the view of the whole Parliament—certainly this is one thing on which I agree with the Premier—that that is akin to some fairly ambitious judicial adventurism. I respectfully agree with that. I have given a lot of thought to this because, in effect, what I am proposing is to some extent retrospective. Although the Government's bill is retrospective it does not extend as far as Presland. In *Regina v Presland* before Mr Justice Newman, Presland was dealt with on a charge of murder and found not guilty on the ground that he was, so to speak, of unsound mind. I have also looked very carefully at the case of *Presland v The Hunter Area Health Service*, which is a decision of Justice Adams of 20 August. I will spend a little time on the criminal hearing of *Regina v Presland*. Presland was charged with the murder of Kelley-Ann Laws at Jesmond on 4 July 1995. Page 2 of the copy of the judgment that I have states:

> The evidence also indicated that following the end of that relationship the accused increased his intake of alcohol considerably, together with his use of marijuana.

Page 7 states:

> Shortly after 5pm the accused attacked the deceased, stabbing her on numerous occasions, finally cutting her throat with such vehemence that she was nearly decapitated.

This quote from page 11 is very important in relation to the other judgment. It refers to a medical opinion of Dr Olav Neilssen, who said:

> Mr Presland's psychotic disorder amounted to an abnormality of mind which was probably induced by cannabis and alcohol, which substantially affected his mental responsibility for his actions.

Whilst it is clear that the judge decided that Presland was of unsound mind and did not have the mental intent to commit the crime, I do not think he came to a final conclusion—it was probably not necessary for him to do so—about the precise causation. I would not try to suggest here that that happened. Nevertheless, the judge saw fit to quote Dr Nielssen's opinion. He did not quote it all; he quoted relevant extracts. I turn to the other judgment. There is quite a bit more detail in relation to the civil case about just what was involved in the underlying conduct of Mr Presland leading up to this crime, evidence which I suppose he was required to lead in his civil case to establish negligence on the part of the Hunter Area Health Service. I quote from page 4 of the copy of the judgment of Justice Adams that I downloaded from the Internet:

> On 3 July 1995, that is to say, the day before Ms Laws was killed, the plaintiff had been brought to John Hunter Hospital by police following an episode of bizarre and extremely violent behaviour. After some treatment, he was transferred to the James Fletcher Hospital, a psychiatric institution, for assessment. He was released in the company of his brother at about 11am on 4 July and killed Ms Laws, his brother's fiancée about six hours later.

As a result of an incident on 3 July he came to the notice of medical authorities, was held overnight, was assessed, his history was taken, detailed notes were made and then he was released. The whole issue in the civil case was whether it was appropriate to release him. The argument was that there was a duty of care on the hospital staff and, by extension, the area health service, to assess him for release. I suppose that the finding of the judge was that in the assessment they got it wrong and breached the duty of care to him. The timeframe when he was assessed and dealt with was fairly tight. The judge goes into it in quite some detail. I will refer to a bit of it because it is very important in the context of my moving the amendment. Page 24 of the judgment states that on Monday 3 July the plaintiff went to work, starting at about 7.30 a.m. A series of questions were asked

about what happened. He went to a place where he saw a Mr Blake. Page 25 of the judgment quotes Mr Blake as saying, "Settle down, here have a cone." Presland then said:

> I did not know what to do. I ended up having this cone and, as soon as I did, I collapsed on the floor and he was hanging over me laughing his head off saying 'It's good shit, isn't it?', and I don't know what was going on. It was like I was, I don't know, it never affected me, I don't know what was in it.

After he got into an altercation he was taken to the hospital. Page 55 of the judgment, referring to Presland, states:

> Tonight Kevin used 2 cones of THC and went round to Bill's with a six pack...

The clinical notes show that his average daily alcohol intake was somewhere between 30 and 200 grams and his THC daily intake was six cones on average. Page 60 of the judgment states:

> As the notes set out above show, Dr Sheng—

who was one of the doctors who saw him on the night of 3 July—

> noted that the plaintiff used two cones of THC early in the night and told Dr Sheng that he averaged six cones today. His evidence was that he told him that he smoked something like ten cones a day and sometimes might drink as much as ten schooners a day. Although these quantities are somewhat greater than those noted by Dr Sheng, I do not think this difference is significant for present purposes.

Presland then came under the notice of Dr Nazarian, who I think was the specialist on the staff who was ultimately responsible for the decision to let Presland go the next morning. The judgment states:

> On 4 July 1995—

that is, after Presland has been in hospital overnight, and 4 July is the date of the murder—

> Dr Nazarian commenced his shift as usual at 8.30am.

The doctor had a discussion and, as noted at page 76 of the judgment:

> I saw Kevin with his brother... He admitted drinking alcohol 12-15 schooners and smoking 10-20 cones/day when stressed out.

Apparently he was stressed as a result of leaving his girlfriend. Page 79 of the judgment states:

> Dr Nazarian ascertained that the plaintiff had been drinking heavily and also abusing marijuana. It was this conduct which led to Dr Nazarian proposing that he should undertake drug and alcohol counselling.

Rather than relying on what has been in the press I have gone to the judgments and confined myself to things that have been deemed important by the courts. I accept and admit that what I am proposing is on a retrospective basis, but I put it that this type of conduct that leads to what is I suppose temporary insanity or a finding of somebody being temporarily insane in a very real sense is self-induced. I do not mean that it is deliberately self-induced for the purpose of providing a legal excuse. I am not saying that is what happened in this case. There is no evidence for that at all. Nevertheless, there is certainly evidence that the state of mind that Presland got himself into that led to the killing of this poor woman was as a direct result of what he did to himself with the most extreme abuse of alcohol and illegal drugs. I have the most appalling difficulty accepting—I cannot accept—that this should stand.

Mr Milton Orkopoulos: That is why we are appealing.

Mr ANDREW TINK: The matter is on appeal, but the Government now concedes that it had to introduce this bill to deal with Presland-type matters. This leads me to conclude that in fact the law the judge used to decide Presland is a damn sight stronger as settled law than if we put the best construction on it that the Government thought three months ago. The Government cannot go into the Court of Criminal Appeal and argue that the Civil Liability Act covers this type of case. There is nothing that covers this type of case.

Mr Morris Iemma: The standard of reasonableness comes into it.

Mr ANDREW TINK: There is nothing that governs this case to my satisfaction. I have taken Parliamentary Counsel's advice on this matter. If the appeal is successful in this and the higher courts—that is,

once it is decided—that is the end of it. We will not be able to intervene because we will come up against the position confronted in the Kable case. Legislation was introduced specifically to deal with an individual. The Parliament passed the bill and the High Court said it was unconstitutional because, in effect, we were gaoling an individual. If this case gets through the appeal courts and Presland keeps winning on appeal, it will be over because we cannot then have a Presland-specific bill targeting a particular individual.

My amendment has been drafted so that it is not limited to Presland; it is wider than Presland and covers others in his class to avoid the constitutional problem of targeting Presland. It targets a class of people. The controversial aspect is that it is retrospective, but this bill already contains retrospective provisions. It is not as though honourable members have problems with the principle of retrospectivity; it is a question of how far we go and in what circumstances it is reasonable for the Parliament to exercise its power. I suspect that we will have a disagreement about this. So be it, I am simply putting my best case. I have talked about the judgment because it is important to explain why I feel so strongly about going this far and the risks involved if something like this is not done now.

The other advice I have is that the best legislative window available exists while the issue is between the courts. Justice Adams has made an award, but it has been suspended while the appeal is pending. I am told that that is the time during which to pass a bill to deal with this fellow and other people in his class so that we do not face the risk of his continuing to win and then not being able to deal with him legislatively. There is a risk attendant upon my amendment. The amendment provides that the bill has effect only in so far as the legislative power of New South Wales permits. It is designed to save it as far as possible, but that is not free from doubt either. I understand what the Minister said about reasonableness. However, a very experienced judge in the criminal law—as is Justice Adams regardless of whether the Premier and I think he is involved in judicial adventurism from time to time—has said that there is a reasonable prospect of his being upheld on appeal, especially when the first law officer of this State thought the provisions operated in a certain way and they did not.

The Opposition does not oppose this bill. It believes that it is final acknowledgement from the Government that what we were saying a couple of months ago when the Presland problem first emerged was correct and that what the Attorney General and the Government said was wrong. However, this bill still does not deal with Presland and it appears that the Government has doubts. There are conflicting messages; I do not know what the Government intends to do. It was stated that the first case the bill seeks to address is known as the Presland case. It does not do that. If the intention is not to address Presland, I ask the Government to make that clear or to modify the legislation. I foreshadow that during the Committee stage I will move an amendment, which the Government has had for some time.

Mr MILTON ORKOPOULOS (Swansea) [8.06 p.m.]: I appreciate the constructive and thoughtful contribution from the shadow spokesperson and honourable member for Epping. This is a complicated situation. The honourable member made a number of points: first, that the Government had not acted with greater alacrity in announcing its intentions. He read part of the Attorney General's media release issued on 20 August, which is headed "Government stands ready to amend Chopper laws to prevent killers gaining from crime" and which states:

> … pending an appeal in the case of Kevin Presland, the government stands ready to amend the law to prevent killers gaining from murder.

That is very much part of the Government's strategy. The shadow Attorney General is proposing an alternative strategy; that is, to amend the legislation in a way that will affect the two cases currently afoot that are similar to the Presland case. The Government has indicated that it will act should the action in the Court of Criminal Appeal fail. I do not share the fear and trepidation expressed by the honourable member for Epping because the Attorney General has indicated that should the appeal fail he will introduce retrospective legislation under a separate Act dealing with the confiscation of the proceeds of crime to recover the amount of money that was awarded by Mr Justice Adams. However, I am sure that, with the general support of the Opposition, this legislation will be passed. The Government will oppose the amendment foreshadowed by the honourable member for Epping because its strategy has already been announced. It is very clear, even to failed solicitors like the honourable member for Gosford. The Attorney General has publicly pledged that the Government will retrospectively introduce legislation to recover the money under that Act.

I cannot understand why the Opposition is hell-bent on subverting due legal process. The Government is appealing only to the Court of Criminal Appeal and it has indicated how it will act should that appeal fail. It is not going to the High Court or the World Court; it is simply going to the Court of Criminal Appeal. Pending that

judgment, the Government will make its position clear. Of course, we will encourage the Opposition to support the legislation should the appeal fail. The family of Kelley-Ann Laws, who live in the electorate of Swansea, have on a number of occasions expressed their frustration and rage that the murderer of their daughter was found not guilty by reason of mental illness. I suspect that this family will never be able to get over their grief until this bill, as well as any future bill on the issue, is passed. I therefore ask for the Opposition's understanding that the Government is not putting all its eggs into one basket. The Government has already announced its intention to pass retrospective legislation to confiscate such money to ensure that no subsequent case, after this bill is passed by the Parliament, proceeds along a similar course.

My hope is that this happens sooner rather than later, in the interests of the Laws family, who have suffered for long enough, but also in the interests of other families who may suffer a similar tragedy. I believe the Government has acted in a timely fashion. The Attorney General made his announcement on the day the judgment was handed down, and the Government has come forward with this legislation and explained its tactics. The Government looks forward to the Opposition supporting the bill and any subsequent bill on this issue.

Mr MORRIS IEMMA (Lakemba—Minister for Health) [8.12 p.m.], in reply: I wish to respond to comments of the shadow Attorney General. I draw his attention to the second reading speech, in which I stated:

> The main purpose of the Civil Liability Amendment Bill is to amend the Civil Liability Act 2002 to address issues arising from two recent court cases that caused considerable community concern.

I then referred to the cases of Presland and Melchior. Later in the second reading speech I made it clear that NSW Health is appealing the decision in Presland's case, but that the case raises important issues that need to be put beyond doubt by way of legislation. The shadow Attorney General is correct in saying that the decision in that case brings into question reasonableness. No matter how much it offends my sense of reasonableness and fair-mindedness, the offender in the Presland case received an award of damages. The Government believes the award of damages is wrong, and we are appealing the case.

The legislation is designed to address issues arising from two other cases that are in the pipeline but have not yet been decided. The Government believes it would probably be going too far in the one extreme to legislate to reverse the decision in Presland, particularly given that we are appealing it. Importantly, the Government has decided to take action to knock out the two cases in which a decision has not been handed down and where there is a very real risk, given the reasoning in the Presland case, that they could succeed along similar lines. The legislation is designed to address some of the issues raised in the Presland case—that is, the circumstances under which damages could be awarded and the reasonableness test for public officers exercising discretion under statutory powers.

We do not want public officers, in this case psychiatrists and doctors, making clinical assessments with a fear of being sued on the basis of the negligence test, the standard that Judge Adams applied in the Presland case, thereby constraining them from making proper clinical decisions on the basis that they might be sued. That would have dire consequences not only for the public officer concerned but for other people attempting to access acute medical services. As I said, the legislation is designed to address issues arising from the Presland case.

As the honourable member for Swansea outlined, some months ago the Attorney General made it crystal clear that the Government would amend further legislation to ensure that people who commit wrongful or criminal acts do not profit from those acts. I have authority from the Attorney General's Office to again place on record that should the Government fail in its appeal, the Attorney General will seek to amend the Confiscation of Proceeds of Crimes Act to ensure that the proceeds are taken from Mr Presland. I believe that is a much better course of action, given that a decision has been handed down in that case.

In the other two cases, Trimarchi and Rea, proceedings have commenced and the matters are before the courts but decisions have not been made. In those circumstances it is reasonable to use retrospectivity to knock out those cases. A decision has been made in the Presland case, and the proper course of action there is to appeal. The Attorney General has already said—and I have his office's authority on his behalf to repeat his statement to the Parliament—that should the Government lose its appeal, consistent with his previous statement he would amend further legislation, in this case the Confiscation of Proceeds of Crimes Act, to take the proceeds away from Mr Presland. I believe that is an appropriate course of action. I acknowledge that the shadow Attorney General is motivated by the best of intentions in foreshadowing his amendment, but for the reasons I have outlined the Government will not support that amendment.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Schedule 1 agreed to.

Mr MORRIS IEMMA (Lakemba—Minister for Health) [8.08 p.m.]: I move the following Government amendment:

Page 7, schedule 2 [1], line 13. Insert "but not including any claim arising out of personal injury," after "care,".

I am advised that the amendment will reinsert an express exclusion for personal injury claims from the proportionate provisions. Parliamentary Counsel advises that this exclusion was inadvertently omitted during the drafting process, and this will ensure that the amendments are consistent with the existing provisions in relation to proportionate liability and will make it clear that they do not apply to personal injury claims.

Mr ANDREW TINK (Epping) [8.09 p.m.]: I do not oppose the amendment but express concern about the way in which the provision was omitted. Last night during debate on the Statute Law (Miscellaneous Provisions) Bill members raised the issue of leave to appeal versus right of appeal, I think from the Local Court to the District Court. That was an inadvertent omission. I express my concern about these sorts of mistakes being made in this way. This is a difficult bill that deals with retrospectivity and all sorts of matters. Bearing in mind these omissions, I would like to have a higher degree of confidence than I have that the bill does the job. I know that those responsible work hard and I do not believe it is right to criticise anyone, but these sorts of mistakes are a little frustrating and a little concerning.

Amendment agreed to.

Schedule 2 as amended agreed to.

Mr ANDREW TINK (Epping) [8.20 p.m.], by leave: I move Opposition amendments Nos 1 and 2 in globo:

No. 1 Page 11, schedule 3 [6], proposed clause 15 (3), line 26. Omit "However,". Insert instead "Except as provided by subclauses (4)–(6),".

No. 2 Page 11, schedule 3 [6], proposed clause 15. Insert after line 32:

(4) Section 54A (as inserted by the amending Act), in its application to proceedings commenced before 13 November 2003, applies only for the purposes of:

(a) any decision of a court in the proceedings that is made after the commencement of this clause, and

(b) any decision of a court on an appeal in connection with those proceedings that is made after the commencement of this clause (even if the appeal was instituted before the commencement of this clause).

(5) When section 54A applies under this clause for the purposes of the decision of a court, the decision is to be made as if section 54A had always applied to the civil liability with which the decision is concerned.

(6) Subclauses (4) and (5) have effect only in so far as the legislative power of the Parliament of New South Wales permits.

I thank the Minister for his reply. I listened to it carefully and it was very informative. It helped me on a range of matters. The issues are now narrowed down to a fairly clear choice. The issue of retrospectivity has been clarified in my mind. There is no question at all from the Government's point of view that the bill is retrospective. It is a question of the degree to which the retrospectivity is to operate. The Government says the bill will operate retrospectively to put a stop to cases that have already been filed and are in the court system, and that level of retrospectivity is acceptable. I agree with that in these extraordinary circumstances.

The amendments provide for the retrospectivity to be taken one step further to deal with Mr Presland, who not only has a case before the court but also has an award which is suspended until the appeal is heard. Therefore, the issue is not retrospectivity but the degree of retrospectivity. I am a little bothered that by approaching it in the way the Government has, there is a serious risk of giving Mr Presland an out which, if the appeal succeeds, will not be capable of being remedied. That is my key concern. That is the advice I have received, and it does not matter whether these amendments are moved after a final judgement is given, or

whether the Confiscation of Proceeds of Crime Act is amended to deal with Mr Presland, which is what the Minister says the Government will do. The same constitutional problem will be faced. That is the way it has been explained to me. There will be the problem of pursuing an individual legislatively, and I am told that there are huge constitutional problems with that.

If the Crown loses the appeal—and I hope it does not—and if leave is given to appeal to the High Court, and if the Crown loses there and a final judgement is in place, the introduction of a bill at that point to pursue Presland personally, either in the form of this amendment or an amendment to deal with the Confiscation of Proceeds of Crime Act, would cause a massive constitutional problem that this Parliament does not have the power to legislate for. I am told that the best window of opportunity to deal with the issue is during this hiatus period when the judgement at first instance has been suspended, so to speak, pending the appeal. This is the time to take legislative action. There is still a risk attached but it is not the same degree of risk as there would be if it were done after the final decision, assuming for the sake of the argument that the final decision goes against the Crown. These amendments are the last best chance. They are designed to include Mr Presland now in this class of people who are to be retrospectively dealt with and to equate those parts of Mr Presland's arrangements with the other two matters.

The common factor in these matters is that they all have active proceedings before the Supreme Court. In the two other matters they are active as the plaintiffs are still making claims. In Presland's case he is active as a respondent to an appeal. In that sense they are all in one class. If Mr Presland is included it cannot be said the Parliament is targeting an individual. He sits nicely in that class of person and he sits nicely within the concept of what we all accept as being a retrospective application of the law. If the other two matters that are pending are dealt with and Mr Presland is left out and his matter has to be returned and dealt with individually, either on the confiscation of assets basis or the other basis, I believe we will hit a constitutional brick wall. That is why I say the last best chance is these amendments.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 36

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

Noes, 48

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

Pair

Mr Brogden Ms Gadiel

Question resolved in the negative.

Amendments negatived.

Schedule 3 agreed to.

Schedule 4 agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (QUALITY OF CONSTRUCTION) BILL

Second Reading

Debate resumed from 14 November.

Ms PETA SEATON (Southern Highlands) [8.36 p.m.]: The objects of the Environmental Planning and Assessment Amendment (Quality of Construction) Bill are to amend the Environmental Planning and Assessment Act to deal with functions of certifying authorities, investigations of certifying authorities, improper influence with respect to the conduct of certifying authorities, matters relating to principal contractors, construction certificates, occupation certificates, conditions of development consents and complying development certificates, and other matters.

The Opposition will not oppose the bill. However, it will outline a number of detailed and serious concerns about yet another failure by the Government to get this right. In 1998 the Carr Government allowed private certifiers or principal certifying authorities to enter the building compliance system, which had previously been monopolised by council certifiers. At the time the Opposition did not oppose that measure, but the Government failed to put in place a rigorous, reliable and regulatory regime under which private certifiers would work. That failure has led to numerous problems for councils and home owners, including the recent case of a certifier, who to my knowledge, although unlicensed for approximately two years, had certified up to 150 homes across at least four local government areas. As a result, the owners of those homes are extremely nervous about the status of their homes because the occupation certificates and other documentation from the private certifier are now in doubt.

A home is the biggest investment that most families will make and all honourable members would acknowledge the importance of having a sense of security about the status of that investment. Indeed, a number of builders have worked with the individual to whom I referred and are also concerned about the future of their work, which was certified by this person. That is an example of the uncertainty and security that has abounded in the system. The Carr Government has failed to address those concerns, although it attempted to address some of the issues through the Joint Select Committee on the Quality of Buildings, which met in 2002. I commend the honourable member for Hornsby, the Coalition's nominee on that committee. She undertook that role shortly after she was elected and carried out her tasks with great enthusiasm and attention to detail. She consulted widely and was keen to find answers to the problems. I commend her for her efforts.

The committee produced 55 recommendations. If they had been implemented promptly and completely, home owners, builders and councils would have had the security and certainty they were looking for in a regulatory regime for private certifiers. But, alas, that was not the case, because in December 2002 the Carr Government brought in the Building Legislation Amendment (Quality of Construction) Bill. However, many aspects of the bill were not commenced, because the Government realised that the work that had been done on it was completely inadequate and would not do the job that was required. I shall read—with what would have been amusement if it were not so serious—the original briefing note I was given by the Minister's representatives at an initial briefing on this bill. This is one example of bureaucratic weasel words at their best. The briefing note states:

> In preparing to implement the BLA Act DIPNR undertook further consultation with stakeholders and it became apparent that the legislation could benefit from further refinements.

That is code for saying, "We realise we got it wrong." They realised that they got it badly wrong and went back to the drawing board. We have waited months to be served up with something that more closely approximates the intentions of the committee and the 55 recommendations. If anyone has any doubt about the shambles of the private certifiers system, I draw the attention of honourable members to comments by Mr John Sheehan of the Australian Property Institute on 29 October this year. In relation to the private certification system and the expectation that people should be able to purchase a property or borrow money and know that the building was properly constructed and certified, he said:

> … such expectations had now been dashed as it is no longer certain that the construction has in fact been certified by a validly authorised private certifier. This presents a major problem to our members who may be advising lenders such as banks and other financial institutions as regards the veracity of the security being offered …
>
> The Institute noted today that the uncertainty surrounding whether valid certification of such buildings has occurred has the very real potential to increase the risk for lenders, and hence may act adversely upon the property market at large. It is considered by the Institute that steps must be taken urgently to remedy this uncertainty ….

That is an indication of the reactions I have been getting from people in the property industry, the home building industry, councils and home owners about the concerns they are dealing with on a daily basis about the lack of a proper regulatory regime under which private certifiers are operating. Provisions already in place through the Building Legislation Amendment (Quality of Construction) Act 2002 include the creation of a new building dispute resolution process and a number of other provisions that make some improvement to a completely shambolic situation. The new provisions in this bill include the implementation of some of the 55 recommendations, which we have been waiting until now to see. They include new penalties for the improper influence of certifiers, which includes provision for a custodial sentence or a fine of $110,000, and penalties for certifiers who have been influenced. That important provision has long been sought by many in the industry.

Under this bill, the Department of Infrastructure, Planning and Natural Resources will be able to audit councils and private certifiers. There will be a better definition of roles and responsibilities between the consent authority, councils, head contractors and certifiers. Under the new provisions, a person who owns the development application or is the beneficiary of it, rather than the builder, will appoint the certifier; signs naming the certifier will be erected on the site; mandatory critical stage inspections for each class of building will be undertaken at more stages in the process; the head contractor or owner-builder is given 48 hours notice that an inspection is necessary to ensure that it happens at the right time; accreditation bodies will be able to place conditions on the certifier's licence; and complaints may be made against certifiers whose accreditation has lapsed.

The Government has hastily brought in that provision because it knows that it got it wrong in the case of the certifier to whom I referred earlier, who has certified up to 150 homes in Pittwater, Woollahra, Lane Cove, North Sydney and perhaps other areas that we have yet to discover. The legislation also introduces regulations which may authorise a consent authority or council to impose a fee for a part 4A compliance certificate. The Coalition will not stand in the way of these provisions because they are long overdue but necessary and will improve the situation. However, I will highlight a number of the Opposition's concerns, which have been flagged by a number of responsible and serious participants in the property industry in a number of sectors.

First, up to $5,000 could be added to the cost of a home through these additional mandatory inspections at critical stages. Obviously, that will make it harder for many people to decide to go ahead and build a home. Also, that will be another windfall in stamp duty for the Carr Government because if a home costs $5,000 more than it did under the old system, the Government will have a consequent increase in the amount of stamp duty it receives from the sale of that home. I have been told that the extra inspections will not necessarily improve the quality of the building, and I will speak more about that in a moment. There are still no guarantees on the long overdue Builders Professional Board. One early recommendation was that it was important to bring together under one consistent framework the process by which private certifiers are accredited.

At present private certifiers are accredited by three accreditation organisations: the Professional Certifiers Occupational Association of New South Wales, the Planning Institute of Australia and the Institution of Engineers Australia. Each of those accreditation organisations has a different regime and different criteria under which it accredits certifiers. For a long time those organisations, particularly the Planning Institute of Australia, have been arguing that this could and should be fixed quickly by implementing the Building Professionals Board, as recommended. The board would be a one-stop shop with consistent criteria that would provide some certainty and a level playing field to the accreditation of certifiers.

That still has not happened. The Minister said in her second reading speech that that will occur in early 2004 but we learned a long time ago not to trust the Government to do what it says. We have learned that what the Government says it will do often takes a lot longer than the time it has allocated. So, I have grave concerns that later next year we will be wondering where the Building Professionals Board is. It is going to be a very significant contributor to the process of providing certainty in this situation.

The bill imposes new fees for certification under part 4A and for lodging a complying development certificate. A lot of people have raised with me concerns that this opens the door to a brand-new Carr Government tax. The Carr Government is very good at taxes. It has never seen a new tax that it did not like. New taxes are coming into play almost on a daily basis. Only this week the Coalition opposed the land rich stamp duty provisions bill, which will add enormous costs to people whose business involves the ownership of assets. Every time this Government sees an opportunity to grab more money out of a particular sector it does so. I am concerned about what limits will be put on costs and fees that can be achieved out of these new provisions.

I have also had raised with me concerns about the cost and time impact, especially in regional areas, of the mandatory critical stage inspections. It might be all very well in city areas, although I will address that point in a moment as well, because there are concerns about the number of certifiers available in New South Wales. If someone has to provide an inspector for a building site in a remote or regional area like Bourke or somewhere in far western New South Wales, that certifier will have to travel a long distance, perhaps incur more costs because he would have to be there at a particular stage of the construction of the building, and it may not be possible to get the certifier there at the time required. There will be delays and costs in the completion of buildings as a result.

When I bring to the attention of the House concerns about mandatory critical stage inspections, honourable members will understand there is no point in having a critical stage inspection regime that is aimed at ticking a box to say something has been done or installed, when the real question is whether something has been installed properly and will do the job required. A good example of this is work in wet areas, where waterproofing is particularly important.

Mandatory critical stage inspections will not improve the quality of building at all if they are not underpinned by a builders licensing regime that focuses on the quality of the building being built. It is impossible and impractical to expect a certifier to supervise every single hour of every single day of construction. That would cost an absolute fortune and should be unnecessary, but certifiers and builders are concerned that the outcome of critical stage inspections will not be a higher quality of building but, rather, simply more ticks in more boxes, a greater cost, more bureaucracy, but no better outcome.

The Liberal and National parties can claim some credit here for trying to achieve improvements to the private certification regime. I mentioned before the case of a private certifier who certified up to 150 homes while he was unlicensed. I ask the Minister to explain why the web site of the Department of Infrastructure, Planning and Natural Resources, which lists the accredited certifiers, had not been updated for several months when I first looked at it in October. There is no point having a certification and accreditation system that is not up to date. When I checked the site in October it had not been updated since March. I looked more recently, this week, and it has been updated as of November—and about time too—but I want to know why a builder was able to ring me and say this particular person was to his knowledge still listed on the department's web site as an accredited certifier in early October when at some point after that the department wrote a letter to several councils informing them that this certifier had not been licensed since late 2001.

I was amazed to see that, rather than take some responsibility when a problem like this emerged, the deputy director-general of the department wrote to councils in New South Wales, I believe in October, and said:

> It has come to the Department's attention that [this particular person] who has been acting as the Principal Certifying Authority for a number of developments, is not currently accredited under the Building Surveyors and Allied Professionals [BSAP] accreditation scheme. Accordingly, the Department has sought urgent legal advice in relation to the recent activities of [this particular person], particularly under the "false representation" provisions of section 109ZH of the Environmental Planning and Assessment Act 1979. [This particular person] has been instructed to immediately cease all activities as an accredited certifier.

The correspondence goes on to outline how this person might be the subject of further investigations. This is too late and the situation ought never have got to that stage. Nowhere in this letter do I see any admission by the department, and never have I heard any admission from the Minister, that the department's administrative procedures were at fault and wanting. When his licence lapsed, some procedures should have been in place so

that certain other action automatically followed: his name removed from the web site and he delisted as an accredited certifier. Perhaps information should be sent to councils. There should be some mechanism by which someone who has failed to renew a licence for whatever reason is caught by the system and appropriate action taken. One could understand that the lapsed licence might not be picked up immediately, but the fact that it was not picked up for nearly two years is gross maladministration and negligence.

Despite the claims by the Government and by the Minister in her speech that consultation has been held with many stakeholders, many of the stakeholders I contacted, who are major leading industry representative bodies in New South Wales, said it was the first they had heard of it, that they had not been contacted by the department and that they had no idea that this bill was soon to be introduced. Many of those who acknowledged that they had been given at least some notice said that some of the detailed provisions in their submissions had been ignored. The Minister has to take a step back when she says there has been a lot of consultation. It is one thing to consult with people; it is another to take notice of what they say and to implement that as practical improvements in a bill.

Many certifiers have said to me that there are simply not enough of them to manage the increased workload of the mandatory inspections and that this could delay buildings and affect jobs and the New South Wales economy. Anyone who read the front page of Saturday's *Sydney Morning Herald*, which revealed that nine out of 10 new jobs in New South Wales in the past year were related to the construction industry, would take a comment like that very seriously and be very concerned. If there is any unreasonable delay in the construction of homes as a result of this Government's legislation, it will be its responsibility if people lose their jobs and if building firms put off employees because of delays imposed on them because the Government has created an impossible situation.

I am also told that there are concerns that the departmental audit process could potentially become another bureaucratic nightmare. The Government has recommended looking at the Victorian Building Commission, which is at arm's length from the Government and which has the power to accredit principal certifying authorities [PCAs] as well as to discipline them. This is not the structure contained in this bill. Of course, there are continuing concerns about the new tax and charges regime in the bill. I will detail some concerns from professional and industry bodies that I hope the Government will comment on, take on board, and make some commitments to address.

The Housing Industry Association has told me that it is concerned about some of the provisions that strengthen the link between development consent, and that the occupation certificate may unfairly prevent the private certifier from issuing an occupation certificate for matters beyond his or the builder's control. This will prevent final payment to the certifier, even though his duties have been fulfilled in accordance with the law. It will be common practice for councils to require, by way of development consent condition, all conditions of approval to be satisfied before the issuing of an occupation certificate. But these conditions often relate to site matters other than those relating to home building. For example, they could relate to landscaping or retaining walls or things that are completely unconnected with the quality of the building being constructed. Many of these things are often not completed prior to occupation. A retaining wall does not need to be in place to allow the home to be occupied.

The implication of this is that private certifiers can be hamstrung and out of pocket, and councils will incur an enforcement burden in preventing illegal occupations. Another possible outcome will be the increased issuance of interim occupation certificates by PCAs as finalisation of their inspection commitments. The Housing Industry Association [HIA] makes the suggestion that it would be fairer and more practical to include prescribed conditions in the regulation so that all players are aware of what conditions need to be satisfied prior to occupation. I hope the Minister takes on board that suggestion.

Another point of concern is that the bill prohibits reliance on self-certification by local councils under the Local Government Act and implies that a compliance certificate can or should be issued under the Environmental Planning and Assessment [EPA] Act for all construction matters. New clause 162A of the EPA regulations specifies that certain stages of construction—for example, the excavation and preparation stages, concrete pour stage, termite management stage, framing stages and wet area preparation stages—must be inspected at specified times and that a final inspection must occur prior to the issuing of an occupation certificate. We know about those requirements.

The issue here is that the legislation does not require a compliance certificate for construction matters, leaving it to the discretion of the PCA as to how they may be satisfied. The HIA says that the legislation is

confusing on this point and does not accord with the Minister's interpretation or explanation given to Parliament. The implication of this is that an overcautious PCA may require a compliance certificate to be issued for each critical stage of construction, more in order that the burden of liability may be shared proportionately with other certifiers. The HIA is concerned that if this becomes standard practice there may be a shortage of suitably qualified certifiers to fill this role, or that those who are qualified and willing to become accredited as certifiers under the EPA Act may not be able to obtain the necessary run-off insurance.

We all know that PCAs and other accredited certifiers are already experiencing a lot of difficulty with professional indemnity insurance. The HIA recommends that the legislation clarify whether a compliance certificate is required for all construction matters, as suggested by the former Minister. I note and acknowledge that one of the issues that the HIA presented was dealt with by the Government but the final issue it raised with me, which I seek the Minister's response to, is that the bill proposes to amend the Conveyancing Regulation to require that the sale of strata units and land and house packages may not proceed to settlement unless an occupation certificate has been issued for the building to which the lot relates or for the dwelling house to be erected on the lot.

As an occupation certificate is required prior to occupation and actual purchase settlement there should be no reason for the subdivision certificate not to be released. The early release of subdivision certificates for strata units will assist in speeding transactions once a project is finalised. The HIA is concerned that the application of the provision to land and house packages is unnecessary and is likely to complicate end-of-job sign-offs, particularly where certain conditions of approval might fall outside the scope of the building contract. The HIA recommends clarification that the provision will not prohibit the issue of a strata subdivision certificate ahead of the occupation certificate for a multiunit residential apartment. I look forward to the Minister's comments on those concerns.

The Master Builders Association has also raised a number of concerns, many of which are in line with issues already raised. It is concerned about additional costs that need to be passed on to the consumer. The bill allows for additional fees to be charged, and the new signage requirements will probably mean that a new sign will be needed for each site because the PCA may change. At this time when housing affordability is at an all-time low—that is, when the price of houses is at an all-time high—any additional cost is a problem.

The provision to allow additional fees is discretionary. The association is concerned that councils can subsidise their own certifiers and in some cases waive fees, but this will make it difficult for private certifiers to compete on a level playing field. The 48-hours notice minimum requirement prior to an inspection being carried out does not establish a minimum time in which the inspection has to be carried out. The MBA supports the introduction of critical stage inspections but says that the regulated inspections, in conjunction with any additional inspections as part of consent, will place demand on certifiers. The mandatory minimum 48-hours notice requirement raises the question of whether there are enough certifiers. This issue has been raised again and again by certifiers and by industry organisations. The issue could be of greater concern in country areas.

The MBA also is concerned about the lack of implementation of the establishment of the Building Professionals Board as recommended by the Campbell report. It should have been established prior to the introduction of the bill and not after it. This makes sense. If we are going to change the way in which certifiers are accredited we should get it right before we build the other bits around it. The association recommends that the board, rather than an auditor nominated by the department, should have the audit function. The association says that the requirement for the owner to nominate the PCA is meaningless when the majority of owners would leave it to the builder anyway. I suspect that that is probably, practically, the reality. The penalty for premature occupation without an occupation certificate may be insignificant to some consumers who occupy premises and refuse to pay the builder. A daily penalty may be more appropriate. Again, I look forward to the Minister's response to the issues raised by the Master Builders Association.

The Property Council has raised two important issues. It is concerned about the need for clarification on tying the occupation certificate to conditions of consent and also the number of mandatory inspections. It says that the commencement of final inspections must be carried out by the PCA but that other inspections may be carried out by the PCA or other certifying authority. As there are only about 45 PCAs in Sydney this will be impossible. Again we come to the issue of how many PCAs there are around to do this work. It is recommended that the draft laws be amended to say that the PCA must undertake the final inspection and that other inspections may be carried out by another certifier nominated by the PCA. Again, more practical problems are being identified by the Property Council. It is also concerned that some councils that are not supportive of private certification will require that all conditions of consent will need to be met.

This is a major problem because consents contain many conditions that are extraneous to the structural integrity of the building, such as retaining walls and external features. Ensuring compliance with all conditions will cause unreasonable delay. In multistorey buildings the upper floors may be staged. People may be able to safely occupy the lower floors of a multistorey building although the entire development consent has not yet been satisfied. Guidance needs to be given about what is a reasonable precondition for councils to require. Otherwise private certification in certain areas could be practically precluded and the viability of some major multistorey projects could be threatened.

The Institute of Strata Title Management has made some suggestions designed to strengthen the conflict of interest provisions, including the suggestion that the Minister should consider applying the Australian Taxation Office definition to private certifiers—that is, that anyone earning 80 per cent or more from one source is considered to be an employee and not an independent contractor. That would give greater certainty about the definition and could improve the strength of the conflict of interest provisions, which are long overdue.

Some private certifiers who have contacted me are concerned that there is insufficient technical expertise left in the Department of Infrastructure, Planning and Natural Resources and that many of the people who would normally deal with these issues have left the department. They stress the importance of the Building Professionals Board, which should be in place now. They also make the point about inspections not necessarily improving the quality of buildings. Australian Business Ltd would not object to provisions that address the conflict of interest issue; it supports measures to improve the situation. However, it is concerned about the prospect of new fees in respect of the lodging of a complying development certificate and part 4A certificates, as provided by schedule 1 [26]. Australian Business Ltd is concerned that these fees reflect actual costs and are not simply an opportunity for consent authorities to access extra revenue. I am interested in the Minister's comments on how that fee structure will be limited.

Another private certifier has expressed concerns about professional indemnity insurance, which we know is difficult for some professionals to obtain. The concern is that the 10-year liability period of accredited certifiers is excessive. The certifiers want specific competencies included in the accreditation of inspectors involved in wet area inspection, termite protection, and structural engineering, including formwork, steel laid in formwork, poured concrete, timber framing, and structural beams.

I acknowledge the views of the Local Government Association of New South Wales and the Shires Association of New South Wales outlined in their August 2003 submission to the Local Development Task Force. They are concerned that the terms of reference and consultation processes being employed in the review of the local development approval system are too narrow and sectional, and that the exclusion of reasonable local government input will not achieve outcomes benefiting the wider community. The associations oppose any form of third-party certification in building regulations and have passed a number of resolutions covering private certifiers in the certification process. I am sure the Minister is familiar with the submission, and I look forward to her comments on that issue.

The Opposition does not oppose the bill. However, honourable members on this side of the Chamber want assurances and guarantees about the important practical issues that have been raised by some of the leading industry organisations and representative bodies in this State. I look forward to increased confidence in the system. Most importantly, I want a guarantee about when the Building Professionals Board will be established, because that is fundamental to underpinning a better approach to the system.

Mr PAUL PEARCE (Coogee) [9.15 p.m.]: Having listened with interest to the previous speaker, I am surprised she said the Opposition would not oppose the bill, because she was critical about almost every part of it. I am pleased to support the Environmental Planning Assessment Amendment (Quality of Construction) Bill, which addresses many of the most important recommendations of the Joint Select Committee on the Quality of Buildings, known as the Campbell committee. The introduction of a regime of mandatory critical stage inspections for each class of building as defined by the Building Code of Australia is to be commended. Mandatory critical stage inspections will ensure that the principal certifying authority—the certifier—is on site at the commencement and completion of works and that the certifier or another certifying authority is on site at the critical stages that will be set out in the Environmental Planning and Assessment Regulation. This will address the concern raised by the Campbell committee that some certifiers never or rarely inspect works on sites for which they are responsible.

As mayor of Waverley I have witnessed numerous examples of private certifiers failing in their responsibilities under the legislation. This has led to frustration for objectors, neighbours, councils and, in some

instances, the applicants themselves. Many honourable members have received complaints about the behaviour of private certifiers. A private certifier at Waverley certified that certain structural works were fine, but shortly afterward we lost a significant portion of roadway into a hole. All too frequently we receive certification that the conditions of development consent are being complied with, accompanied by a section 96 application ratifying a breach of the consent. This bill will go some way to addressing those concerns and to emphasising that the certifier has a responsibility to carry out his or her public role.

The bill provides that certifiers will also be able to carry out other inspections if they are considered necessary for a particular development. The certifier will need to notify the person with the benefit of the consent about the required mandatory critical stage inspections, and whether any other inspections need to be carried out during the development. The person with the benefit of the development consent, if not carrying out a development as an owner-builder, will then have the responsibility of informing the head contractor—the person in charge of the development site—of the inspections that the certifier has determined will be required. During the course of the development, the owner-builder or head contractor will need to inform the certifier at least 48 hours before a inspection is required to be carried out on a site so that the certifier has enough time to arrange for the required inspection to be carried out.

A principal certifying authority will be required to keep records of inspections for at least 15 years. If another certifying authority carries out an inspection on behalf of a certifier, he or she must keep a record of the inspections and forward a copy to the certifier for the certifier's records. That is an entirely reasonable proposition. It is something that councils, in their role as certifiers, have had to do since the establishment of local government. A further benefit of requiring the certifier or any other certifying authority to be on site during certain critical stages is that any problems occurring on the site during the construction phase can be dealt with on the spot. The certifiers can inform the head contractor if anything is amiss and, if no agreement can be reached, the certifier already has the power under the Environmental Planning and Assessment Act to issue a notice of intention to serve an order. This is one area in which local government has a frustration with the system as it has operated to date: local government is frequently the recipient of the complaints from the neighbour, the resident, the objector or, in some instances, the whole street.

Councils are unable to act because it is a private certification job. That imposes an onus on the private certifier to carry out that role. It ensures that private certifiers act in the public interest. The bill specifies that the builder may not appoint a principal certifying authority unless the builder is also the landowner. That amendment addresses the concern expressed by the Campbell committee and many members of the public that conflicts of interest can exist between builders and certifiers. Coupled with the requirement for mandatory critical stage inspections is the requirement for a sign or signs to be placed on the development site showing the name and contact details of the certifier and the head contractor. This will address concerns that neighbours and the general public are not informed of who to contact if they have concerns about a particular development. This is a substantial improvement on the current situation.

It is my firm belief that the introduction of mandatory critical stage inspections and the clarification of the roles and responsibilities of the certifier, or the person with the benefit of the consent, the owner-builder and the head contractor, in relation to the inspections regime will have a tremendous, positive impact on improving the quality of buildings and in alleviating other problems that are being experienced on development sites. The bill is an important step in the reform of the development and building certification system in New South Wales. It illustrates the new priority given by the Government to this area by the formation of the new Department of Infrastructure, Planning and Natural Resources. I commend the Minister for taking this initiative in developing solutions in this area.

Mr STEVEN PRINGLE (Hawkesbury) [9.20 p.m.]: At last the Government is taking action on an issue that has been a serious problem for a long time—in fact, for some five years. This lack of action seems to be one of the hallmarks of this Government. It mucks around at the edges, instead of getting on with the job as needed. Because of the Government's inaction, residents and councils have been left holding the baby for years, and this has cost the community dearly. Under the current system there has been virtually no clear-cut accountability or responsibility, and residents and neighbours have often been left in limbo, not knowing who to contact or what to do when there is a problem. I am sure that most members of this House have had at least one constituent approach them to express that difficulty. In my case, it is many, many constituents. Often councils are made aware that a development is about to commence only when neighbours ring council alleging a breach of conditions. Some poor council officer says, "What's happening here? They don't know about it. There has been a breach of conditions." It takes a lot of effort for councils to resolve the problem. I hope the amendments proposed in the bill will ensure that the problem will not occur again.

[*Interruption*]

The Opposition does not oppose the bill; we simply oppose the detail in it. People's residential amenity must be protected. Protecting residential amenity, particularly the family home, is one of the most important things a State government can do. It is a major responsibility. I note that the Legislation Review Committee has sought clarification as to the likely commencement date of the bill's provisions. I hope the commencement date is soon, because the community cannot afford any further procrastination. I hope the bill is the precursor to a whole raft of planning reform initiatives to be introduced by the Government. I again call on the Government to stop mucking around with the infamous State environmental planning policy [SEPP] 5 and approve the requests for extensions that are already in the system. In my electorate, Baulkham Hills Shire Council submitted its request in May this year and Hornsby Shire Council submitted its request in April. The community needs to get a fair go in planning issues. The councils of my electorate have waited long enough for respite from SEPP 5, and I ask the Minister to take action on it. The Opposition does not oppose the bill, but we note that a number of aspects need clarification. The professional bodies are not altogether happy with the provisions of the bill and seek further consultation on it.

Mr MATTHEW MORRIS (Charlestown) [9.24 p.m.]: I am pleased to speak in support of the Environmental Planning and Assessment Amendment (Quality of Construction) Bill. I am also pleased that the Opposition will not oppose the bill, which is a smart move on its part. The bill addresses many of the most important recommendations of the Joint Select Committee on the Quality of Buildings, known as the Campbell committee, and it is a positive step in improving the legislative framework that supports the development and building certification system in New South Wales. It demonstrates the new priority of the Government in resolving perceived problems in this important area. I note that the bill makes two important amendments to the management of the building certification system under the Environmental Planning and Assessment Act 1979.

The bill clarifies who can appoint a principal certifying authority, or certifier, and it defines the role and responsibilities of the certifier. The certifier can be either a council or a private accredited certifier. The certifier is appointed to oversee the construction stage of the development and issue an occupation certificate at the completion of a building, or a subdivision certificate at the completion of subdivision work. Under the changes that the bill will make to the Environmental Planning and Assessment Act, the certifier will need to be appointed by the person with the benefit of the consent, not the builder. The only circumstance under which the builder can appoint the certifier is if the builder is also the owner of the land on which the development is to be carried out.

The certifier will be required to be satisfied that certain things have been done before the certifier can undertake certain actions. For example, the certifier will need to be satisfied that a development consent and construction certificate, or a complying development certificate, has been issued before work commences on a site; that the head contractor for the work holds the appropriate licence and insurance, or that the owner-builder is the holder of any owner-builder permit required by the Home Building Act 1989, before any residential building work is carried out on a site; that the building or subdivision work has been inspected on the occasions, if any, that are prescribed by the Environmental Planning and Assessment Regulation or otherwise required by the certifier, before issuing an occupation certificate or subdivision certificate; that if the certifier is going to rely on compliance certificates issued by another certifying authority, those certificates have been issued before an occupation certificate or subdivision certificate is issued; and that any preconditions to the occupation certificate or subdivision certificate that may be contained in the development consent have been met.

The certifier will need to notify the person with the benefit of the consent of any mandatory critical stage inspections and any other inspections that will need to be carried out during the course of a particular development. The certifier will be required to place a rigid, durable sign, showing his or her name and contact details. The penalty of up to $1,100 can be imposed if such a sign is not erected and maintained during the construction phase of a development. It is my firm belief that defining the role of the certifier will clarify the roles and responsibilities of the certifier, make it easier to identify who is in charge and accountable for a particular development, and alleviate other problems that are being experienced on development sites. The bill is an important step in the reform of the development and building certification system in New South Wales, and I commend the Minister for taking this initiative in developing solutions in this area.

We are all aware of horror stories regarding building construction and quality. If we think about some of those horror stories, it is clear that the real victim is the consumer who has, in good faith, entered into a contract with a builder to have a dwelling constructed or even placed a deposit on a unit. It is the consumer who bears the brunt of any inappropriateness on the part of the builder or design issues during construction. The bill places greater accountability on the building sector. Undoubtedly, it will ensure that buildings are well constructed. Most importantly, it will give consumers greater confidence that their purchases are constructed according to plan and in a sound manner. I commend the bill to the House.

Ms CLOVER MOORE (Bligh) [9.29 p.m.]: Private certification was introduced in the Environmental Planning and Assessment Amendment Bill 1997. I opposed that bill, as did the honourable member for Manly. We voted against it because of the obvious inherent conflict of interest. I am interested in the Environmental Planning and Assessment Amendment (Quality of Construction) Bill as the State representative of an inner-city electorate that is the focus of massive construction and urban consolidation. I want to restore the rights and protection of people living in high-density urban environments. It was a serious blow to the interests of consumers to give developers and contractors the option of getting building standards certification via agents selected by them and paid by them. It was a windfall for non-accountability.

Since 1997 private building certification has added to the litany of failures in public protection relating to development. Reports from constituents and in the media indicate that the public interest is being put at risk by the commercial pressure on private building certifiers to keep the person who pays their wages happy or lose work. Last year I made a submission to the Joint Select Committee on the Quality of Buildings and I gave quite a number of examples. I refer to one in particular: a constituent who is the owner-occupier of a new terrace house in Flinton Street, Paddington. The constituent reported:

> We have had to deal with an amazing array of defects and shortcomings but have been left with significant defects which the Builder/Developer refuses to acknowledge or discuss.
>
> There is significant noise transmission through common/party walls and in particular transmission of staircase noise from the adjacent terrace. A Garbage Storage Cupboard shown on the Certified Plans held at Woollahra council, has not been provided and entry to our Garage has been considerably narrowed so that access is limited and restricted … (On the Certified Plans the width of the garage opening is shown as 3.4m, whereas in the finished product the width has been narrowed to 2.58m.)
>
> I have raised these variations from the Certified Plans with Woollahra Council, but have been informed that as the building was certified by a private surveyor, that the Council has no responsibility for these shortcomings and can take no action. I have contacted the Surveyor in question who after a considerable delay replied that there "were no substantial variations from the Certified Plans" and that no further action will be taken.
>
> The situation is therefore very unsatisfactory - one is totally dependent on the integrity and expertise of the appointed surveyor whilst the Council appears to offer no protection to the purchaser/ratepayer claiming that State Government regulations have created the problem.

In reply to these residents Woollahra Council's Manager, Building and Compliance stated:

> Council has always disagreed with the 1998 reforms which have permitted developers to pay private Accredited Certifiers to issue CC (building approvals) and to inspect their building work. In simple terms we have always held the fear that Accredited Certifiers would not bite the hand that feeds them, that is, that Accredited Certifiers would not act in the public interest but would act in the interests of the developer who pays them.

The extent to which private certification is responsible for the spate of reported lapses and faults in building construction standards cannot be established or proved, but there is a public perception issue with the current system of private accreditation which must be addressed. Justice must not only be done, it must be seen to be done. Related to the often-reported problem of residents moving into poorly constructed homes is the impact of poor construction practices on surrounding residences. A constituent in Paddington Street, Paddington, recently described the problem:

> Right now, my house is suffering damage from the rebuilding of the terrace house next door by a developer who has a compliant certifier. In order to safeguard the house, I have had to engage solicitors, engineers and a certifier of my own, all at considerable cost, to fight the builder over damage and non-compliance of so many development conditions. I count myself fortunate in being able to afford to do so, but I deplore the present legislation that has brought this about. I hope some redress can be made to restore the checks and balances between builders and local government.

They are a couple of the examples that I gave in my submission last year to the Joint Select Committee on the Quality of Buildings.

Currently responsibility is difficult to establish in a climate of diversified certifications, and consumers face a virtual "honour system" for work quality and standards. The bill will provide some improved co-ordination, communication, accountability, oversight and enforcement for a system that should not exist. To that extent, it will provide some benefit and I will not oppose it. I particularly welcome the provision that a builder may not appoint the principal certifying authority unless the builder is also the landowner. However, I remain concerned that major developers who are also the landowners will continue to effectively control private certifiers and operate in their own vested financial interest, rather than the public interest. Of course, it is the public interest that we as a Parliament are meant to be upholding and that the Government is meant to be defending.

The bulk of new buildings in the inner-city are multistorey apartment blocks built by speculators who have a vested interest in reducing their costs and increasing their returns. This bill does nothing to provide guarantees to consumers buying into these apartment blocks that the private certifiers have acted in the public interest, not in the interests of the developers who pay their fees. It is not hard to imagine in whose interests they act. Despite the fundamental conflict of interest in the system and the serious problems identified in last year's inquiry into building quality, private certifiers, rather than public officials, will sign off on new buildings. That is a shocking state of affairs. This bill will not change that. I believe that this is yet another serious example of this Government abrogating its responsibility to the community and in this case in favour of the development lobby. This is yet another instance of poorly thought out legislation coming back to the Parliament for another tweak and fiddle amongst a raft of rushed legislation before the Christmas break.

Mrs JUDY HOPWOOD (Hornsby) [9.36 p.m.]: I speak on behalf of the Opposition to the Environmental Planning and Assessment Amendment (Quality of Construction) Bill. The objects of this bill are to amend the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 with respect to the following matters:

(i) functions of certifying authorities,

(ii) investigation of certifying authorities,

(iii) improper influence with respect to the conduct of certifying authorities,

(iv) the appointment and functions of principal contractors,

(v) construction certificates,

(vi) occupation certificates,

(vii) conditions of development consents and complying development certificates.

I was a member of the Joint Select Committee on the Quality of Buildings, which was established early last year and conducted hearings over four months. I took part in that committee with great interest. I certainly learned a great deal about building along the way. The committee's terms of reference were:

(1) (a) The Committee inquire generally into the quality of buildings in NSW to determine whether there are enough checks and balances existing to ensure consumers are guaranteed that their new homes are safe, properly certified and built to satisfactory standards.

(b) The Committee inquire into and report on the certification process created under the Environmental Planning and Assessment Act 1979 and in operation since July 1998, including, but not limited to:

(i) What changes if any, need to be made to tighten the certification process;

(ii) What sort of qualifications experience and conduct is expected of the people who certify buildings and how should their certification be monitored; and

(iii) Whether there is enough regulatory power in the certification system to deal with buildings that do not comply with the approval codes and standards.

(c) The Committee shall also inquire into:

(i) The adequacy of disciplinary procedures available in the certification process;

(ii) The adequacy of current minimum building standards, particularly in regard to waterproofing, thermal and noise insulation in meeting environmental and cost performance expectations in the community; and

(iii) The extent to which matters such as inappropriate building standards and shortfalls in the current certification system have resulted in increased pressures on the Home Warranty Insurance Scheme.

(d) The Committee inquire into and report on the builders' licensing scheme as established under the Home Building Act 1989, including, but not limited to:

(i) The qualifications, experience and conduct required for the licensing of the people who build our residential buildings;

(ii) The adequacy of the checks and balances in the builders' licensing scheme; and

(iii) The role of the Department of Fair Trading and the Consumer, Trader and Tenancy Tribunal in dispute resolution under the Act.

The inquiry into the quality of buildings was conducted against the background that home owners, individuals and groups from all sectors of the building industry had expressed concern about the state of home building in New South Wales. The complaints came from a variety of sources and indicated that the system is inefficient, uncoordinated and had resulted in hardships for homebuyers as well as for home building practitioners. The report and executive summary states that homes provide the environment for financial, physical and psychological security and development. A home is one of the most, if not the most, expensive purchases a person or family will make.

The report of the inquiry made 55 recommendations. The Joint Select Committee on the Quality of Buildings conducted a thorough investigation, received numerous submissions, held many public hearings and had various site inspections. I was terribly shocked by the situations in which many people found themselves, people who had trusted the builder and certifier. Some people had problems due to construction next-door, some homes had huge cracks because of holes that had been dug next-door for future building, while others had to put up with permanent mould behind all their furniture. One case that stays in my mind is that of a woman who purchased a new unit in the Glebe area. A bucket was permanently placed in her lounge room because of a hole in her ceiling. Every time it rained, water seeped into her ceiling, then into the bucket, causing considerable damage. Her life was totally disrupted by this poor workmanship, but she was unable to seek any redress with respect to identifying the person responsible for the damage.

The 55 recommendations of the committee provided advice to the Government on action it could take. The honourable member for Keira, the current Minister for Regional Development, was an enthusiastic and active participant as Chair of the committee. He must be disappointed that many of the recommendations have not been implemented. The Building Legislation Amendment (Quality of Construction) Act 2002 addressed some of those recommendations, but not all sections of the Act have been commenced. This bill seeks to amend the Act to address those matters. The Joint Select Committee on the Quality of Buildings recommended that new home purchasers be better informed about their rights. It strongly urged the State Government to aggressively find and drive out of the construction industry any shoddy builders, rather than simply cautioning them. The committee sought to improve building and inspection standards, and dispute resolution. It regarded the purchase of a home as one of the most important things a family would ever undertake. The report proposed greater regulation of the home building industry without the red tape that could strangle this vital industry.

The committee also made a number of other strong recommendations, which I will refer to in a moment. The main provision of the Building Legislation Amendment (Quality of Construction) Act 2002 established the new dispute resolution process through the Office of Fair Trading. Another provision is the prevention of vendors completing contract settlement for the purchase of strata or Torrens titles, including future construction of a dwelling house until an occupation certificate is available from the buyer; the power of principal certifying authorities [PCAs] to enter land on which they have been appointed to oversee; a new penalty of $1,500 for failing to abide by council orders to comply with the development consent; a fine of $600 for certifiers who do not lodge copies of certificates with council; and a cumulative penalty regime for fire safety infringements.

The new provisions are as follows: new penalties for improper influence of certifiers; a new power for the Department of Infrastructure, Planning and Natural Resources to audit councils and private certifiers; better definition of rules and responsibilities between the consent authorities, councils, head contractors and certifiers; the person who owns the development application rather than the builder appoints the certifier; signs naming the PCA to be placed on the site; mandatory critical stage inspections for each class of building at more stages; the head contractors or owner-builder encouraged to give 48 hours notice of inspection to ensure the inspection takes place at the right time; accreditation bodies to have the power to place conditions on the certifier licence; complaints allowed against certifiers whose accreditation has lapsed; and regulations to authorise the consent authority or council to impose a fee for a part 4A compliance certificate.

Although the provisions related to the Home Building Advisory and Advocacy Service had not commenced, I notice that the Office of Fair Trading has established the Home Building Service to take responsibility for the licensing and regulation of builders and tradespeople in the home building industry and specialist contractors against all industries. Although the Opposition does not oppose the bill, it has certain concerns. The bill does not include any guarantee that the long overdue Builders Professional Board will be established to accredit certifiers. At present three bodies undertake that role—the Professional Certifiers Occupational Association of New South Wales, the Planning Institute of Australia and the Institute of Engineers Australia. Another concern is the potential for an added cost to the building of a home because of the need for more inspections, even though those inspections may not necessarily improve the quality of buildings—a critical factor—but, rather, involve the ticking of more boxes.

Members who have been approached by constituents with concerns about poor building work and members on the Joint Select Committee on the Quality of Buildings who have seen shoddy work first-hand will be greatly concerned. The Government must ensure that future efforts are made to further tighten the provisions of the bill. The Building Professionals Board would be the appropriate vehicle to accredit and audit certifiers. I reiterate some of the comments made with respect to third parties. For example, the Master Builders Association is concerned that the additional cost will be passed on to the consumer. It has also stated that the bill provides for additional fees to be charged and that new signage requirements will probably mean a new sign for each site because PCAs may change. Any cost is an issue of concern when affordability is at a 12-year high. The Property Council of Australia raised two matters requiring clarification. The first relates to tying the occupation certificate to conditions of consent and the second relates to the number of mandatory inspections by PCAs. The Housing Industry of Australia was concerned that the proposed clauses may unfairly prevent the private certifier from issuing an occupation certificate for matters beyond his or the builder's control.

Recently in my office I was visited by the owners of neighbouring homes in a street in Normanhurst who were having trouble with a construction being undertaken. These people had complained to council, which had limited ability to intervene to correct matters and could not contact the private certifier involved. This bill needs to go a lot further to address the concerns of these people in relation to damage to their property from the demolition and earthworks taking place on a property being constructed and the building of a retaining wall, which looked ugly and was suspect in terms of engineering. In conclusion, I restate that although the Opposition will not oppose this bill, we have significant concerns about its implementation which need to be addressed. The legislation needs to be put into action as soon as possible.

Mr DAVID BARR (Manly) [9.50 p.m.]: The Government will be relieved to know that I am not opposing this legislation. However, that does not mean that I am happy with the circumstances which have necessitated its introduction. The whole notion of private certifiers is the wrong way to go. I believe it stems from national competition policy and ideas of the purity of the marketplace. When consumers purchase a new house off the plan they are not interested in spurious notions or the purity of the marketplace; they want to know that it has gone through due process with a properly authorised and authenticated outfit called the council, which looks after these things and gives them some peace of mind. I have not been happy with the private certification process all along, and I am still not happy with it. In that regard, I simply point out that the Environmental Professionals Association said:

> 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 doesn't pay them …
>
> 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.

That is a fundamental issue inherent in all of this, and that is why fundamentally I am opposed to the idea of private certifiers. This bill will improve the situation. Other speakers have referred to mandatory critical stage inspections, which are important. Under this bill, the person with the benefit of the development consent and not the builder must appoint the certifying authority, and private certifiers and councils will be audited to create a more level playing field. We have heard that many times.

Only a couple of weeks ago I made a private member's statement about a property that was bought off the plan by a couple in Dee Why. I have written to the Minister for Infrastructure and Planning and the Minister for Fair Trading about this matter, which is being investigated by the Office of Fair Trading. That matter did not involve a private certifier, as I originally informed the House; it was certified by council. I referred the matter to the Warringah Council ombudsman—that post was created as a result of all the problems with Warringah Council in relation to development applications—who investigated and wrote back to me. He said that in essence the council officers had discharged their responsibilities in the way they were supposed to but the issue is that there is a form of self-certification for plumbers, electricians and so on, who do smaller jobs. These people inform council of what they have done and basically council takes their word for it. That is what tends to happen.

The outcome for the Marinans, who own this properly bought off the plan, is that they have a non-habitable dwelling; they cannot rent it out because of serious leakage problems. The issue is whether the developer, the builder or someone else is responsible for that. It is being investigated so I will not prejudge that. I hope the Marinans' problem will be rectified. However, that points to two big flaws in the whole system of giving protection to consumers. Buying off the plan is serious because the developer becomes the body corporate for the period—it could be 18 months or a couple of years—in which the consumer must bring a

notice of any faults in the building. So under the terms of the contract there may not be adequate time for the consumer to put in a claim. That is a serious problem.

Often the developer appoints the managing agent, which can also cause problems. In other words, I do not believe there is adequate protection for people who buy off the plan. There are some classical seriously bad examples of that, and the Marinans at 5 Delmar Parade in Dee Why is one such example. Some time ago I spoke with WorkCover representatives who had been on a site at Manly and issued 18 spot fines of $500 each. Their comment to me was that their job was to protect the people working on the site, where the workmanship was incredibly shoddy. Council is interested in whether the building complies with the conditions of consent and other Australian building codes—whether the balconies are in the right place and so on—and WorkCover is interested in the safety of those on the site. No-one was looking at the quality of the workmanship, such as how brick was placed upon brick.

At the time I mentioned to the then Minister for Fair Trading my concern about the quality issue. There still seems to be a huge gap, and I simply mention to the Minister Assisting The Minister for Infrastructure and Planning (Planning Administration) the issue that the Marinans had to face. The council apparently discharged its obligations, yet the Marinans have been left with a unit they cannot inhabit. So there are still serious flaws in the system. I will not oppose this bill. I welcome it, because it will improve the situation. I believe that the whole system is fundamentally and philosophically flawed. I do not agree that we should have private certifiers, but at least this legislation represents a tightening up of the system. However, I do not believe we have seen the last of the legislation.

Mr DARYL MAGUIRE (Wagga Wagga) [9.56 p.m.]: I will make a brief contribution to this debate. I have several questions for the Minister about this bill. Honourable members have welcomed initiatives to tighten up the industry and the certification of builders. While we all realise that the purchase of a private dwelling or a unit is one of the largest financial commitments we will all make, as purchasers we want a guarantee that the building or dwelling is constructed to the best standards. I have read the bill with interest. The Legislation Review Committee's report entitled "Legislation Review Digest No 6 of 2003" makes some interesting comments, to which I would like the Minister to respond.

First, the committee noted that the bill requires records of inspections to be kept by the principal certifying authority for at least 15 years. Traditionally, records are kept for seven years. What is the particular reason for wanting to hold these records for 15 years, when all home warranty insurances, et cetera, have a much shorter span of coverage? The committee also noted that the bill requires certifying authorities to inspect buildings at certain critical stages of construction. Have the Minister and the department conducted an analysis of the additional costs, particularly for buildings in rural and regional areas? As honourable members know, in regional and rural Australia the distances are great, and getting a certifier to travel those distances will incur greater cost. Do the Minister and the department have actuarial costings on what this will add to the construction phase of a new building, dwelling or house? It is important to consider that.

When one remembers the raft of legislation that has been put forward to try to manage quality and standards in the building industry, those things all cost money. I give the example of home owners warranty, which has been raised many times in this place, particularly by me. There are constant complaints that the system is still flawed, but home owners warranty is an additional cost. If the cost of the building is $251,000, the home owners warranty is paid up to $270,000 or $300,000. Some homeowners are paying more when the building is only $1,000 over the $250,000 limit. It is costing more, and that is the result of flawed legislation. I point to the section of the Legislation Review Digest No. 6 headed "Clause 32 - Trespass on individual rights – Retrospectivity". It reads as follows:

> 16. A number of amendments to the EPA made by the Bill apply retrospectively.
>
> 17. The Committee will always be concerned with any retrospective effect of legislation that impacts on personal rights.
>
> …
>
> 19. The reasons for applying this provision retrospectively and the implications of doing so are run clear to the Committee. For this reason the Committee has resolved to write to the Minister seeking clarification.

I ask the Minister in her reply to explain to the House the reason for that. I now refer to paragraph 30, which refers to the right to silence and professional confidentiality. It reads:

> 30. New section 118R provides that a Departmental auditor (appointed by the Director-General under new section 118Q) may direct "a person" …

(a) appear personally before the Departmental auditor at a time and place specified in the direction;
(b) give evidence (including evidence on oath);
(c) produce any document that is in that person's custody or under that person's control …
(d) grant such authorities as may be necessary to enable the auditor to gain access to any document that is in the custody or under the control of any other person.

The digest goes on:

31. A person to whom such a direction is given must not fail to comply with that direction.

32. This provision raises concerns about the privilege against self-incrimination where the person directed is the accredited certifier under investigation. It also raises concerns about the confidentiality of communications between certain professionals and their clients (eg, where the person subject to a direction is a lawyer acting for the accredited certifier).

33. The common law of Australia jealously protects the privilege against self-incrimination …

That originated as a means of protecting suspects from torture and oppressive interrogation but is now recognised as a basic human right protecting personal freedom and human dignity. That is a point members should be concerned about. Similar legislation was introduced to this House only this week and enormous concern was shown by the legal eagles, who are much more skilled than I in this area, about the implications of it.

The Government, in its report, said it would create a Building Professionals Board [BPB] to take over the role of accrediting certifiers who are currently accredited under four separate schemes. In the back of the report there is mention of the ABCB. I am sure the Minister is well aware that the ABCB is the Australian Building Codes Board. I take it that it has made a submission or been consulted. It is a joint initiative of all levels of the Australian Government in co-operation with the building industry. The board was established by means of an intergovernmental agreement signed on 1 March 1994 by the Commonwealth, State and Territory Ministers responsible for building regulatory matters. The ABCB is responsible for developing and managing a nationally uniform approach to technical and building requirements currently embodied in the Building Code of Australia [BCA], developing a simpler and more efficient building regulatory system and enabling the building industry to adopt new and innovative construction technologies and practices.

The ABCB was created as an acknowledgement that reform of the building regulatory system was necessary to effect extensive savings to the community, industry and all tiers of government. This enhanced reform process required strong senior commitment from industry and government and a greater level of resourcing than already existed. Effective reform required an open and accountable process. The ABCB's mission was to meet community expectations of safety, health and amenity in design construction and use for buildings through nationally consistent, efficient and cost-effective technical building requirements and regulatory systems.

The information I gained from the Parliamentary Library today states a raft of reform objectives by the ABCB. It is clear from this mantra that it has a goal, which is to improve building standards throughout Australia. I bring to the attention of the Minister—and I raised it when debating the issue of home warranty insurance—that there are two differing pieces of legislation, one of which relates to home owners warranty insurance and the other is this bill, which is attempting to improve the standards of building codes, et cetera. In previous debates I have said that the links between the Government pursuing better standards for builders and encouraging them to excel in their trades are virtually non-existent. There is a tendency to prosecute builders or to have a fight in a tribunal but not to encourage builders and the building industry to excel.

Where has the ABCB been interviewed? Where has it participated in this regulatory review and what information has it put forward that can be used by the powers-that-be within the State who monitor the construction standards and the skills of those builders? How are the skills that are being taught to builders through TAFE and through apprenticeship schemes being constructively managed to improve the quality of builders? It appears that we close the gate after the horse has bolted when a fault is identified, instead of encouraging and checking those buildings to a greater degree when they are being constructed. It is too late once it has been identified and the building is half falling down, and it is then far more costly. What does the Government propose to do?

Ms Diane Beamer: Mandatory inspections.

Mr DARYL MAGUIRE: The proposed mandatory inspections—and this has been the real question with this bill—have not been of a reasonable standard, or it is implied that some of these inspectors do not have

the skill they need to carry out this work. What is the Government doing to encourage the builders and the apprentices in New South Wales to apply their skills and increase their knowledge to build better homes, and to encourage them to excel in their trades so we get a better quality of building, instead of using heavy-handed fiscal policy to fine them and beat them out of business?

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [10.08 p.m.]: I thank the honourable members representing the electorates of Southern Highlands, Coogee, Hawkesbury, Charlestown, Bligh, Hornsby, Manly and Wagga Wagga for their contributions to the debate. I am pleased that so many of them were so enthusiastic about the bill. I am pleased also that each and every one of them supported this legislation and have not foreshadowed any amendments to it. As I said during the second reading speech, the reforms proposed in this bill reflect the recommendations of the Campbell committee, which acknowledged that certifiers, either private or council, were not doing their jobs in some areas.

Over 100,000 development applications go through the system each year. Most are dealt with well but some are not, and it is such cases that we are seeking to redress. The New South Wales Government has responded to the Campbell committee's recommendation by introducing measures designed to improve the quality of buildings, particularly residential buildings, and the accountability of people who build and certify them. These measures are designed to deliver better assurance of building standards and quality to home owners. The Environmental Planning and Assessment Amendment (Quality of Construction) Bill 2003 will carry over provisions of the Building Legislation Amendment (Quality of Construction) Act with some changes and introduce new provisions.

I do not intend to deal with all the provisions of the bill; they were adequately covered in the second reading speech. Concerns were expressed about consultation. In my second reading speech I mentioned the consultation carried out throughout the State. The Department of Infrastructure, Planning and Natural Resources held 14 forums with stakeholders, who included council certifiers and accreditation boards. The consultation carried out was adequate. The honourable member for Southern Highlands asked for an assurance about the Building Professionals Board. I refer to my second reading speech, where I said:

> DIPNR is also developing proposals to implement other actions to address the recommendations of the Campbell inquiry. These recommendations include the establishment of a Building Professionals Board (the BPB) to take over the role of accrediting and auditing certifiers who are currently accredited under four separate schemes administered by the relevant professional associations. It is anticipated that the BPB will be in existence to undertake some administrative functions from 1 January 2004.

The shadow Minister expressed valid concerns about the upper stories in strata developments. The industry has also raised these concerns with me. I will take those concerns on board. In relation to the strain on certifiers who carry out final inspections, a new and stricter regime in relation to inspections can be achieved without weakening the provisions. The speech of the honourable member for Southern Highlands highlighted the case in which a certifier's accreditation had lapsed. He was claimed to be a certifier when he was not and certified a number of buildings. The bill will allow the department to pursue people whose accreditation has lapsed if they continue to certify or if their work has not been carried out properly. I hope that sets out the position clearly enough for the honourable member. I will not take up any more of the time of the House. I am pleased that the bill has bipartisan support and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILLS RETURNED

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

City Tattersall's Club Amendment Bill
Duties Amendment (Land Rich) Bill
State Revenue Legislation Further Amendment Bill

The following bill was returned from the Legislative Council with amendments:

Child Protection Legislation Amendment Bill

Consideration of amendments deferred.

TRANSPORT ADMINISTRATION AMENDMENT (RAIL AGENCIES) BILL

Second Reading

Debate resumed from 12 November.

Mr PETER DEBNAM (Vaucluse) [10.16 p.m.]: I indicate at the outset that the Opposition will not oppose the bill. The bill establishes RailCorp, which integrates State Rail and the metropolitan functions of the Rail Infrastructure Corporation [RIC] into one statutory State-owned corporation. RailCorp will operate railway passenger services currently operated by the State Rail Authority [SRA] and carry out all infrastructure ownership, maintenance and access functions in the greater metropolitan region. The objects of the bill are:

> (a) to constitute Rail Corporation New South Wales (RailCorp), a statutory State owned corporation, and to confer on it the rail passenger functions and other transport-related functions of the State Rail Authority (the SRA),
>
> (b) to vest State rail infrastructure facilities situated within the metropolitan rail area in RailCorp instead of Rail Infrastructure Corporation (RIC) (which currently owns all State rail infrastructure facilities), leaving RIC with ownership of those facilities within the country rail area,
>
> (c) to constitute Transport Infrastructure Development Corporation (TIDC), a statutory State owned corporation, and to confer on it functions relating to the development of major highway and other major transport projects,
>
> (d) to provide for the continuation of the State Rail Authority to exercise functions relating to its residual assets, rights and liabilities and for the dissolution of the authority at a later time,
>
> (e) to provide for the dissolution of RIC at a later time, and other purposes.

The bill continues the implementation of the recommendations from the Glenbrook inquiry with the objective of achieving greater accountability in the rail network. My colleague the Hon. Michael Gallacher, the shadow Minister for Transport Services, will deal with this bill in detail in the other place. This evening I wish to raise a number of brief points about the technical nature of the bill and a number of points relating to the complete mess that rail is in in New South Wales as a result of the acts and omissions of the Carr Government. I refer to Legislation Review Committee's Legislation Review Digest No. 6 of 2003 dated 18 November 2003. The committee has dissected this bill. Page 52 of the digest states:

> 23. The Committee notes that the proposed subsections in 11 (6) and 18F (6) enable RailCorp and TIDC to undertake works in excess of $1,000,000 without reference to the Legislative Assembly or the Public Works Committee and without the passing of a Bill to sanction the work as required by Part 3 of the Public Works Act 1912.
>
> 24. The Committee refers to the Parliament the question of whether these provisions inappropriately delegate legislative powers or insufficiently subject their exercise to Parliamentary scrutiny.

This is a worthwhile point. I congratulate the committee on digging that out of the bill with its detailed scrutiny, which had to be done in a short time. The Minister might like to comment on the appropriateness of those provisions. We will consider his reply in the other place. Point 34 states:

> The Committee considers that the power to remove the Chief Executive Officers of RailCorp and TIDC contained within proposed s 14(3) and s 181(3) respectively makes the rights of those chief executive officers dependent upon non-reviewable decisions.

The Minister may like to comment on those issues in his reply. Again it reflects the political nature of the New South Wales public sector under the Carr Government. Senior officers are hired and fired at the whim of the Minister of the day and the Premier, who obviously pursues political objectives. The committee's report states:

> 40. The Committee considers that setting a limit of $50,000 to compensation payable in respect of fire damage in proposed s 92 of the *Transport Administration Act 1988* constitutes a trespass on the personal right to seek adequate compensation for loss due to the negligence of a rail authority.
>
> 41. The Committee has written to the Minister for Transport Services seeking his advice as to the reasons for this limitation on compensation payable.
>
> 42. The Committee refers to Parliament the question of whether the limitation of compensation trespasses unduly on personal rights.

Given that the committee has already written to the Minister for Transport Services, I assume he will be able to respond to those points. I share the committee's concern. Given the state of the State Rail Authority one would

not be surprised to see someone suffer a loss due to neglect, and $50,000 may well be completely inadequate. The report also states:

> 49. The Committee notes that the power to search vehicles and seize property without a warrant in proposed section 94 of the *Transport Administration Act 1988* is a significant trespass on rights to privacy and property.
>
> 50. The Committee further notes that this power can only be exercised by a designated class of officers authorised in writing and is limited to land under the control of a State rail operator used for the receipt, dispatch or delivery of luggage or freight.
>
> 51. The Committee refers to the Parliament whether, having regard to the aims of this section, this power to search vehicles and seize property without a warrant unduly trespasses on personal rights.

It is obviously a serious point to be discussed. Given that the committee has highlighted that concern, I am sure the Minister has considered it and he may like to comment on it in his reply. To understand this bill one must acknowledge that the Carr Government is introducing legislation annually to clean up the mess that is the rail system in New South Wales—and, indeed, the public transport system generally. I have made the comment a number of times that it is not only the rail system that is in dire straits.

Leading up to the election earlier this year the State Transit Authority was generally acknowledged to be a financial basket case. We are seeing the results of that now with severe cutbacks proposed in bus services, and ferry services are also being targeted. Ferry services have been suspended already in my electorate. A bureaucratic argument has been mounted about the nature of the wharf at Double Bay that has led to ferry services being suspended for some time. No doubt that relates to the ferry service cutback strategy.

We have seen one change after another in the rail system. A series of Ministers have had the Rail portfolio over the past eight years. In November 1997 the Hon. Carl Scully took over from the Hon. Brian Langton as Minister for Transport. In November 1998 he launched the notorious Action for Transport 2010 document, which was stillborn. It was a disgraceful document released for the 1999 election campaign, but honourable members opposite got away with it for four months until after the election. Prior to March 1999 the Hon. Carl Scully excelled in public transport when he opened a short section of the Liverpool to Parramatta transit way, which is now a $300 million bus service for his electorate. The Glenbrook tragedy, in which seven people were killed, occurred in December 1999. Many of the provisions in this bill flow from Justice McInerney's investigation into, and recommendations following, that tragedy.

In early 2000 there was an absurd situation about three months before the Olympic Games when the Government and the community realised that the rail system was not up to the job. Ron Christie was called in urgently as co-ordinator general to save the day. He was given extraordinary powers to pull the system together. The only thing that got us through the Olympic Games was the application of enormous resources to manage the system and to prepare for any breakdowns. Services were substantially cut back leading up to the Olympics just to get us through. Ron Christie got us through, not the Minister.

In May 2001 another example of incompetence was the Bondi rail link being axed. The damning Christie report, which was an overview of the New South Wales rail system, was leaked to the *Sydney Morning Herald* in February 2002. I have no doubt it was leaked by the Premier's Department to undermine the Hon. Carl Scully. In April 2002 the Minister was forced into a very embarrassing backdown when he had to admit that the new CityRail timetable could not be implemented. His excuse was that he did not have enough train drivers. Curiously, he did not know until a few weeks before the new timetable was to be implemented that he did not have enough drivers.

The Parliamentary Secretary seems to be curious about my reasons for making these points. I am highlighting the fact that Minister Costa inherited a rail system in a very sorry state. It was an organisational disaster that was prone to breakdown. It had an entrenched culture of cover-up. A public transport system, which obviously involves public safety, with a culture of cover-up suggests a very dangerous situation. In May and June 2002 extensive cracking was discovered across the track network. At first the Government denied it and lied to the journalist who was chasing the story. It then admitted the extent of the problem and said it had been fixed, but that was not true. The safety issues and the cover-up were so serious that the Opposition moved a motion of no confidence in the Hon. Carl Scully on 27 June 2002. I well remember that debate. It related not only to safety in the rail network but also to the Government's culture of cover-up.

Two weeks after that motion of no confidence there was the extraordinary derailment and crash at Hexham. I visited the crash site, as did the Minister. Everyone would agree that it was pure luck that no-one was

killed when those carriages collided and jumped off the tracks. Shortly after that, as a result of the fallout from the disaster, we discovered that the Government had not fitted compatible radios in all trains. That was one of the key recommendations of the Glenbrook investigation. It was only because of that crash that we found out about it.

The Bargo derailment and train crash occurred on 1 August. The Government tried to cover-up the incident and denied media access to the site. It then tried to downplay the incident. It was again a matter of luck that no-one was killed or injured. A few weeks later another derailment occurred at Bargo. A short time after that, derailments occurred at Matakana, Galong and Cockle Creek. In each case it was simply a matter of luck that no-one was killed.

But the system was building up for a major problem. Having taken over the transport portfolio in April 2002, in talking to people they would say to me, "We're waiting for the big one." I well remember saying to them throughout the year, "What do you mean?" They said, "The system is under such stress, there are so many problems in the transport system and the rail system, there is so much cover-up of all the problems, and we are simply waiting for the big train accident." The large disaster that the rail system was building up to last year occurred on 31 January 2003 with the Waterfall tragedy, in which seven people were killed.

After that we saw a continuation of the cover-up. I well remember that a few weeks after the Waterfall tragedy the Leader of the Opposition and I had to force out the information that the train involved in the accident had had a problem with engine surging, a matter the Government sought to deny for a few weeks after the tragedy. We managed to obtain that information just prior to Justice McInerney commencing his inquiry. During the post-election period we saw the full extent of the cover-up of the problems with the Millennium train project and the extraordinary cost of an additional $100 million that taxpayers had to fork out to cover up the mismanagement of that project.

Thankfully, after the election the Hon. Carl Scully was sacked as Minister for Transport, which was appropriate, given his speech in May 1995, the first speech he delivered as a Minister, in which he pointed out that the Government was focusing on ministerial accountability. It may have taken eight years, but it finally got back to him, and he was sacked as Minister for Transport. Michael Costa came in as the new Minister for Transport Services—camera, lights, action—pretending to be doing something. I think all he has done is simply pick up all my press releases over the last year and implement them.

Mr Thomas George: He gave a job to the cardigan man.

Mr PETER DEBNAM: He certainly did give a job to Barrie Unsworth, and we are still trying to find out how much he is paying him for the various jobs he is doing. Post-election, Michael Costa said to the people of Parramatta, "You're not important," and he got rid of that half of the Parramatta to Epping transport project that had been alive for so many years.

The common theme in this bill, and all the other bills in relation to transport that are moved every year, is Bob Carr. The Minister who is in the chair on the day is not all that important. What is important is that Bob Carr runs the Government and he has entrenched a culture of incompetence and cover-up. That is what we have seen time and again. This bill further implements recommendations from Glenbrook. The Glenbrook tragedy highlighted the fact that the organisation of rail in New South Wales was a disaster under various Ministers in the Carr Government. This bill puts in place a further organisational change. We are yet to see whether this latest change will achieve any progress for the people of New South Wales.

Mr STEVEN PRINGLE (Hawkesbury) [10.33 p.m.]: I am conscious of the time, so my contribution will be brief. Like the shadow Minister, I am conscious of the number of changes to rail management over the last 30 years: the New South Wales Government Railways, the Public Transport Commission, the State Rail Authority, the Rail Access Corporation, the Rail Infrastructure Corporation, et cetera. The list goes on and on. I am particularly interested in the bill's establishment of the Transport Infrastructure Development Corporation [TIDC] under proposed section 18B (1). The principal objectives of the TIDC are to develop major railway systems and other major transport projects. The first projects the corporation can get its teeth into are the north-west rail link and the Epping to Parramatta railway line.

We have had enough reports and studies into those projects, and we do not want them sent off to yet another committee. The routes have been generally agreed to, and local government and transport lobby groups support the projects. With the creation of this new body, the Government should get stuck into completing those

projects as quickly as possible. The Minister for Infrastructure and Planning recently announced his "back to the suburban block in north-west Sydney" project. If that is to happen, adequate transport links need to be provided as quickly as possible. I ask the Government, with its new body, to ensure that construction of the north-west rail link is commenced as quickly as possible because at least 162,000 people need it.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [10.35 p.m.], in reply: I thank the Opposition for its support for the bill, which gives backing to the Government's commitment to improve the safety, reliability and cleanliness of the New South Wales rail industry. The bill provides the legislative framework for the merger of the State Rail Authority of New South Wales and the metropolitan arm of the Rail Infrastructure Corporation on 1 January 2004. It establishes a clear, singular line of accountability for the metropolitan rail network. In this regard the bill should be read in conjunction with other significant reforms in the industry, such as the establishment of the Independent Transport Safety and Reliability Regulator, whose legislation was passed last week.

The new entity, to be known as RailCorp NSW, will be a non-dividend paying statutory State-owned corporation. Measures have been included in the bill to reflect the special non-dividend paying status of the corporation, such as a new format for the statement of corporate intent, incorporating performance benchmarks to be agreed with the Minister. The statutory State-owned corporation will deliver improved management, and the merger will provide single-point accountability for the metropolitan rail network. The bill also creates a second statutory State-owned corporation, the Transport Infrastructure Development Corporation, to design and deliver major railway and transport infrastructure, and other related projects. I thank members for their contributions and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [10.37 p.m.]: I move:

> That standing and sessional orders be suspended to provide for the introduction without notice and progress through all its stages at this sitting of the Workers Compensation Legislation Amendment (Trainees) Bill.

I have brought to the attention of the Opposition the Government's intention to bring this bill on. I would prefer to do it now. With full respect for the rights of members of Parliament to enjoy their private members' day privileges, I would prefer not to debate this bill on their day. My preference is not to impact on the Opposition's opportunity to draw matters to the attention of the House, and therefore I propose that the bill be debated tonight. The Opposition will try to pretend that this is somehow a new bill, but they have known of it for some time. Because of the upper House motion that compels this House to forward all bills to the other place by tomorrow, we need to progress this bill through all stages at this sitting.

Mr ANDREW TINK (Epping) [10.38 p.m.]: The Opposition strongly opposes the motion, which is totally unnecessary. It underlies the incompetence of the Leader of the House and the way he has run the House recently. The House has just dealt with a workers compensation bill, yet this is another such bill. Somebody somewhere is simply not doing their homework. The House has debated a bill to amend the Workers Compensation Act, and now the Government seeks to introduce this bill. Why cannot the Government or its minions determine, first, exactly what amendments to the Workers Compensation Act are necessary, and, second, how to put them into one bill? Is that too much to ask? I understand we have had about five hours notice of this bill and it is no small bill. It is a bill, amongst other things, to repeal section 158 of the 1987 Act to remove the current exemption of employers of trainees from the insurance requirements imposed under section 155 of the Act. In other words, this is pulling the rug out from under employers who would be encouraged under the current arrangements to take on trainees and get some relief from the insurance requirements imposed on them otherwise.

This bill is a greater impost on employers to take on trainees. This is no small matter. I cannot believe it is something that any competent government would have left until now to dream up. This is either something that has been done or omitted through incompetence, or it is some bottom drawer job which the Government

does not want us to consult employers about. We have had six hours notice of this and that is a disgrace. The Leader of the House talks about the deadline tomorrow. I want to put on the record that under his illustrious leadership of this House, on Friday 31 October, which was a Government business day, Government business lasted for less than half an hour. The House sat at 10 o'clock and before 10.30 a.m. the Leader of the House, who has just given everybody a spray about sittings, had moved the special adjournment. Even for his pathetic leadership I think that sets something of a record.

That followed the nice little precedent set on 17 October when the same Minister moved the special adjournment just after 11.00 a.m. This is a guy who spends three quarters of the year sitting around doing nothing, with the rest of the Government doing nothing, and then he comes in here in some sort of flap, right at the death knock, and starts throwing bills at us and saying they have to immediately go through all stages. Of all the bills that have so far been introduced this session, this bill is a genuine shocker. It affects employment, it affects the capacity of trainees to find people to take them on, and it affects the cost to employers of taking trainees on, yet this is the one, of them all, that they slip in right at the death knock. There have been plenty of opportunities to debate this bill somewhere along the way, such as on 17 October or 31 October.

Sure, the guillotine might have been dismantled for a number of other bills. The Government did back off. As AAP said last night, the Government backed down on the guillotine. But the guillotine was suddenly reconstructed tonight for a bill that is designed to make it harder for employers to take on trainees. The Leader of the House, the member for Smithfield, has set up a guillotine for a special execution to make it harder for employers to take on trainees. That is an absolutely pathetic end to the year from the Leader of the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

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

Noes, 33

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

Pair

Ms Gadiel Mr Brogden

Question resolved in the affirmative.

Motion agreed to.

WORKERS COMPENSATION LEGISLATION AMENDMENT (TRAINEES) BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.52 p.m.], on behalf of Ms Reba Meagher: I move:

That this bill be now read a second time.

This bill gives effect to a measure announced by the Treasurer in his Budget Speech on 24 June 2003. From 1 January next year employers taking on trainees will be required to pay their workers compensation premiums in the same way as employers of apprentices are already required to. The New South Wales Government has paid the workers compensation premiums of trainees since 1989. Victoria is the only other State providing a concession—and it is very limited—and Victoria also applies payroll tax to trainees. From 1 January 2004 New South Wales will not. After remaining static for years, the number of trainees in New South Wales has risen dramatically from 1997-98, nearly quadrupling to 56,000 since that time. The cost of premiums met by the Government has increased from $4 million in 1997-98 to a projected $47 million in 2003-04.

Actuarial advice indicates that the cost of the scheme will continue to rise to more than $70 million a year. The incentive is open to abuse, with some employers enrolling existing employees—and in some cases long-term employees—as new trainees. One company claimed the vast majority of its existing staff as trainees. Some of them had been on the company's payroll for up to 13 years. In addition, as employers are not responsible for the cost of workers compensation premiums, there is less incentive to maintain workplace safety. From 1 January 2004, employers of trainees will be required to pay their workers compensation premiums. This will put trainees and apprentices, for whom employers already pay workers compensation, on the same footing. As a transitional measure the Government will continue to pay the premiums of existing trainees until 31 December 2004. I commend the bill to the House.

Mr CHRIS HARTCHER (Gosford) [10.54 p.m.]: This bill is not even on the notice paper. Notice of this bill was given at 6 o'clock tonight and standing orders were suspended at almost 11.00 p.m. to allow the bill to pass through all stages. The Opposition has only just heard the second reading speech, which was given by the Parliamentary Secretary. Of all the travesties that have been committed over the past week, this is the worst. To quote the Deputy Leader of the Opposition at his most eloquent and most passionate, it is the death of democracy. Anybody who believes in sensible, intelligent debate could not expect a bill not even on the notice paper to be debated in any coherent form tonight.

I understand why the Government seeks to push the bill through all its stages. It is the ultimate anti-worker bill; the Labor Party at its anti-worker best. The bill says to 40,000 trainees—40,000 people who want apprenticeships and traineeships throughout New South Wales—that traineeships will be more difficult as employers will no longer encourage traineeships or apprenticeships because the Government will not continue financial arrangements for them. Since 1997 trainees in this State have had their workers compensation premiums paid by the people of New South Wales as part of a program to encourage employment growth for young people and to encourage them to become skilled. New South Wales does not want an unskilled work force. Employers should be encouraged to train young people, skill them and develop them.

Mr Matt Brown: Come on!

Mr CHRIS HARTCHER: The honourable member for Kiama is on the Opposition side of the House and he is interrupting. I ask that you call him to order.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Gosford has the call. If he does not wish to exercise it, I will direct him to resume his seat.

Mr Matt Brown: You can't take it.

Mr CHRIS HARTCHER: The honourable member should not make stupid remarks and he should return to the Government side of the House. The actions of the Labor Party were made clear by the Treasurer at the very end of his speech when he stated that the Government would abolish this right and that from 1 January 2004 trainees will receive the same exemption for payroll tax that applies to apprentices.

Mr Matt Brown: Point of order—

Mr CHRIS HARTCHER: A Government member cannot take a point of order from the Opposition side of the House.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! Nothing in the standing orders requires the honourable member for Kiama to take a point of order from the Government side of the House. I will seek advice from the Clerk. It is merely tradition that members of the Government or the Opposition take points of order from their respective sides of the House. The honourable member for Kiama has taken a point of order. The honourable member for Gosford will resume his seat.

Mr Matt Brown: The honourable member for Gosford said I could not take a point of order from this side of the House and you have now ruled on that.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Kiama will resume his seat. The honourable member for Gosford has the call.

Mr CHRIS HARTCHER: Honourable members should note the condition of the honourable member for Kiama. One can only feel sorry for him. The Treasurer has stated that these rights are to be abolished, and he provided no sound reasoning for that decision, except that it will save the State money. This program has increased from $9 million per year to some $14 million per year. The Australian Labor Party is sacrificing 40,000 traineeships and apprenticeships simply to save some money in its budget. There is no other justification for it. The proposal occupies only six lines in the Budget Speech, and the Parliamentary Secretary merely reiterated those comments. There is no justification for the withdrawal of the allowance.

No study has been undertaken of the implications of this decision, nor has the Government provided substitute programs to provide young people in this State with the opportunity to become skilled and trained. This measure has simply been wiped by legislative fiat because the Treasurer, Mr Egan, wants to save money. What does Mr Egan say at the end of every budget speech? He says, "This is a Labor budget." Every year we hear that this is a traditional Labor budget. It is a traditional Labor budget because it takes rights away from workers. It deprives workers of opportunities in this State. It deprives young people of the chance to be skilled. It deprives thousands of people of the chance to get a traineeship. It takes away from workers an opportunity to work. Yes, it is a traditional Labor Party budget.

What did we get from this traditional Labor Government last night? We had retrospective legislation pushed through the House to deny injured workers the right to bring claims under the Motor Accidents Compensation Act. Last night injured workers had their rights taken away retrospectively from 5 December 2002; tonight thousands of young trainees will lose the opportunity for employment because the Government will rip away the workers compensation concession for them. It is a Labor budget because this Labor Party cosies up to the rich and powerful. Friends of the Labor Party go to Eric Roozendaal's dinners; they wander down to Darling Harbour or Walsh Bay and pay $10,000 a head to get access to any Minister they want. However, young injured workers will lose their rights and young kids who want a traineeship or apprenticeship will not get support from this Government.

This Government looks after its moneyed mates. This is a government of Graham Richardson and Swiss bank accounts. Rene Rivkin would be proud of this Government. This is a government of people who want to make money at the expense of the little people in the community. This is a traditional Labor Government, a traditional Labor budget and traditional Labor legislation. Members opposite are hypocrites because they say that they are fighting for the little people, yet last night they voted to deprive injured workers of their right to bring claims under the Motor Accidents Compensation Act and in a few minutes they will vote to deprive young people of the chance to get a traineeship or apprenticeship. That speaks volumes about them.

The cynicism, self-satisfaction and smugness of members opposite is exposed, and exposed brilliantly. It is appropriate that the Government should wait until 11 o'clock at night to bring forward this legislation. The

success of this scheme is based on the fact that in 1987 there were only 4,000 traineeships. That has risen to 56,000 now. That is the number of people who are taking advantage of the scheme to employ young people as trainees and apprentices. Do we oppose this legislation? The answer is yes. Why do we oppose it? Because it is anti worker legislation. As the honourable member for Wakehurst, who represents the working class on the North Shore, says, it is anti worker legislation. Mr Acting-Speaker, you support every left-wing cause before the House.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Gosford is well aware that he should not cast aspersions on the Chair or involve the Chair in debate.

Mr CHRIS HARTCHER: I was not casting aspersions on you. The honourable member for Liverpool does not like being called left wing.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! I call the honourable member for Gosford to order.

Mr Alan Ashton: Point of order: I ask the honourable member for Gosford to stop praising Mr Acting-Speaker.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! There is no substance in the point of order. However, if the point of order had been taken on the basis that a member should not involve the Chair in contemporary debate, it would have been upheld. That is why the honourable member for Gosford has been called to order.

Mr CHRIS HARTCHER: Last night it was injured workers; today it is young workers. This is Labor 2003.

Mr BRAD HAZZARD (Wakehurst) [11.04 p.m.]: The Government has brought a serious issue before the House at a late hour towards the latter part of this session. It is remarkable to think that a Labor government would introduce a bill at this hour with no opportunity for discussion or debate among the broader community, and that the bill will have a dramatic effect on the young people of New South Wales. This Government purports to have a social justice agenda, but what we are seeing tonight is a complete lack of any social justice agenda. We could have driven a bus through the Parliamentary Secretary's justification for this bill. To hear him talk on one hand about the success of the scheme, in so far as the Federal Government has supported traineeships in New South Wales—over the past few years the number of traineeships has increased from 4,000 to 56,000—shows that we have something to be proud of in New South Wales.

However, on the other hand we heard what, within the next few months, employers in New South Wales will come to know—that the Carr Government has decided that employing trainees is no longer a priority. The Parliamentary Secretary justified this action by saying that some employers were abusing the system. Indeed, he said that some employers were putting staff who had been on their payroll for 13 years back on traineeships. If that is the serious reason the Carr Government is now addressing the issue, it should introduce restrictions on the way traineeships work. In other words, the Government should provide that employers must have a trainee for a specified number of months or years before they are eligible for relief from workers compensation premiums.

It is despicable to use abuse by some employers as an excuse to dump a system, which will make it much harder for thousands of young people to get traineeships. It is also despicable because the Parliamentary Secretary said that the relative cost to the Government, and therefore the taxpayers of New South Wales, was only a matter of a few million dollars. That is ridiculous when the Auditor-General's report released today showed that the Carr Government has ripped out more than $850 million in dividends from one industry, the electricity industry, in only one year. Furthermore, since 1996, when this Government started restructuring electricity and playing games, it has taken $5.2 billion in capitalisation of the electricity industry. That is $5.2 billion of capitalisation and more than $850 million in dividends in just the past 12 months, and the Government will not spend a lousy few million dollars to ensure that the young people of this State get the opportunity of a traineeship.

When we add this to the Government's attack on young people in terms of increasing TAFE fees, we must say that the Government has absolutely no interest in young people in New South Wales. Members opposite may have different views, but they should hang their heads in shame because they kept their mouths shut in caucus and did not speak against this bill. The bill is a despicable attack on the young people of New South Wales, and members opposite should be ashamed of themselves.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [11.08 p.m.], in reply: I reiterate that this bill gives effect to a measure announced by the Treasurer in his Budget Speech on 24 June 2003. I reiterate also that the incentive is open to abuse and some employers are abusing the system. I have two examples. A cleaning company wins a new contract, and with the contract comes 35 workers, some of whom are long-term workers. The company enters its entire staff in traineeships as new entrant trainees. It holds a single workers compensation policy with fewer than five employees and only $50,000 in total wages are declared. The workers compensation industry rate for cleaning is 10.59 per cent. A large retail food company employs a significant number of trainees as store managers, restaurant waiting staff and kitchen hands. In 2001-02, 51 per cent of their total wages related to trainees but this was not declared for workers compensation. This bill gives effect to the Treasurer's announcement in the budget and closes those loopholes. I commend the bill to the House.

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

The House divided.

Ayes, 45

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

Noes, 32

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

Pair

Ms Gadiel	Mr Armstrong

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILLS RETURNED

The following bill was returned from the Legislative Council without amendment:

Workers Compensation Amendment (Insurance Reform) Bill

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Thursday 20 November 2003 at 10.00 a.m.

The House adjourned at 11.18 p.m. until Thursday 20 November at 10.00 a.m.