

LEGISLATIVE ASSEMBLY

Tuesday 17 February 2004

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

Mr Speaker offered the Prayer.

ADMINISTRATION OF THE GOVERNMENT

Mr SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

OFFICE OF THE GOVERNOR
SYDNEY 2000

LIEUTENANT-GOVERNOR

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir being absent from the State, he has this day assumed the administration of the Government of the State.

J. J. Spigelman
26 December 2003

ADMINISTRATION OF THE GOVERNMENT

Mr SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

OFFICE OF THE GOVERNOR
SYDNEY 2000

GOVERNOR

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 13 January 2004.

Marie Bashir
13 January 2004

ASSENT TO BILLS

Assent to the following bills reported:

Clyde Waste Transfer Terminal (Special Provisions) Bill
Architects Bill
Child Protection Legislation Amendment Bill
Contaminated Land Management Amendment Bill
Firearms and Crimes Legislation Amendment (Public Safety) Bill
Registered Clubs Amendment Bill
Civil Liability Amendment Bill
Environmental Planning and Assessment Amendment (Quality of Construction) Bill
Transport Administration Amendment (Rail Agencies) Bill
Workers Compensation Legislation Amendment (Trainees) Bill
Legal Profession Legislation Amendment (Advertising) Bill
Transport Administration Amendment (Sydney Ferries) Bill
Wine Grapes Marketing Board (Reconstitution) Bill
Totalizator Legislation Amendment Bill
Natural Resources Commission Bill
Native Vegetation Bill
Catchment Management Authorities Bill

EURYDICE OIL LEAK

Ministerial Statement

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [2.18 p.m.]: The Government is justifiably proud of having ensured that Sydney Harbour is the cleanest it has been in living memory. For obvious reasons we take pollution threats seriously and deal with them immediately. I can advise the House that on Saturday 14 February the Cypriot-flagged oil tanker *Eurydice* was detected to be trailing an oily substance as it was approaching Sydney Harbour. The tanker was laden with around 84,000 tonnes of crude oil.

Following an aerial inspection of the tanker by Environment Protection Authority inspectors it was confirmed that there was an oil slick present but because of poor weather it was not possible to assess the extent of the spillage. To eliminate any risk to our harbour the ship was immediately turned away by the Sydney Ports Corporation. A team of divers was dispatched to the tanker to conduct an underwater examination of the ship's hull and they detected a crack in the hull approximately 15 centimetres long and confirmed it to be the source of the leaking oil. The tanker was directed to undertake manoeuvres to clear any trapped oil under its bilge keel and it will remain at least 15 nautical miles offshore to ensure any leaking oil is dissipated and will not affect the coastline.

I am advised that the ship will not be allowed to enter Sydney Harbour today. We will not allow this vessel to enter New South Wales waters, let alone Sydney Harbour, until such time as further dive team investigations and a further helicopter search show no further evidence of leaking oil. Further aerial surveillance and dive inspections have been scheduled for tomorrow. The Sydney Ports Corporation is working with representatives from Shell, the shipowner, the Australian Maritime Safety Authority, the Environment Protection Authority and the New South Wales Waterways Authority to manage the movement of this vessel.

Mr MICHAEL RICHARDSON (The Hills) [2.20 p.m.]: I am sure all members would join with the Minister for the Environment in agreeing that the pollution of Sydney Harbour is to be avoided at all costs. However, I take issue with the Minister's statement that the Government takes pollution threats seriously. In August 1999 a spill that was supposed to have been only 30,000 litres of oil from the *Laura D'Amato* turned out to be 300,000 litres. On that occasion it took a concerted effort on the part of the Opposition to reveal the extent of the leakage.

I also draw to the attention of the House the neglect of the Government and the Minister for the Environment in allowing an illegal oil tanker—it has not been registered as an oil tanker—to carry up to 58,000 litres of oil in its double-bottom tanks and to enter the World Heritage listed Lord Howe lagoon at night, thus creating the risk of a major environmental disaster. The Government cannot suggest that it takes pollution threats seriously when the Minister takes the risk of allowing a potential environmental disaster to occur. The matter has been aired extensively in the past week in the *Australian* newspaper and the Government has an extensive series of questions to answer relating to it. The Opposition believes that the Minister for Transport Services misled the upper House when he claimed that the ship had been classified by Bureau Veritas to carry oil in that fashion. It is a shameful situation, and the Minister must address it. In essence, the Minister is talking about a potentially minor matter in comparison with the destruction of a World Heritage listed area. What does the Minister intend to do about it?

WONDERLAND SYDNEY CLOSURE

Ministerial Statement

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [2.23 p.m.]: As all members would be aware, yesterday Wonderland Sydney took a commercial decision to close its doors on 26 April this year, after the Anzac Day long weekend. Wonderland Sydney employs 130 permanent staff and 270 casuals, and has undertaken that all entitlements will be met and all possible assistance will be given to staff in gaining future employment. It also has a wildlife park housing 700 native animals, which will be distributed to other parks around Australia during the coming six months.

Tourism New South Wales has worked closely with Wonderland Sydney in promoting the attraction both in Australia and overseas. However, parks such as these are always a challenging venture, and changing demands will always add to those challenges. Yesterday I had my office contact Luna Park Sydney, which will

be opening shortly, to gauge its interest in favourably considering former Wonderland employees to staff Luna Park. I am told that Luna Park Sydney would welcome Wonderland staff applying for positions, and would look favourably on their applications as clearly they have the skills required to run a park. I congratulate Luna Park Sydney's management on its swift and favourable response to the Government's request, and I wish the management of Luna Park and the soon-to-be-hired staff all the best in creating another great Sydney attraction.

Mr IAN ARMSTRONG (Lachlan) [2.24 p.m.]: I noted in a story in one of the major papers this morning that Wonderland Sydney is closing. It is significant that this is another failure of entertainment facilities in this city. In recent years Old Sydney Town at Somersby has closed, and we know what happened to the Lipizzaner horses at Narellan. How many water slides in Sydney and in New South Wales have closed in recent times? What has happened to horse riding facilities, riding schools and pony clubs in the metropolitan area and throughout regional New South Wales? What has happened to cycling races? What has happened to water skiing facilities in Sydney? And where is the Government on public liability insurance?

Public liability insurance is the major reason that Wonderland Sydney is closing. If Wonderland's public liability insurance had been a realistic figure, it would not be closing. How can the wonderful resorts in California and in Paris continue for 50 or 60 years when these sorts of facilities fall over in Sydney? If we are to attract national and international tourists to Sydney and New South Wales the Government needs to recognise that it must approve and maintain such facilities, instead of seeing them fall off the edge. Insurance is the problem, and the Government is not addressing it.

WONDERLAND SYDNEY SITE SALE

Ministerial Statement

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [2.25 p.m.]: About an hour ago I received a letter from Paul Toussaint, the Chief Executive Officer of ING Real Estate Investment, informing me that he had contracted to purchase the Wonderland Sydney site in Western Sydney from Sunway City Berhad of Malaysia for \$52.5 million. The purchase follows Sunway City Berhad's decision to close the amusement park. In the letter Mr Toussaint said:

We will seek to create an industrial business park on the site directly employing over 3,000 people and creating 9,000 jobs in total—a real boon for the fastest growing economic region in Australia.

He further said:

Naturally the plan would be subject to the approval of your Government and Blacktown Council consistent with the planning objectives of SEPP 59.

I remind honourable members that State Environmental Planning Policy 59 relates to the 600-hectare site known as the Central Western Sydney Economic and Employment Area. The site is directly adjacent to the M7 orbital link. I inform the House that a proposal involving the creation of 9,000 jobs for Western Sydney will be given favourable treatment should it meet all of the Government's strict sustainable environmental criteria. We want to ensure that those conditions will be met.

Ms PETA SEATON (Southern Highlands) [2.28 p.m.]: I noted the Minister's comments with interest. This is another example of the Carr Government being caught without a plan for Sydney's growth, a plan for industrial growth in Sydney and a plan for the growth of residential housing in Sydney. It is also interesting to note that the piece of infrastructure to which the Minister referred, the M7 orbital link, is a Federal Government project; the only major infrastructure project in New South Wales at the moment is a Federal Government project. I call on the Carr Government to adopt the Liberal-National Coalition's stamp duty reduction plan to assist home buyers in New South Wales who are struggling under crippling stamp duty levels—approximately \$1 billion of excess revenue is collected by the Government from this crippling tax. I call on the Carr Government to adopt the Coalition's 10 per cent stamp duty reduction policy and ensure that home buyers and home owners in this State can afford to buy a home and live in the city.

LOTTERIES LEGISLATION REFORM

Ministerial Statement

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [2.29 p.m.]: This session I will be introducing a number of reforms to lotteries legislation in this State. The changes include the introduction of new offences for unauthorised participants in the sale of public lottery products, clarification of

some operational aspects of the public lotteries for the sake of legal certainty, allowing for the regulations to introduce a time limit for claims for unclaimed lottery prizes, and a new offence of making a false claim for unclaimed lottery prizes.

Members in this House may be aware of the extraordinary circumstances in the United States of America over the December-January period where a woman made a false claim for a lottery prize of \$162 million. Elecia Battle even filed a police report claiming she had lost the winning ticket in the Mega millions lottery in the parking lot of a convenience store. Some media reports indicated at that time that people even searched the parking lot where the ticket was alleged to have been lost. The real winner eventually came forward and in January Ms Battle was found guilty of lying to police.

These types of actions waste both time and money investigating the claim. My department advises that people have attempted to claim unclaimed prizes especially when lists were published in the past. It is hoped by making such a practice an offence in New South Wales that people will be discouraged from participating in this type of public nuisance behaviour. Another area of concern to consumers relates to organisations that since at least 1997 have offered to purchase NSW Lotteries products on behalf of customers outside of New South Wales and the Australian Capital Territory. These groups offer services to people in Japan and Britain, and may well extend into other countries. The cost of the lottery products can be grossly inflated due to the fees charged for this service. These organisations are not authorised by NSW Lotteries and fall outside the existing regulatory framework for public lotteries. Hence, they are effectively unregulated and it is virtually impossible to ascertain whether these organisations actually pay any prizes to winning customers.

Complaints have been received about such organisations but the limits of existing legislative measures do not enable any action to be taken against them. The amendment bill will specifically address this matter by creating three new offences that will address such unauthorised involvement in the sale of lotteries products. Of course, these offences will have no impact on the purchase of lotteries products as gifts for family members or friends, which is a common occurrence. The offences will only apply to those unauthorised organisations that engage in this type of activity as part of a commercial enterprise. The Government's aim is that these measures, along with others to be introduced this week, will benefit people who legitimately wish to participate in our New South Wales lotteries.

Mr GEORGE SOURIS (Upper Hunter) [2.32 p.m.]: I was able to follow most of those points from the Labor Party caucus room briefing. It does not take long to get a leak nowadays, with the way the Government is managing these days. What an air fluff of a ministerial statement! Ministerial statements should relate to urgent matters. No doubt, notice will be given for the introduction of a bill on the subject. I followed the comments of the Minister, who has left nothing for his second reading speech. The Opposition looks forward to the debate with alacrity and it will assist the Government. Indeed, the Government should concentrate more on the serious issues, the disasters it is presiding over on a daily basis, such as in rail and health—let us disregard the Minister's smug look, considering the way he talks on the telephone. Ministerial statements should have substance; instead, we get a preliminary to a forerunner to a foreword to an introduction to a notice of motion that is yet to be introduced. Dear oh dear!

DISTINGUISHED VISITORS

Mr SPEAKER: I welcome to the public gallery the Hon. Elias Skaff, Minister of Industry for the Republic of Lebanon; Mr Saad Zakhia, Consul General of the Republic of Lebanon; Mr Joe Arida, Australian and New Zealand President of the World Cultural Lebanese Union; and Mr Phillip Rizk, President of the Australian Lebanese Association of New South Wales.

DEATH OF ANTHONY SAVIOUR AQUILINA, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr SPEAKER: It is with regret that I have to inform the House of the death on 17 September 2003 of Anthony Saviour Aquilina, who represented the electorate of Mulgoa from 19 March 1988 to 3 May 1991 and the electorate of St Marys from 25 May 1991 to 3 March 1995. On behalf of the House I have extended to the family the deep sympathy of the Legislative Assembly in the loss sustained.

DEATH OF RONALD ERNEST ARTHUR ROFE, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr SPEAKER: It is with regret that I have to inform the House of the death on 21 September 2003 of Ronald Ernest Arthur Rofe, who represented the electorate of Nepean from 17 November 1973 to 12 September 1978. On behalf of the House I have extended to the family the deep sympathy of the Legislative Assembly in the loss sustained.

DEATH OF THOMAS FRANCIS MEAD, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr SPEAKER: It is with regret that I have to inform the House of the death on 22 January 2004 of Thomas Francis Mead, who represented the electorate of Hurstville from 1 May 1965 to 2 April 1976. On behalf of the House I have extended to the family the deep sympathy of the Legislative Assembly in the loss sustained.

Members and officers of the House stood in their places.

VARIATIONS OF PAYMENTS ESTIMATES 2003-04

Mr Craig Knowles tabled variations of the payments estimates and appropriations for 2003-04 under section 24 of the Public Finance and Audit Act 1983 flowing from the transfer of functions from the Department of Corrective Services to the Ombudsman's office.

Mr Craig Knowles tabled variations of the payments estimates and appropriations for 2003-04 under section 24 of the Public Finance and Audit Act 1983 flowing from the transfer of functions from the Premier's Department to the Department of Commerce.

Mr Craig Knowles tabled variations of the payments estimates and appropriations for 2003-04 under section 24 of the Public Finance and Audit Act 1983 flowing from the transfer of functions from the Department of Commerce to the Department of State and Regional Development.

PARLIAMENTARY ETHICS ADVISER

Report

Mr Speaker tabled the report of the Parliamentary Ethics Adviser for the period 1 December 2002 to 30 November 2003.

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY

Report

Mr Speaker announced the receipt, pursuant to the resolution of the House of 5 December 2003, of the annual report of the Department of the Legislative Assembly for the year ended 30 June 2003.

Ordered to be printed.

AUDIT OFFICE

Reports

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following performance audit reports of the Auditor-General:

Follow-up of Performance Audit: NSW Police, Enforcement of Street Parking (1999) Staff Rostering, Tasking and Allocation (2000), dated 10 December 2003

Code Red: Hospital Emergency Departments, Department of Health, NSW Ambulance Service, dated December 2003.

NSW OMBUDSMAN

Report

The Clerk announced the receipt, pursuant to section 23 (1) of the Law Enforcement (Controlled Operations) Act 1997, of the special report to Parliament by the NSW Ombudsman entitled "Law Enforcement (Controlled Operations Act) Annual Report 2002-2003", dated December 2003.

WATERFALL RAIL SAFETY INVESTIGATION

Report

The Clerk announced the receipt, pursuant to section 68 (1) of the Rail Safety Act 2002, of the report by the Transport Safety, Rail Safety Regulation Division of the Ministry of Transport entitled "Waterfall, 31 January 2003, Rail Safety Investigation—Final Report".

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**Reports**

The Clerk announced the receipt of the following reports:

Report of the Inquiry into Procedures Followed During Investigations and Prosecutions Undertaken by the Health Care Complaints Commission, dated December 2003—Report No. 2

Study of International Jurisdictions, dated December 2003—Report No. 3

JOINT STANDING COMMITTEE UPON ROAD SAFETY**Report**

The Clerk announced the receipt of Report No. 1/53, entitled "Vehicle-based Measures to Better Monitor, Manage and Control Speed—Report of the Visits of Inspections by Delegations of the Staysafe Committee Concerning Speed and Motor Vehicles: 30 June 2003, 15 August 2003 and 25-28 November 2003", dated December 2003.

LEGISLATION REVIEW COMMITTEE**Report**

The Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No 1 of 2004", dated 16 February 2004.

PETITIONS**Gaming Machine Tax**

Petitions opposing the decision to increase poker machine tax, received from **Ms Katrina Hodgkinson, Mr Malcolm Kerr, Mr George Souris and Mr John Turner**.

Kosciuszko National Park Management Plan

Petitions opposing the formulation of the Kosciuszko National Park Management Plan without community consultation, received from **Mr Ian Armstrong, Mr Steve Cansdell, Ms Katrina Hodgkinson, Mr Donald Page, Mr Adrian Piccoli and Mr Russell Turner**.

Windsor Road Traffic Arrangements

Petition requesting a right-turn bay on Windsor Road at Acres Road, received from **Mr Michael Richardson**.

M4 East Exhaust Stacks

Petition opposing the use of unfiltered exhaust stacks in the construction of the M4 East motorway, received from **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**.

Belmont Community Midwifery Program

Petition requesting the implementation of a community midwifery program at Belmont, received from **Mr Milton Orkopoulos**.

Careel Bay Trailer Boat Access

Petition requesting retention of trailer boat access at Careel Bay, received from **Mr John Brogden**.

Casino to Murwillumbah Branch Rail Line

Petition requesting the extension of the Casino to Murwillumbah branch line to south-east Queensland, received from **Mr Thomas George**.

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 Thomas George**, **Ms Katrina Hodgkinson**, **Mr George Souris** and **Mr John Turner**.

Newcastle Rail Services

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

Mulwaree Shire Boundary Changes

Petition opposing changes to the Mulwaree Shire boundaries, received from **Ms Katrina Hodgkinson**.

Young TAB agency

Petition opposing the closure of the TAB agency in Young, received from **Mr Ian Armstrong**.

JOINT SELECT COMMITTEE ON THE TRANSPORTATION AND STORAGE OF NUCLEAR WASTE**Report**

Mr Matt Brown, as Chairman, tabled Report No. 53/01, entitled "Inquiry into the Transportation and Storage of Nuclear Waste", dated February 2004.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

REDFERN POLICING

Mr JOHN BROGDEN: My question without notice is directed to the Minister for Police. Is it true that at 11.00 a.m. on Thursday last week in Redfern two police officers were surrounded and assaulted by a mob of 12 to 15 people while attempting to arrest a suspected drug dealer and that multiple calls for back-up were not properly received by police radio VKG?

Mr JOHN WATKINS: I am aware of the incident and I have received a briefing from the Redfern Local Area Command. Detective Inspector Bennett, the Crime Manager at Redfern, has informed me that last Thursday afternoon an acting sergeant and constable were undertaking a proactive patrol of the Block. Those police undertook an arrest for a breach of bail offence and were apparently attacked by a group of youths. Redfern is not a radio black-spot area. A review of the incident is occurring. The hand-held radio is being tested to ensure that there was no problem with it. As honourable members would be aware, a four-year \$30 million program has recently been completed to upgrade all handsets.

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

Mr JOHN WATKINS: I want to commend the two officers who were caught up in the incident last Thursday who not only extricated themselves safely from a tough situation but, I am advised, also managed to effect the arrest. I stress, no police were injured during the incident. As the question relates to Redfern, I take the opportunity to update the House about the recent events that occurred—and we are all aware of them—on Sunday night. The accidental death of a young man at Redfern on Saturday was a tragedy, but nothing—and I mean nothing—excuses the assault on police officers and on the wider Redfern community that occurred on Sunday night. Police are not responsible for the social problems at Redfern.

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

Mr JOHN WATKINS: The police are there to enforce the law and to protect life and property in the Redfern area and that includes the Aboriginal and non-Aboriginal members of that community who overwhelmingly live there peacefully. Police are not to blame for the social dislocation, the substance abuse and the poverty that exists amongst the Aboriginal community in Redfern.

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

Mr JOHN WATKINS: On Sunday night the police were victims, not aggressors. They acted bravely to restore order and to protect property. The investigation into the tragic death of the young man will be conducted appropriately in accordance with the usual procedures of the Coroner. But today I want to make it absolutely clear that to suggest that police deserved, provoked or in any way caused the disgraceful scenes on Sunday night is completely false. The police in Redfern on Sunday night acted bravely and staunchly under extreme conditions. This morning I received an update from the Local Area Commander, Dennis Smith, and his Crime Manager, Darren Bennett, about their continuing investigations. A special task force has been established to find those responsible for the disgraceful scenes on Sunday night. Superintendent Smith is continuing his work with the Premier's Department and respected and responsible members of the Aboriginal community in Redfern to repair the breach that occurred on Sunday night. But honourable members should have no doubt that the primary responsibility of police is to arrest and charge those responsible for breaking the law on Sunday night, and they have the full support of the Commissioner and myself.

Mr Andrew Tink: Point of order: I want to know from the Minister for Police what steps have been taken to arrest this man.

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

[Interruption]

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

Mr JOHN WATKINS: I will address some issues that have arisen since the events of Sunday night. Redfern Local Area Command is well resourced. It has more police than it ever had before. At the end of January it had 178, which is 46 more police than in 1999 and 68 more police than in 1994.

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

Mr JOHN WATKINS: There is the capacity to call on hundreds of additional police in the inner metropolitan area. Redfern's budget is up, as it is for all front-line commands, and I have reinforced with Commander Smith that he should not feel constrained by his finances in dealing with this particular problem. Redfern is very well commanded by the Local Area Commander Dennis Smith. He is a confident, capable and well-respected commander who is in charge of one of the toughest commands in New South Wales and he did outstanding and brave work on Sunday night. Our force is better equipped than it has ever been. The Government is spending millions of dollars on new equipment and will continue to roll it out.

Of course, the Commissioner will review incidents such as what happened on Sunday night to help guide future operations. In conclusion, I send a clear message to the police at Redfern: I am not interested in expecting New South Wales Police to do the job of welfare agencies in Redfern. The Premier's Department is co-ordinating efforts, and I will encourage them in their job. I am interested in ensuring that Redfern police, under the command of Dennis Smith, get the appropriate credit they deserve for their work in clearing the

violent criminals out of Redfern. I am interested in ensuring that the community of New South Wales knows that Redfern police have been working hard under the most trying conditions. The police in that area work in partnership with the local community. I am interested in ensuring that appropriate operational decisions are taken when they need to be, not only to protect the community but also our police. Our police do not deserve the treatment they received at Redfern on Sunday night.

Mr JOHN BROGDEN: I ask a supplementary question. Is it true that during the attack on police a Glock pistol was taken from one of the officers and pointed at him and that on three occasions the signal one police-in-distress call was not heard by police radio VKG.

Mr JOHN WATKINS: I have answered that question. Last Thursday the two officers were able to extricate themselves from the situation safely and they also effected an arrest. Those outstanding police officers did a wonderful job in Redfern.

Mr SPEAKER: Order! The House has returned from a long break and members are obviously enthusiastic about question time. However, I warn members early in the session that I will not tolerate interjections such as those the House has just heard. During the last session there were many similar interjections, and they attracted a great deal of adverse public comment. A number of members have been called to order. Those members are now deemed to be on three calls. Any member who is now called to order will be automatically placed on three calls. Although members may behave in a robust way during question time their behaviour must comply with the standing orders.

Mr John Brogden: Point of order: Opposition members will happily abide by the rules if the Minister for Police answers the question. Was a gun taken out of the holster of one of the police officers? The Minister has not answered the question.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. I again warn the Leader of the Opposition and all other members that they must comply with the standing orders. I will not warn members again today.

NATIONAL COMPETITION COUNCIL LIQUOR INDUSTRY RECOMMENDATIONS

Ms MARIE ANDREWS: My question without notice is directed to the Premier. What is the Government's response to community concerns about the National Competition Council and its activities?

Mr BOB CARR: When New South Wales—and every other State—signed up to the national competition policy we were pleased to participate in reforms that would make our economy more efficient and that would benefit every family in Australia. No-one on either side of politics—Federal or State—would have imagined for one moment that the national competition policy would be used perversely to wind back socially responsive legislation, which was designed by successive governments on both sides of the political divide to protect the community.

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

Mr BOB CARR: I refer, of course, to the Federal Government's position on liquor laws.

Mr Andrew Stoner: It is not the Federal Government; it is the NCC, you donkey.

Mr BOB CARR: The Leader of The Nationals said it is not the position of the Federal Government; it is the position of the National Competition Council [NCC]. That is where he is wrong, as the correspondence demonstrates. The Federal Treasurer wrote to me and said that New South Wales would be fined for not implementing the competition policy. That letter came from the Federal Treasurer, who had an option not to proceed.

Mr Andrew Stoner: On behalf of the NCC.

Mr BOB CARR: The Leader of The Nationals is backtracking. He said that the Federal Treasurer only did it on behalf of the National Competition Council. What a clown! The Opposition sees the Federal Treasurer as someone who acts as a post office box for the National Competition Council.

Mr John Brogden: Point of order: My point of order relates to relevance. I ask the Premier whether he is concerned about police in Redfern having guns pointed at them?

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

Mr BOB CARR: New South Wales liquor licensing laws were introduced to protect the community from a proliferation of outlets and to prevent the sale of alcohol from inappropriate venues. The Prime Minister, for all his glib talk about values, does not accept that position. The Federal Treasurer said to New South Wales, "We will make you suffer a \$12.9 million penalty unless you deregulate liquor." He had the option not to do so.

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

Mr BOB CARR: It was up to the Prime Minister and the Federal Treasurer. After being warned by us—I refer to my letter to the Prime Minister in September—they wilfully opted to go ahead and to force change on the State's liquor laws. Until the vehement interjections of the Leader of The Nationals, I would have thought no-one in New South Wales would have wanted more liquor outlets. Not one citizen has said to a member of this Parliament that the one thing this State needs is more liquor outlets. That is something that has never been said.

A report from the Central Coast Area Health Service health promotion team—which is battling underage drinking and smoking on the Central Coast—cites a study of the New Zealand experience following the type of deregulation that Peter Costello and John Howard seem determined to force on this State. From deregulation in 1990 to 2002 the number of liquor outlets in New Zealand increased from 6,000 to 14,000. That is the same type of deregulation that we are battling against and that Costello and Howard are determined to introduce, armed as they are with the report of the National Competition Council. New South Wales already has 3,500 hotels and bottle shops. If the State's 4,700 petrol stations and convenience stores become liquor outlets, that number would more than double. The Australasian Association of Convenience Stores and the New South Wales Service Station Association are campaigning to gain 500 liquor licences for convenience stores in New South Wales. The Government does not want that outcome.

We do not want to end up like Victoria, which has one liquor outlet for every 320 people. At present New South Wales has one liquor outlet for every 500 people. We consider that to be more than adequate. The Government will present legislation to Parliament that will insert a social impact test in place of the needs test, which the National Competition Council finds objectionable. We will make that test as tough as we can. We will specifically place in our legislation a prohibition on liquor being available through milk bars, mixed businesses and convenience stores and we will ban outright the sale of liquor from petrol stations.

Mr George Souris: Point of order: Section 49C of the Liquor Act 1982, as amended by the Government, specifically excludes petrol stations and convenience stores. That is not an issue.

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

Mr BOB CARR: Poor George does not seem to understand. At times in this House the forceful interventions of the honourable member for Upper Hunter begin with a great flight of confidence and one thinks, "The Nationals made a mistake. He is a natural leader." But give him one minute and we know why The Nationals replaced him. The Government does not want deregulation. The National Competition Council persuaded the Federal Treasurer and the Prime Minister to bring about deregulation.

In my letter to the Prime Minister dated 18 September I warned him that, if this persists, we would have no alternative. On 8 December last year the Federal Treasurer replied and said, "We are fining you because you will not do what the National Competition Council has asked you to do in relation to alcohol and other things." We will enact the necessary legislation. It will then be up to the Federal Government to look at our legislation and to state, "After applying the social impact test there is express prohibition on all these other outlets." I challenge the Prime Minister to tell us that our legislation is not good enough and then to fine us.

All those industry groups that do not want a deregulated future—I refer not only to the liquor industry but also to those industries that come under the National Competition Council—should go straight to the Prime Minister's office in Canberra and say, "We do not want this outcome." I conclude by quoting from what was said by one of those fine people on the Central Coast who is battling underage drinking. Doug Tutt, one of the

Central Coast health staff, said recently that he was not surprised that certain commercial interests—he was referring to convenience stores and service stations—supported liquor deregulation. He said:

It is frustrating and disheartening to find other arms of government agencies or policy consciously aiming to undo effective health promoting actions. We would expect allies in such places, not opponents.

Opposition members might mock him but he is a front-line worker who is attempting to prevent alcohol abuse by underage people on the Central Coast. Members should respond to the spirit of his plea. The Federal Government should join those who are battling to prevent alcohol abuse by underage people. It should join the people of New South Wales who do not want the National Competition Council's deregulated vision for alcohol in this State. Members should take a keen interest in legislation that I will be presenting to them. Industry groups should then go to Canberra and state to the Federal Government, "This is legislation that ought to enjoy your support and not your veto."

STATE ENVIRONMENTAL PLANNING POLICY 71

Mr MATT BROWN: My question without notice is addressed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. What is the latest information on State environmental planning policy 71?

Mr CRAIG KNOWLES: The honourable member for Kiama and other members would know that State environmental planning policy [SEPP] 71 is the framework that governs development on the coast. Honourable members will recall that last year I amended SEPP 71 to lift the State Government out of the minor end of the market—small development applications for backyard swimming pools, pergolas and barbecues and things that local councils are well-equipped to handle. This Government would prefer to go back to the basic tenet of that SEPP and to focus on big, sensitive and environmentally controversial issues to ensure that we have good rules to govern our State's precious coastline.

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

Mr CRAIG KNOWLES: That ongoing delineation is well regarded by local government. We will deal with a couple of loopholes that have arisen recently and that are being used by people at the more flagrant end of the development community. They have established that if they lodge a development application to subdivide 24 lots of land on the coastal strip they will escape the need to comply with SEPP 71, which requires a master plan. A master plan is required for subdivisions of greater than 25 lots. Some people at the clever end of the development industry are now lodging rolling development applications—24 lots today and 24 lots a week later. Before too long large-scale developments will be sponsored by lots of small development applications. As that is not what is intended by this State environmental planning policy, it is something that we will close.

Under SEPP 71 master plans will now be required when the subdivision potential of adjoining land under the same ownership is more than 25 lots. Councils will require a master plan in order to obtain a strategic picture of these rolling development applications by excrescence. If a developer decides to embark on a 23-lot or 24-lot subdivision and that developer happens to own adjoining land, or the remainder of the site is left in globo, that developer will now be required to produce a master plan, which is entirely appropriate. I send a message to members of the development community, in particular those on the North Coast, where this practice is more prolific than anywhere else on our coastal strip. If they try to get around this by putting adjoining landholdings in different corporate entities, holding companies or shelf companies, we will take action in that area. The spirit and intent of the SEPP must be adhered to.

Under the Native Vegetation Conservation Act the coastal strip has an exemption which, for agricultural purposes, allows for land clearing of up to two hectares, or five acres. In intense agricultural areas on the coastal strip and in areas of high rainfall small landholdings will be able to follow their agricultural pursuits without the encumbrance of additional paperwork. Obviously, developers have found a loophole in that area. Anyone flying up and down that coastal strip will see a patchwork quilt of pre-emptive clearing. Developers, and not farmers, are knocking over the bush and they are whacking in development applications for further subdivision. The SEPP will also be amended to prevent that from happening. While I am happy to continue that process for agriculture, it will not be permitted when it is clearly intended for development purposes. Land is being cleared and it is lying fallow with the obvious intention of permitting residential or hobby farm-style subdivisions.

These are important initiatives. Everyone is aware of the pressure that our coastal areas are under. We do not want to see a concreting of our coastline similar to the concreting that has occurred on the Gold Coast or the Sunshine Coast. This priceless asset must be maintained. If SEPP 71 is properly administered by local government at the smaller end of the market and the State deals with more strategic, environmentally sensitive issues, it will be a good management tool to oversee development on our coastline. We will put an end to these tricky, rolling development applications by stealth that take advantage of legislative loopholes. I have a clear message for the development community. This Government will manage growth in these areas. We want good development but we will not tolerate any flagrant disregard for the spirit and intent of SEPP 71.

That is in line with our attempt to realign the natural resource management agenda in this State. Last week I was up north looking at the establishment of catchment management authorities. As we foreshadowed in legislation, ultimately catchment management authorities will take greater control of management processes like SEPP 71. In time, local catchment management authorities will be responsible for some of these land-use management tools. After receiving pretty universal support for the appointment last week of chairs to those catchment management authorities, I was surprised to learn of the fairly damning criticism by the Leader of the National Party of the chairman of the Northern Rivers Catchment Management Authority. When we formed the catchment management authorities we said that we would get good people to lead them. I believe that we have achieved our aim right across this State.

I place on the record my thanks to the Hon. John Anderson. Nominations for chairpersons were brokered through the Deputy Prime Minister's office. Of course The Nationals object to the nomination of Judy Henderson as chairperson of the Northern Rivers Catchment Management Authority. Their objection stems from her past relationship with Bob Brown. She is also a former board member of Greenpeace International, a former member of the Anti-Dams Alliance and a founding director of the Australian Bush Heritage Fund. The Nationals did not include the rest of her curriculum vitae in their press release. Ms Henderson is also the chairperson of the Centre for Australian Ethical Research, a member of the Asian Development Bank's inspection panel, and a commissioner on the World Commission on Dams. For four years she was the chairperson of Oxfam International and she was the chairperson and director—

[Interruption]

The Leader of The Nationals is demonstrating extreme paranoia. Ms Henderson is well chosen and will preside over a balanced committee comprising another seven or eight members. Hers is not a bad curriculum vitae as background for chairmanship of a catchment management authority.

Mr Andrew Stoner: You have no credibility whatsoever in the bush.

Mr CRAIG KNOWLES: I have more credibility than the Leader of The Nationals. In addition to four years as the chairperson of Oxfam International, Ms Henderson was the chairperson of Community Aid Abroad for nine years. Her curriculum vitae goes on and on. She is also a paediatrician and a visiting fellow for the Centre of International and Public Law at the Australian National University. The Nationals object to her nomination because of her green background. They forget that she grew up on a dairy farm on the Bellinger River and that she has an agricultural background.

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

Mr CRAIG KNOWLES: I heard no objection about her independence. The Nationals did not object to the appointment of Rory Treweek as chairperson of the Western Catchment Management Authority. Mr Treweek is a farmer in the border rivers region and has associations with The Nationals, but that is neither here nor there. He is also a New South Wales Farmers Association regional representative. I heard no objection to Jim McDonald's chairmanship of the Namoi Catchment Management Board. Jim is a farmer from Quirindi who has a long history of involvement in agricultural and natural resources boards. He is also an active member of the New South Wales Farmers Association. The list goes on and on; they are all farmers. However, the common thread is that they are all competent to do the job. They will lead catchment management authorities when we appoint the remaining members over the next two or three weeks and they will provide a balanced approach arrived at through a co-operative arrangement between the Deputy Prime Minister and the Commonwealth Government. Of course, people might on occasion disagree with The Nationals' point of view, but the people nominated have the capacity to run these new organisations. Given their curriculum vitae we can all be confident about the success of catchment management authorities in this State.

REDFERN POLICING

Mr JOHN BROGDEN: Will the Minister for Police confirm that as of yesterday an offender had not been charged with assaulting a police officer and stealing the officer's gun at Redfern on Thursday because attacks on Redfern police officers occur frequently?

Mr JOHN WATKINS: No, I will not confirm that. I have answered the question about what happened on Thursday. The charging of individuals is a matter for the local police.

HIGHER SCHOOL CERTIFICATE EXAMINATION

Mr STEVE WHAN: I direct my question to the Minister for Education and Training. What is the latest information on the achievement of New South Wales Higher School Certificate students and related matters?

Dr ANDREW REFSHAUGE: I thank the honourable member for his question. He has a keen interest in education. New South Wales is leading the world in key education outcomes. We are doing brilliantly. The Productivity Commission's report indicates that this State's government education system is a leader in this country. It also indicates that HSC students attending government schools are doing brilliantly. Government high school and TAFE students dominated last year's HSC merit lists. Students attending government schools came first in 74 HSC subjects, which is an increase from 66 in the previous year.

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

Dr ANDREW REFSHAUGE: Students attending non-government schools came first in 44 subjects. Comprehensive high schools are also going from strength to strength. Two years ago students from 23 comprehensive high schools achieved first place in subjects and last year the figure was 28. Students attending rural and regional government schools have also done well. In 2002, students at three country high schools achieved first place in subjects and last year that figure was 22. The schools involved are at Maclean, Dubbo, Tamworth, Jesmond, Alstonville, Coffs Harbour, Merewether, Gulgong, Lambton, Nowra, Wollongong, Bega, Kiama, Gosford, Rutherford and Colo. Amy Knox from Colo High School, who achieved first place in English Advanced, is in the public gallery today.

Amy is joined by Tristan Hardy from Baulkham Hills High School, who came first in Modern History, and Louise Barber, who came first in Mathematics and French Continuers, and Caitlin Brown, who came first in French Extension, both from Sydney Girls High School. They have achieved outstanding results that are a testimony to the great work being done by students and teachers in our government high schools. Government school students are being awarded the lion's share of first-in-course honours and they are a credit to their teachers.

These achievements are reflected throughout the government school system. The Productivity Commission recently reported that the writing skills of this State's year 5 students are better than those of their contemporaries across the nation. The commission also found that our year 3 students exceed the Australian writing benchmark. An Organisation for Economic Co-operation and Development report states that the literacy achievements of our 15-year-olds are among the best in the world; their results are better than those achieved in the United Kingdom and the United States.

Also in 2002, year 3 and year 5 students achieved their best basic skills test results in the whole of the test's 13-year history. Year 7 and year 8 high school students also achieved the best results in the history of the English language and literacy assessment [ELLA] tests. The year 6 students who undertook the computer skills test achieved very high standards. The outcomes of the work of this State's teachers in primary and high schools show that New South Wales is leading the country and in many ways the world. The results are certainly outstanding. The Productivity Commission has also shown very clearly that New South Wales is allocating the requisite funding to education. New South Wales spends \$300 more per primary school student than any other State. This State's expenditure for each high school student is \$340 more than the national average.

The New South Wales Government is putting in the resources and is achieving the results. While New South Wales continues to deliver world-class results, the Prime Minister, John Howard, continues to talk down public education. He talks down our achievements, our values and the public education system. By devaluing our schools, he devalues our students, our teachers and the parents of students. Whenever the Prime Minister

discusses public education, he shows that he is absolutely wrong, and it is interesting that so many of his own backbenchers are prepared to show that he is wrong by arguing the merits of public education values. The Leader of The Nationals has been prepared to stand up for the values of our public schools, and I congratulate him on stating that values are indeed taught in government public schools—and good values, at that. It is very important he said that.

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

Dr ANDREW REFSHAUGE: It is interesting that the Prime Minister, John Howard, is not only talking down our public schools and their achievements and failing to acknowledge that our teachers are doing so well in getting students to high standards, but he is also putting taxpayer funding into all the private and elite schools. For every taxpayer dollar that goes to a government school student, the Prime Minister shuffles \$4 of taxpayers' funds into private schools. The very clear message that the New South Wales Government sends to the Prime Minister is to stop talking down our public schools and provide fair funding for all schools.

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

Dr ANDREW REFSHAUGE: The Prime Minister should back the plan of the Federal Leader of the Opposition, Mark Latham, which provides for fair funding for all students in all schools.

TAMWORTH POLICING

Mr ANDREW STONER: My question is directed to the Minister for Police. Why did the riot in Tamworth last Thursday night between feuding Aboriginal groups wielding samurai swords, star pickets and bricks continue unabated for seven and a half hours? What support will he give local police to prevent a recurrence of such a dangerous situation?

Mr JOHN WATKINS: I will provide to local police whatever resources they need to deal with matters of that type. I will have discussions and I am happy to have discussions with the honourable member, who is the local parliamentary representative, and the local area commander about that matter to see whether anything extra is needed to assist that local area command.

EMPLOYMENT AND INVESTMENT

Mrs KARYN PALUZZANO: My question without notice is directed to the Minister for Regional Development. What is the latest information on jobs and investment in New South Wales?

Mr DAVID CAMPBELL: The three letters loved by every member of a government that is committed to a financially sound State are AAA, the international benchmark of good economic management. I am happy to advise the House that the international ratings agency Moody's recently confirmed the New South Wales triple-A credit rating, and affirmed this State's financial strength and its status as the nation's economic powerhouse. Moody's is the third international ratings agency to give this State the thumbs up in recent times. Standard and Poor's issued a triple-A rating on 3 February 2004 after the third-largest agency, Fitch's Ratings, gave us a gold star in October last year. Moody's reported that the State's triple-A debt rating "reflects the State's sound fiscal policy and budgetary position, its modest debt burden, and the strength and diversity of the State's economy."

Not everybody gets a triple-A rating. Only nine of the 50 American states, only one of Canada's 13 provinces and territories, and only two states out of 17 in Germany qualified. Japan did not receive a rating, nor did South Korea. The triple-A rating really means something, and we in New South Wales are proud to have it. But a big part of winning and keeping the triple-A rating has been the Government's work in reinforcing Sydney's role as an Asia-Pacific financial centre. Last week the Premier met with the World Bank's President, Mr Jim Wolfensohn, and hosted a roundtable between the executive directors of the World Bank and local business leaders. I remind the House that the World Bank chose Sydney when it set up its Pacific headquarters in August 2000. On 15 and 16 March this year Sydney will host the global foundations Asia-Pacific roundtable with participants including the World Bank, the United Nations, AusAid, the International Monetary Fund, and the Asian Development Bank.

New South Wales is not resting on its record—proud though that record is. This State continuously and aggressively seeks new opportunities for Sydney and for New South Wales. I am proud to say that approach is

paying off. The House will be pleased to note that the Royal Bank of Scotland—the world's fifth largest bank—has announced expansion of its Australian operations. The bank set up here in 1999 and has been involved in financing some very high-profile projects, including the \$4.8 billion Sydney Airport redevelopment, the \$1.3 billion M7, and the \$1.32 billion Alice Springs to Darwin railway. The bank has opened its first Australian branch at Australia Square, offering corporate banking, structured finance and international loan services. We welcome this clear vote of confidence in the New South Wales economy and in our skilled workforce.

The House should also be pleased to note that another great global company, Reuters, has decided to establish its Asia-Pacific customer order management centre in Sydney, which will create 50 new full-time jobs. Reuters, the world's leading international multimedia news organisation, says it wants to be part of the buzz of Sydney. This State won that investment ahead of a number of Asian locations. The decision followed a meeting between the Premier with Reuters chief financial officer, David Grigson, in London last month. It is no accident that, amid all the development, New South Wales has again beaten the rest of the nation on job creation. Since March 1995, employment in New South Wales increased by 490,200 positions, and a big part of the reason for that increase was the facilitation of the 157 investment projects that the Government assisted in 2002-03.

The projects generated more than \$1.2 billion in investment and created 5,518 jobs for New South Wales families. They included two regional headquarters, five regional operations centres of international companies, the \$100 million Woolworths distribution centre on the Central Coast, and 250 jobs at the Salmat call centre in Wagga Wagga.

Mr Adrian Piccoli: I wish to ask the Minister for Energy and Utilities, insults and abuse a question without notice.

Mr SPEAKER: Order! The honourable member for Murrumbidgee is on three calls to order. That was a disgraceful way to ask a question. I ask the Deputy Serjeant-at-Arms to remove him from the Chamber.

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

MAGISTRATES EARLY REFERRAL INTO TREATMENT PROGRAM

Mr NEVILLE NEWELL: My question without notice is directed to the Attorney General. What is the latest information on the North Coast's Magistrates Early Referral into Treatment [MERIT] Program?

Mr BOB DEBUS: Diversion of minor and first-time offenders, particularly those charged with drug and alcohol-related offences, into rehabilitation programs is a most important part of our justice system. The Government has been able to take the lead in this area by providing substantial dedicated resources to meet the clinical and legal needs of the offenders while at the same time ensuring that the community is protected from offenders who are not serious about working toward their own rehabilitation. I am confident that a range of drug diversion programs, including the Magistrates Early Referral into Treatment [MERIT] Program, the Drug Court, and the recently expanded Youth Drug Court provide for a broad range of alternatives for drug offenders.

Earlier this month the Parramatta Drug Court celebrated its fifth birthday. Today I am pleased to table the evaluation report of the pilot MERIT program at Lismore Local Court. My department commissioned an independent evaluation of this program from the Southern Cross Institute of Health Research, and that evaluation shows a number of positive benefits of the MERIT program, including decreased drug-related crime by participating offenders while on the program and, following program completion, decreased illicit drug use by participating offenders, as well as improved health and social functioning.

The evaluation also shows that the impact of the program continues long after the participants complete their court matters. Perhaps most importantly, the Lismore pilot program was successful in reaching a large number of people who had never previously received treatment for their drug problems. The MERIT program steers offenders who have drug problems into a range of treatment and rehabilitation services in an effort to prevent further drug-related crime.

The program was established following a recommendation of the New South Wales Drug Summit. The evaluation conservatively estimates that the program saves the State about \$3 for every \$1 spent. But it is almost impossible to calculate the enormity of the social benefits for families caught up in the cycle of crime fuelled by drug abuse. Around New South Wales MERIT results have been extremely encouraging. A total of 2,735 defendants have been accepted into the program, with 1,349 successfully completing the court's requirements and another 368 currently undertaking the program.

It is notoriously the case that a relatively small number of drug offenders account for a disproportionate amount of the crime, particularly property crime, in any given area, and that those offenders are notoriously resistant to ordinary criminal sanctions. For this reason, the high success rate we are seeing for MERIT participants is particularly encouraging. Offenders who want to turn their lives around and address the cause of their behaviour can begin immediate and specialised drug treatment via the MERIT program. This can include detoxification, residential rehabilitation and counselling. By addressing their drug problem, we are addressing the motivation behind their criminal activity.

There are now 50 Local Courts in New South Wales working with NSW Health and non-government agencies to deliver the MERIT program and tackle the problem of drug-related crime. I also inform the House that after some regrettable delay by the Commonwealth late last year, the New South Wales and Commonwealth Governments agreed to maintain funding for the MERIT program at least until June 2007. This will allow consolidation and some expansion in the program over the next three years and should see about 3,000 offenders enter the program in 2005. This is a substantial achievement, and I commend the reports on the MERIT program to the House.

BROKEN HILL WATER SUPPLY

Mr ANDREW STONER: My question is directed to the Minister for Energy and Utilities. Why has the Minister forced the residents of Broken Hill to drink dirty tap water such as that which I am showing to the House, rather than installing adequate desalination and filtration facilities for the city, as requested repeatedly by Broken Hill City Council?

Mr FRANK SARTOR: I welcome the question relating to my portfolio area. Level two water restrictions were introduced in Broken Hill on 16 January, based on the advice of Australian Inland Energy. The restrictions have achieved a reduction of 20 per cent of normal demand. A reverse osmosis pilot plant is presently able to purify a substantial proportion of the water. The Minister for Infrastructure and Planning, and Minister for Natural Resources and I have regularly discussed this matter. As soon as the water flowing from the rains that recently fell on the northern part of the State reaches the catchment the water restrictions in Broken Hill will be reviewed and hopefully we will be able to lift them. A purification plant is in place and we are addressing the issue. It is not to the Opposition's credit that it belittles the state of the drought and the environment, the climatic changes we are experiencing, the stress that all our communities are under, and the massive effort by councils and the State to improve water supplies.

Mr SPEAKER: Order! The Leader of The Nationals should discuss with his colleague the Deputy Leader of the Opposition the problems associated with bringing props into the Chamber.

Mr Barry O'Farrell: I am glad you raise that point. At the commencement of question time today you said you would uphold standing orders, yet when the Minister for Infrastructure and Planning, and Minister for Natural Resources threw papers across the Chamber you ignored it. I take that as *carte blanche* to take similar action, and I will be ignored as well.

Mr SPEAKER: Order! The Deputy Leader of the Opposition knows that is nonsense.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [3.46 p.m.]: I move:

That standing and sessional orders be suspended to permit the introduction forthwith of the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill, notice of which was given this day for tomorrow, and its progress up to and including the Minister's second reading speech.

Mr ANDREW TINK (Epping) [3.46 p.m.]: It is extraordinary that the Premier's priority, both in question time and now, is national competition legislation. The House should be reminded that the only surviving signatory to the original National Competition Policy Agreement is the Premier, Robert John Carr. Paul Keating and the Premier signed the agreement that the Premier now seeks to slide out of because of a few embarrassments with some interest groups who are, rightly, very concerned about issues relating to their industries. The Premier's signature is on the paper, together with that of Paul Keating.

All the governments in Australia, other than the Federal Government, are Labor governments. Rather than posture in this Chamber, the Premier could get together with all the other Labor governments around the country at the next Council of Australian Governments meeting and change it there. Given everything else that is going wrong in New South Wales, why is the House not suspending standing and sessional orders to talk about the rail system? Why is it not suspending them to talk about the fact that no trains whatsoever are running on the Carlingford line because there are no drivers? Why are we not talking about the Premier's nine years of mismanagement, which has now forced him to bribe train drivers? He is bribing public servants to keep up services.

Why is the House not suspending standing and sessional orders to talk about patient deaths caused by negligence in hospitals? And worse, why is it not suspending them to talk about the disgraceful health system in this State? Why is the House not suspending standing and sessional orders to talk about the illegal way in which the Council of the City of Sydney was sacked? The Premier wants to talk about Federal issues. Why is the House not suspending standing and sessional orders to talk about the selection of a Federal airport site? Why is it not suspending them to talk about little disagreements between the Minister for Education and Training and the Premier's mate Mr Latham about performance pay for teachers?

Why is the House not suspending standing and sessional orders to talk about the Small report? Why is it not suspending them to talk about the way in which the Federal Minister for Homeland Security has expressed concerns about a report by Clive Small, who reports directly to the Premier? The Premier has direct knowledge of a number of police reports relating to gang warfare in New South Wales. He has sat in his office and ignored those reports, yet he wants to talk about national competition policy, which he and Paul Keating—

Mr SPEAKER: Order! The honourable member for Epping will resume his seat. I call him to order.

Mr Carl Scully: Point of order: Out of human kindness, I would like the honourable member to have a break so that he does not lose his voice.

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

Mr ANDREW TINK: This is a Premier who does not have the guts to face the issues he should take responsibility for. This is a Premier who was criticised this morning by his own caucus for failing to take responsibility. The Premier was flayed in caucus this morning for hiding and for putting out other Ministers to take the flak for a disgraceful nine years of mismanagement, which means he is reduced to bribing and intimidating public servants to get his way. He is a disgrace; he ought to go.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 52

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

Noes, 35

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

Pairs

Mr Bartlett	Mr Slack-Smith
Ms Saliba	Mr J. H. Turner

Question resolved in the affirmative.

Motion agreed to.

NATIONAL COMPETITION POLICY AMENDMENTS (COMMONWEALTH FINANCIAL PENALTIES) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [3.59 p.m.]:
I move:

That this bill be now read a second time.

I must share with the House the comments of the honourable member for Upper Hunter during question time. He said the provisions of this bill are unnecessary because the Liquor Act currently restricts the grant of licences to convenience stores and service stations. What a big, exciting revelation by the honourable member for Upper Hunter. Now we know why Luna Park went bust when he was in charge of it! Poor George got it wrong: that restriction applies under section 49C (3) of the Act only to stores in rural and remote areas. We are, first, broadening the definition of "convenience store" to include milk bars, corner stores and mixed businesses, and, secondly, introducing an absolute ban on the grant of a licence to a service station irrespective of location. By the way, what about the performance of the honourable member for Epping earlier? He is now testing the excellence of services provided by paramedics in New South Wales.

The simple purpose of the National Competition Policy Amendments (Commonwealth Financial Penalties) Bill is to enable New South Wales to avoid penalties being imposed by the Federal Government on the advice of the National Competition Council [NCC]. Every member of this House will be aware that the Commonwealth is compelling New South Wales to change the way we regulate these industries or forfeit \$51 million in competition payments because the NCC has deemed us "non-compliant" under the National Competition Principles Agreement. That \$51 million represents 20 per cent of the competition payments due to New South Wales, and the threat will continue to hang over us unless we do the NCC's bidding.

Now, \$51 million is a lot of money. It is double the value of this year's class size reduction plan or enough money to hire 750 new nurses. It is a tough, unfair penalty. We have ploughed through nearly 200 pieces of legislation since 1995, reforming them along the way to meet competition requirements. We have led the way on major energy, water and transport reforms, which is what competition policy was said in the early 1990s to be all about. These reforms have helped make Australia's gross domestic product 2.5 per cent higher than it would have been otherwise and they have made the average household income about \$7,000 a year more than it was at the start of the 1990s. Yet despite our exemplary record the NCC has made this assessment of

New South Wales. We have made numerous submissions to the council expressing our deep displeasure, and we have provided detailed assessments, as required by the National Competition Principles Agreement. In September last year I wrote a letter to the Prime Minister—to which I referred earlier in the House—saying that if the Federal Government applied the penalties we would have no alternative but to implement the reforms.

Let me start with the liquor industry. It may have escaped the attention of the NCC, but during last year's election campaign we announced a summit on alcohol abuse—and it was held last August. In light of that we very sensibly delayed making any changes to our liquor laws pending the outcomes of that summit. This is not about an unwillingness to comply; it is about an incomplete reform that is still being developed by the Government and our stakeholders, because we said we wanted to involve the community in our work. Despite that very cogent explanation, which we patiently put before the Commonwealth, New South Wales faces one of the heaviest national competition penalties. Given the substantial harm associated with alcohol abuse and the clear support for tight regulation that came out of the Alcohol Summit, we strongly support the maintenance of a robust liquor regulatory regime. However, the National Competition Council continues to hold that the current needs test in the Liquor Act restricting the number and location of liquor outlets is being used by existing liquor licensees to restrict competition.

Therefore, this bill will make changes to the Liquor Act's licensing provisions that we think will be sufficient to satisfy the Commonwealth while hopefully maintaining the integrity of our liquor licensing system. The bill will replace the needs test with a rigorous and comprehensive social impact assessment process. It will also change the way that fees for liquor licences are determined in line with National Competition Council [NCC] demands. More importantly, the bill will impose an absolute ban on the sale of alcohol through petrol stations and expand the current restrictions on the sale of alcohol by broadening the definition of convenience stores to include corner shops, mixed businesses, and milk bars while retaining special exemptions for small towns and remote areas. We will not allow the Commonwealth's demands to result in a proliferation of liquor outlets across New South Wales if we can possibly prevent it. These amendments will commence on or before 1 July this year.

I turn now to the poultry meat industry. The NCC's doctrinaire approach is evident in its approach to this industry. This is an industry in which the processors rather than the growers have the bulk of market power. When we think of the level of hard work and investment put in by the State's 330 chicken growers we can appreciate that it is only fair that they have a reasonable degree of protection in a tough marketplace. That is why in New South Wales an industry committee sets base prices and approves agreements between poultry growers and processors for the supply of poultry. However, the National Competition Council is set upon decentralising our practical, effective system of grower-processor contract negotiations. We therefore reluctantly concede the abolition of the existing Poultry Meat Industry Committee's power to set standard rates for poultry supplied by growers to processors.

Our bill also abolishes the existing requirements that contracts between growers and processors be approved by the committee. It will now be up to individual farmers and processors as to how they negotiate contracts and what those contracts will contain. The bill refocuses the industry committee on facilitating contract negotiations rather than on its previous role of assessing whether prices and contract terms are reasonable. While this model removes the prescriptive role of the industry committee, the Government has made sure that the Act retains important protection for chicken growers. Our legislation will, for example, retain the right of chicken growers to bargain collectively with individual processors, preserving the negotiating power of the many small individual growers in their contract negotiations with a few large processors.

The bill will also ensure that registered agreements between growers and processors are authorised under the Commonwealth Trade Practices Act, protecting the agreements from any legal challenge. It will enable individual growers to opt out of collective bargaining if they choose. We will retain the strong regulatory support for growers through the oversight role of the industry committee. These are not amendments of our choosing. I want the State's chicken growers to know that we have done everything we can to maintain as much as possible of the old system. We are doing everything we can to stop poultry growers being squeezed by the big processors. These amendments will commence on 30 June this year.

The Dental Practice Act 2001 and the Optometrists Act 2002 currently restrict the ownership of dental and optometry practices, with some exemptions when consumer protection is assured. The New South Wales Government believes this is a balanced approach, but again the crusaders at the National Competition Council and the Federal Treasurer—who was not overruled by the Prime Minister—have branded our fair, practical system as anticompetitive. The bill therefore reluctantly provides for the removal of restrictions on the ownership of dental and optometry practices. At the same time the bill retains health and safety protections and prohibits employers from directing or inciting a dentist or optometrist in their employ from engaging in unsatisfactory professional conduct, including overservicing.

The pharmacy industry is another area in which successive New South Wales governments have retained sensible regulation. The dispensing of often dangerous drugs needs an ethical, patient-centred approach. That is why the Pharmacy Act 1964 contains various restrictions, including restricting the entry of new friendly societies into the market and restricting ownership to pharmacists. These provisions prevent unrestricted corporate consolidation in the pharmacy sector and ensure that consumers are protected. The National Competition Council is—surprise, surprise—not happy with this, and the Prime Minister and the Federal Treasurer have fallen into line. Whose fault is it? I can reveal to the House—this is an exclusive—that the Pharmacy Guild is meeting right now with the Prime Minister because the pharmacists know where responsibility for this lies. The Pharmacy Guild has gone straight to Canberra and is meeting with the Prime Minister this afternoon. So we have kept to the minimum of what we think is necessary to keep the NCC, the Federal Treasurer and the Prime Minister at bay.

The bill removes the cap on the number of pharmacies that pharmacists may own and the restrictions on the entry of new friendly societies, but it does not allow for unbridled corporate consolidation of pharmacy ownership. This reflects the Government's view, which is apparently shared by the Prime Minister, who describes himself as "a strong supporter of maintaining the tradition of pharmacies owned and operated by pharmacists". If the Prime Minister believes in that, he should lift the penalty, reverse his Federal Treasurer's policy, and return the money—send us a cheque. That is the way to get this legislation pulled out of the Chamber: send us a cheque.

If the Commonwealth continues to regard our amended legislation as inconsistent with competition policy there will be more painful decisions on the way. This legislation could still fail the NCC test, and if John Howard and Peter Costello support the implementation of the NCC recommendations, there will have to be, I repeat, more painful decisions and we will be forced to return to this legislation and amend it accordingly. Could anyone believe that farm debt mediation—the requirement that a bank mediate with a farmer before evicting him or her—has attracted the attention of the NCC, with the initial support of the Federal Government? I cannot believe that their overzealous approach would aim at this. The silence of the National Party on this is remarkable. The Farm Debt Mediation Act provides farming families in financial trouble with the welcome right to attempt mediation before lenders move to "enforce their security", which usually means evicting people from their farms.

To remove any misunderstanding, when I use the familiar acronym "NCC", members on my side of the House know that I am not invoking the organisation with a long history based in Melbourne called the National Civic Council. When the National Competition Council first looked at this it did not regard our legislation as being in the public interest. Such is its purest view of competition, it wanted us to overturn the Act.

After a concerted campaign by our friends in Country Labor—good old Country Labor comes in like the cavalry in western movies; the cry for assistance goes up, Country Labor is there, on their horses, flags flying, bugles sounding, leading a revolt in country New South Wales—Canberra was forced to back down and now is only insisting on two changes to the Act. Another win for Country Labor. One change provides that if the Rural Assistance Authority finds that a lender has not attempted to mediate in good faith, the lender must wait 12 months before enforcing its security. The second change provides for the review of Rural Assistance Authority decisions by the Administrative Decisions Tribunal.

While removing these provisions to satisfy the insatiable demands of the Commonwealth, the bill retains our fair and cost-effective system of farm debt mediation that has protected farming families during tough times. I thank my Country Labor colleagues for their enthusiastic support for the fight on this front. This is one piece of legislation I wish I never had to introduce: a shotgun law introduced under the threat of a \$51 million penalty resulting from the overzealous application of competition policy and the animus of the Federal Treasurer intent on enforcing NCC recommendations and a Prime Minister who ignored my plea—an eloquent plea, I might say, if one reads my letter of September last year—to not fine New South Wales and not force us to undertake the actions I have just outlined.

The Government has calibrated, as best it can, the provisions of the bill so they will have the least possible impact on New South Wales families, while at the same time preserving essential services from a \$51 million cut we simply cannot afford. I reluctantly commend this bill to the House and urge the Commonwealth Government and the National Competition Council to take a more balanced view of competition policy.

Debate adjourned on motion by Mr George Souris.

CONSIDERATION OF URGENT MOTIONS

Australia-United States of America Free Trade Agreement Sugar Industry Exclusion

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [4.16 p.m.]: My motion is urgent because New South Wales farmers, especially our sugar growers, have received a very poor deal from the free trade agreement between Australia and the United States of America. The motion is urgent because the agreement was announced just recently, after the last Queensland State election. The motion is urgent because whereas it was assumed that the original agreement would provide big deals for the New South Wales and Queensland sugar industries, that is not the case.

My motion is urgent because even the Federal National Party Federal member for Page, Mr Ian Causley, has said that the agreement is probably good for Australia but not so good for rural industry. My motion is urgent because the nature of the representation that has come from the National Party, especially in New South Wales in the past few months, has been deceitful. I urge members to debate my motion.

Redfern Policing

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [4.17 p.m.]: My motion should receive the urgent consideration of the House today because the information provided by the Opposition to the Parliament adds another layer of concern about policing in Redfern. It is urgent because despite the attempts of the Government to deny the truth, policing in Redfern has been at flashpoint for some time. My motion is urgent because just last Thursday, 12 February, at about 11.00 a.m. an incident took place at Redfern that is of enormous concern to every citizen in New South Wales except the Premier and the Minister for Police.

Two police officers, who remain unnamed in this document I have but who are known to me, pursued a person of interest through Redfern into what is known as the Block. When they were in the Block they were surrounded, first by five to six men, and then by 12 to 15 men, and they were assaulted for pursuing this person of interest. The police officers radioed on four separate occasions for assistance and on each occasion their radio transmission was in part, or completely, unsuccessful. On four separate occasions officers in distress called for assistance and their radios were either faulty or, indeed worse, the radio system was unable to receive their message. The situation escalated. I read from a statement that is now publicly available. A police officer called Redfern 140 and said, "Urgent. Eveleigh Lane. The Block". Once again, the entire transmission did not reach VKG. As the two police officers were surrounded by these 12 to 15 thugs the offenders grabbed at the officers' weapons belts.

Mr Neville Newell: Point of order: Members opposite will have anticipated my point of order. They probably agree with me but cannot show their agreement. The Leader of the Opposition must show why his motion is urgent; he must not debate the substance of his motion. At present he is certainly not showing why his motion is urgent.

Mr ACTING-SPEAKER (Mr John Mills): Order! I have the gist of the point of order. At this stage the Leader of the Opposition is in order. However, if he quotes from further transmissions I will be inclined to rule that he is dealing with the substance of the motion.

Mr JOHN BROGDEN: My motion is urgent because last Thursday in Redfern two police officers had their lives put at risk; their radios failed and one officer had his gun taken from his holster by one offender and turned into his chest. Can it get more urgent than that? These police officers had their lives put at risk. Thank God they were able to wrestle the gun back; otherwise we would be dealing with a much more urgent and potentially more dangerous situation. What do we hear from the Minister for Police? Absolutely nothing! He is not in the Chamber at present. He went white when we exposed the fact that a gun was taken. He knew absolutely nothing about that, and then sought to deny it by saying, "I have answered the question." The Minister has not answered the question. He is avoiding the truth on this matter.

The Minister has failed to admit to the people of New South Wales that in Redfern less than one week ago a police officer had his gun taken from him and pointed at him by a couple of Aboriginal thugs. And nothing has happened! No-one has been arrested and no charges have been laid; these people wander free on the streets of Sydney. All we get is stony silence from the Government. Whether it is policing in Redfern, the rail system, the health system, the state of taxation in New South Wales or local government mergers, the Government, after nine years in office, has no-one else to blame for the failures of this State. We know that the

Premier had a rough time in caucus today. Instead of his usual 10-minute speech, he spent 45 minutes trying to justify his Government's record. His own backbench members told him to stop blaming other people and take some responsibility for himself for a change.

Mr Alan Ashton: Point of order: Mr Acting-Speaker, I refer you to the point of order raised by the honourable member for Tweed, and I ask you to uphold the point of order.

Mr ACTING-SPEAKER (Mr John Mills): Order! I uphold the point of order.

[*Time expired.*]

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

The House divided.

Ayes, 52

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

Noes, 34

Mr Aplin	Ms Hodgkinson	Ms Seaton
Mr Armstrong	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Souris
Ms Berejikian	Mr Kerr	Mr Stoner
Mr Brogden	Mr McGrane	Mr Tink
Mr Constance	Mr Merton	Mr Torbay
Mr Debnam	Mr Oakeshott	Mr J.H. Turner
Mr Draper	Mr O'Farrell	Mr R.W. Turner
Mr Fraser	Mr Page	
Mrs Hancock	Mr Pringle	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

Pairs

Mr Bartlett	Mr Cansdell
Ms Saliba	Mr Slack-Smith

Question resolved in the affirmative.

AUSTRALIA-UNITED STATES OF AMERICA FREE TRADE AGREEMENT SUGAR INDUSTRY EXCLUSION**Urgent Motion**

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [4.32 p.m.]: I move:

That this House supports the New South Wales sugar industry and expresses its concern about sugar's exclusion from the free trade deal with the United States of America.

There can be no doubt that New South Wales farmers, especially sugar growers, have received a poor deal from the fair trade agreement between Australia and the United States of America. Sugar farmers across Australia are cynical because the agreement was signed after the last ballot was cast in the Queensland State election. They are concerned about the impact the free trade agreement will have on their industry. It was trumpeted that the original agreement would result in significant gains for the Australian sugar industry and in the order of \$4 billion towards the Australian economy. Some months ago it was estimated that expanded sugar industry exports would be worth some \$US442 million or more than \$A560 million at the current exchange rate. As at today that figure would represent some \$700 million to \$800 million. However, thanks to the Federal Government not one cent of value has been added. One need only read the newspaper comments from various industry representatives and embarrassed representatives from The Nationals to realise that the Federal Government has sold its supporters down the river.

The agreement was signed off by none other than the Federal Minister for Trade, the member for Lyne, Mr Mark Vaile, a member of The Nationals. The agreement benefits American farmers at the expense of Australian farmers. Media reports have stated that American farmers will be able to sell \$US1.9 billion of product into Australia compared to only \$1.2 billion in Australian exports to America. On a number of occasions Mr Vaile has been quoted as saying that sugar was a non-negotiable part of this agreement, yet the agreement was signed with the exclusion of sugar. The Federal Government has abandoned country New South Wales, particularly its 500 cane producers. The best picture that could be painted by the member for Page, the Hon. Ian Causley, was that the agreement was probably good for Australia but not so good for rural industry—in other words, it is a disaster. He must be embarrassed that the agreement does not include any benefits for sugar growers, nor does it contain any reduction in the significant American trade barriers that exist today. Last week one farmer told me that there were no sweeteners for cane farmers.

The New South Wales sugar industry extends from the Queensland border to north of Grafton. The omission of sugar from the free trade deal will have devastating consequences for thousands of families on the North Coast and the region's economy. Sugar injects some \$200 million into the North Coast economy, and 2,000 North Coast families benefit from employment in the industry. Figures produced by the Australian Bureau of Statistics indicate that sugar cane production in the Tweed totals some 464,000 tonnes a year, representing a \$12 million investment for the region. That is why I have campaigned for local sugar growers over a number of years. In 1999 we helped to defeat the introduction of a 100 per cent tariff on Australian sugar into Canada. That was a major achievement, given that sugar is Australia's largest export product to Canada. However, the Prime Minister has not shown the same commitment during recent talks with the United States, despite the Deputy Prime Minister, John Anderson, recently saying that it would be un-Australian to do a deal with the United States without concessions for our sugar trade. So much for the influence of The Nationals—the once great Country Party should be ashamed.

American sugar farmers are laughing all the way to the bank. American farmers know that they cannot compete with our sugar because they survive on American taxpayer-funded subsidies. The Prime Minister does not understand or care about the long-term negative impact this agreement will have on our sugar industry, but our farmers—many of whom are traditional, conservative supporters—sure do. They voiced their concerns immediately the agreement was signed. They were concerned that the signing was delayed until after the Queensland election to avoid adverse consequences, although that made little difference. The chair of the Farmers Federation's trade committee, Allan Burgess, maintains that one of the big failures involved the sugar trade and he is now lobbying the Federal Government to compensate sugar cane growers. Ian Ballantyne from the Canegrowers Association stated that growers are extremely disappointed and are feeling increasingly isolated and marginalised.

Bernie O'Shea from the Sugar Industry Reform Committee said that sugar growers are extremely angry and that the issue will not go away. Others have described the signing of the agreement as a kick in the guts. Bernie O'Shea predicts that there will be a withdrawal of supply and growers are threatening to take revenge at

the ballot box because they had been led to believe by the Howard Government's most senior Ministers that sugar would be a priority in the trade deal. Street protests have already been held and cane growers are calling for a fair deal. Queensland National backbencher, De-Anne Kelly, has acknowledged the impact of the deal on sugar growers. She has even conceded that she might lose her seat because of the deal. The Australian Manufacturing Workers Union forecasts job losses and a blow-out in the Australian trade deficit. Increasingly, the fine print of this so-called groundbreaking deal is not as rosy as the Federal Government would have us believe, and I do not just refer to the industries that have been excluded. Benefits to the avocado industry were widely touted, even by the member for Richmond, Mr Larry Anthony, in his column in a local publication that is supported by The Nationals.

He mentioned that avocado growers will have access to the United States market for the first time. He does not seem to understand that avocado crops are seasonal, and that the so-called benefits to the avocado industry are subject to conditions. As a result there will not be access for this crop to the American market because access is permissible only in the off-season of Australian producers. What sort of a dill is the Federal member for Richmond when he makes comments like that and supports the free trade agreement, especially when he knows full well that it will have no benefits for his area? There are small cuts to beef and dairy tariffs, and I will not deal with them; many have been spoken about in the media. All indications are that those benefits will not flow for many years to come. Some of those benefits are concessions that will be phased in over 18 years—nearly two decades. The average age of our farmers is about 68 years, so many of them will be dead before these concessions are fully operational!

There is plenty of debate and uncertainty about the value of the trade agreement deal for Australia. The confusion clearly challenges the Federal Government's claims of a \$4 billion benefit to Australia. Economists have revised that figure down by about 20 per cent. I think that revision is very modest because of the exclusion from the free trade agreement of the Australian sugar industry, which under the agreement gets nothing. This so-called free trade agreement is nothing of the sort. How can someone who uses the words "free trade" be straight-faced when the agreement has cost our sugar exports more than \$560 million? The Federal Government should be ashamed of itself. So much for being the "Deputy Down-under"! So much for the special friendship with the United State of America! And so much for The Nationals under John Anderson!

A number of things must be pointed out in this debate. The so-called free trade agreement between the United States and Australia does not bring benefits to farmers because farmers in one industry have been left out. While The Nationals might trumpet some gains in some other industries, they must concede that the agreement has no benefits at all for our North Coast farmers. Let us look at what our Federal member Mr Anthony had to say. He said the region would benefit from an immediate zero tariff that will apply to mangoes, macadamia nuts and seafood. Big deal, Mr Anthony! How much of those products can we export? He also said that avocado growers will have access to the United States market for the first time. I have already mentioned how ridiculous it was for him to make that statement. The local benefits that he spoke about just do not exist.

Mr Anthony ignored the exclusion of the sugar industry from the agreement, merely expressing his "disappointment". Disappointment! Is that the best that a member of Federal Cabinet can do? He was rolled on this issue. His leader, Deputy Prime Minister John Anthony, said they would not do a deal unless access for sugar was part of the free trade agreement. Yet it is excluded from the agreement. New South Wales members of The Nationals must be so embarrassed by what their Federal colleagues said prior to the reaching of this agreement. They kept what was going on a big secret, and released the details of the agreement after the Queensland election. The problem for them is that in this day and age of the web and the Internet, no matter what spin the Federal Government puts on it, we know what the United States farmers and the Government are doing. We can find that out on the web. The deceit and lies surrounding this free trade agreement have been revealed.

While there might be some benefits for particular industries, the New South Wales Opposition has not learned that there are benefits to be gained from looking after home-grown industries that are efficient and successful, particularly those able to supply the domestic market and export markets, rather than letting them go down the drain and allowing the United States producers, who are heavily subsidised to the extent of some 50 per cent, to get away with such anti-competitive subsidies. [*Time expired.*]

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [4.42 p.m.]: As Deputy Leader of the New South Wales Nationals, at the outset I express my strong support, that of the New South Wales Nationals and The Nationals generally, for the sugar industry. Obviously, we are concerned about the exclusion of that industry from the free trade agreement between the United States of America and Australia. I

acknowledge that the sugar industry is a very important contributor to the economy of my electorate and indeed to that of the Northern Rivers of New South Wales, which has three mills, one of which produces refined sugar. This industry is a very important employer on the farms, in the mills and in transport to the mills. It is important also to the service industries that support the sugar cane industry. Indeed, after the announcement of the content of the free trade agreement the New South Wales Nationals requested a detailed briefing on the agreement by the Federal Government. That was forthcoming yesterday.

It is important to recognise that the free trade agreement between Australia and the United States is overwhelmingly in the national interest. This deal will further integrate the Australian economy with the largest and most dynamic economy in the world, delivering lasting benefits for generations of Australians. However, whilst Australian sugar exports will continue at current levels into this premium market, agreement was unable to be reached on improved access. The sugar industry would have been no better off if the Federal Government had decided not to settle the free trade agreement, but other industries would have been demonstrably worse off. The Australian Government, which appreciates the ongoing challenges facing the sugar industry, is obviously disappointed with the outcome. But both the Prime Minister and Deputy Prime Minister have indicated that they will be meeting with the industry as a priority to explore additional ways in which the Government can assist the industry. In particular, the Government recognises that the current, corrupt world market in sugar is such that some sugar cane farmers may not be able to remain viable into the future.

The Federal Government will be working to develop further assistance to help facilitate the change and restructuring that are necessary for the industry to survive and to prosper into the future. It is important to emphasise that over the past four years the Australian Government has provided more than \$80 million in assistance to thousands of cane farmers and harvesters and their families. The sugar industry reform program has delivered almost \$20 million in income support, interest rate subsidies and business planning assistance to more than 2,500 people. I am advised that the Government will consider a number of options for funding new and additional initiatives to facilitate industry adjustment and reform. I would be very interested to see what the Federal Labor Party reaction to this agreement will be when the rubber hits the road in the Federal Parliament. Will it oppose the agreement that has been negotiated—an agreement that delivers a lot of benefits to many parts of the Australian industry—on the basis that the sugar industry was not able to gain increased access to the United States market under this particular deal?

Mr Frank Sartor: Name some of the benefits.

Mr DONALD PAGE: I will come to that in a moment. I should also point out that, in addition to the assistance that has been provided by the Federal Government to the sugar industry since October 2002, \$60 million in assistance was provided to cane growers during 2000-01 as part of the previous sugar industry assistance package. That involved income support, interest rate subsidies for replanting and a general interest rate subsidy. Importantly, in addition, in 2002 and 2003 the Government provided assistance under the 1998 sugar research package, which involved total funding of \$13.45 million over four years for research into ways of increasing sugar content of Australian cane and other priority research. An external review of the benefits that that particular sugar research package of \$13.45 million would deliver indicated that it is likely to deliver about \$180 million in benefits to the sugar cane industry.

It is important to recognise that this is a holistic agreement involving the whole of the Australian economy, and that inevitably in a negotiated outcome there had to be some winners and some who would not win. I point out that the sugar industry will be able to retain its current quota into the United States market of some 87,000 tonnes. That will be maintained. The fact is that the Federal Government exercised maximum pressure on the United States Government regarding access for Australian sugar to that country's markets as part of the agreement, but at the end of the day the United States Government could not offer anything regarding sugar because of domestic sensitivities. Equally, Australia has been able to keep the single-desk arrangement for the marketing of sugar and other products.

It is also important to point to the hypocrisy of the State Government and those who have spoken in this debate on behalf of the New South Wales Labor Party. Towards the end of last year State and Territory leaders stated:

The Premiers of Australia and the Chief Minister of the Northern Territory urge the United States Government to conclude swiftly a free trade agreement with Australia. While recognising that negotiations still have to resolve important issues for Australian industry and agriculture, we believe that the free flow of capital, goods, services and ideas is critical to the future development and prosperity of our two countries. But a free trade agreement between Australia and the United States is not solely about economic benefit. It is also about broadening and deepening the relationship between our two great democracies.

The hypocrisy of the honourable member for Tweed has been highlighted. The Premier did not say that this was about sugar and sugar alone. He said it was a much bigger picture. The agreement will provide a daily boost for economic and trade relationships with the United States, which is our most important trading partner and accounts for about one-third of the world's gross domestic product. The agreement delivers immediate free trade to almost all goods and will improve trade for our service exporters—our fastest growing export sector. It will also provide substantial benefits to our farmers.

The agreement will underpin existing employment and create new jobs. It will keep our economy growing strongly. No agreement is perfect and this agreement is no exception. It will, however, give us tangible and bankable benefits. What will we get from it? More than 97 per cent of our manufactured exports to the United States, worth \$5.84 billion last year, will gain entry duty free—and that is not insignificant; there will be access to the United States Federal Government procurement market of more than \$200 billion per year; an additional \$2.6 billion worth of beef will go into United States markets over the 18-year phase-in period; and an additional \$55 million of dairy produce will enter the United States in the first year, amounting to \$1.6 billion of dairy produce based on an annual growth rate of 5 per cent growth.

Tariffs on oranges, mangoes, mandarins, strawberries, fresh tomatoes, cut flowers and macadamia nuts will be eliminated immediately. There will be an immediate elimination of the 25 per cent tariff on light commercial vehicles, and the elimination of tariffs on exports of auto parts worth \$A310 million in 2002. What benefits will Australia gain for the agricultural sector, to which the honourable member for Tweed has been referring? Approximately 66 per cent of Australian exports will go to a zero tariff regime. That is no mean achievement! Of course, the Federal Government would have preferred an outcome that permitted totally free trade in agricultural products but, faced with a choice of a deal with significant gains or no deal at all, it decided to accept the deal. It was an offer far too good to refuse and, more importantly, it will provide us with a trading arrangement that is substantially better than that which we presently enjoy. This deal has secured improved access for beef and dairy products and other products from a range of industries, many of which operate in my electorate.

This agreement was a negotiated outcome, and as happens with all negotiated outcomes one side or the other makes concessions in order that an agreement can be arrived at. In my view, the Australian Government has negotiated a particularly good, all-round agreement for the future of Australia. Politicians must accept that occasionally they do not get everything they want. Unfortunately, with regard to sugar we got less than we wanted and less than the Federal Government wanted. However, I assure honourable members that the Federal Government fought very hard to increase our sugar trade beyond the current 87,000 tonnes annually. But at the end of the day the United States would not budge on sugar. Should we have risked the whole agreement by insisting on our sugar demands? The acid test for the Federal Australian Labor Party will be when the agreement is put to the Federal Parliament; it will then be forced to take a reality check. I wager that the Labor Party will vote in favour of the agreement despite the protestations of Labor Party members here today.

Mr PETER BLACK (Murray-Darling) [4.52 p.m.]: It is with considerable pleasure that I support the motion of my Country Labor colleague the honourable member for Tweed. I draw the attention of honourable members to the wording of the motion, which states:

That this House supports the New South Wales sugar industry and expresses its concern about sugar's exclusion from the free trade deal with the United States of America.

I and other members of my party regard the honourable member for Ballina as a gentleman—something of a rarity within The Nationals! But having said that, I have to say that on this occasion he has been trying to sell us a pup. The fact is, as *Hansard* records, that recently The Nationals voted against having any discussion on this matter.

Mr Donald Page: Point of order: I am reluctant to intervene but I must correct the record. Today The Nationals did not vote against the sugar industry; we voted on the priority of the two issues to be considered. We are hardly avoiding a debate on the matter.

Mr DEPUTY-SPEAKER: Order! That is not a point of order.

Mr PETER BLACK: I stand by my statement that The Nationals voted against having a debate on the matter. With regard to the infighting of and the language used by The Nationals I am reminded of a couplet by Banjo Paterson. There certainly is some fighting among The Nationals about this issue. The honourable member

for Ballina claimed that to insist on free trade in sugar would be to sacrifice trade in other products. Last Saturday the *Barrier Daily Truth* reported:

The United States' willingness to negotiate sugar tariffs with the Americas was a blatant insult to Australian farmers, an industry chief said yesterday.

The US yesterday signalled it was willing to discuss reducing US sugar protection with 34 South and Central American countries as part of a proposed Free Trade Area of the Americas (FTAA) agreement.

And I would have thought that Cuba was included among those countries. Despite the fact that Australia is supposedly an ally of the United States of America, and the United States an ally of Australia, the United States is more willing to negotiate sugar deals with Central American countries than it is with Australia. Australia is only allowed to export 87,000 tonnes—that is, two boatloads—of sugar a year into the United States. The article continues:

This was despite the US refusal to include sugar in a free trade deal struck with Australia this week.

The chief US negotiator on the FTAA, Ross Wilson, confirmed sugar would not be excluded from the negotiating table.

"Our position is that all tariffs are subject to negotiation," Mr Wilson told trade lawyers in Washington.

Australian Cane Farmers Association chairman Ross Walker described the US position as an unbelievable double-standard.

The United States will not discuss the issue with Australia but it is prepared to discuss it with South American countries. Mr Hartsuyker, the Federal member for Cowper, who expressed considerable disappointment that the United States would not agree to deal with Australia on sugar, was reported as saying:

The global sugar market is one of the most manipulated and corrupt sectors in the world and the Americans have denied Australian sugar farmers the chance to sell their product into the world's biggest market.

The Australian sugar industry acknowledges that reform is necessary but I believe the Federal Government must move to further assist the industry in the face of anticompetitive practices adopted by governments around the world.

Another article reported:

Meanwhile Australian sugar growers today said the benefits of a free trade deal with the United States would be gutted 27 per cent if it failed to tackle sugar reform.

Chairman of the Sugar 2020 organisation, Geoff Cost and Russ McNee, said Australia had to push for the inclusion of major sugar reform in the deal if it was to be worthwhile.

Mr Paul Neville, the Federal member for Hinkler, has predicted that he will lose his Federal seat in Queensland because of this outcome. The Nationals Senate Leader in Queensland, the Hon. Ronald Boswell, admitted today that a free trade agreement with the United States without increased market access for sugar was a bitter pill for the industry to swallow. This is a disgraceful situation. [*Time expired.*]

Mr STEVE CANSDELL (Clarence) [4.57 p.m.]: Everyone is disappointed that sugar was not included in the free trade agreement with the United States of America. No electorate that is represented in this Chamber wanted sugar to be included in the free trade agreement more than my electorate of Clarence. I am touched by the concern of the honourable member for Tweed for his electorate in this regard; it is a shame he did not show the same concern during the debate on taxation and registered clubs. It has been suggested that the Federal Government should be ashamed of itself. It fought as hard as it possibly could for a projected gain of \$4 billion, \$3 billion or \$2 billion. Is it shameful to achieve a \$2 billion, \$3 billion or \$4 billion gain for the country?

The free trade agreement is one of the greatest economic coups achieved by any government in this country. State Labor is only trying to help its Federal mates get some runs on the board; the agreement will bring great benefits to the country. Australia placed great pressure on the United States to include sugar in the free trade agreement. As previous speakers have said, Nationals who represent sugar-producing electorates are concerned about the effect on the growth of their electorates.

Mr Peter Black: They have been sold out.

Mr STEVE CANSDELL: The Federal Government did not sell out Australia.

Mr Peter Black: Mark Vaile has sold out the sugar industry.

Mr STEVE CANSDELL: The sugar industry has not lost. It will still have the same quantity of sugar exports to the United States as it had before. I will be interested in the incentives the Federal Government comes up with for the industry. I am sure there will be some good sweeteners. Labor will then jump up and down and claim that the Federal Government is pork-barrelling. The Federal Government will give the industry some sweeteners to help it through this crisis. There is no doubt that it is a crisis, although the industry has maintained the 87,000 tonnes it exports to the United States. It is a tragedy that sugar was not included in the agreement, but we cannot walk away from all the other benefits. Some union members will walk away from the Australian Labor Party if it knocks back this deal.

Let us look at the benefits: free and open access to the United States market for Australian exporters of almost all manufactured goods and services; duty-free access from day one for more than 97 per cent of Australia's manufactured exports to the United States, which were worth \$5.84 billion last year; substantially improved access to the United States market for Australia's agricultural sector, including our beef and dairy producers, with more than 66 per cent of agricultural tariffs being reduced to zero from day one of the agreement; full access for Australian goods and services to the \$270 billion market for Federal Government procurement in the United States; and enhanced legal protections that guarantee market access and non-discriminatory treatment for Australian service providers to the United States market. I heard a comment that the United States is ecstatic about this agreement because it has gained access to 20 million people. That sounds like a good trade: the United States has gained access to 20 million people and Australia has gained access to 300 million. We are real losers!

Importantly, critical elements of the Australian public policy have not been compromised. The systems we have in place to ensure that our health and environment are protected, such as our quarantine regime, are not affected. The pharmaceutical benefits scheme—in particular, the price and listing arrangements, which ensure Australians have access to quality, affordable medicines—remains intact. The right to examine significant foreign investment proposals in all sectors to ensure they do not raise issues contrary to the national interest is retained. Our right to ensure local content in Australian broadcasting and audiovisual services, including in new media formats, is retained. Australia's single-desk arrangements for marketing Australian commodities such as sugar, rice, wheat and barley to the world are not affected.

The free trade agreement between Australia and the United States is overwhelmingly in the Australian national interest. This deal will further integrate the Australian economy with the largest and most dynamic economy in the world, delivering lasting benefits for generations of Australians. To vote against the trade deal because of the exclusion of sugar would be negligent. I commend the Federal Government for its achievement. As I said earlier, it is one of the greatest economics coups achieved by any government in this country. I look forward to hearing about the sweeteners to be provided by the Federal Government.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.02 p.m.]: I support the motion for urgent consideration moved by the Country Labor member for Tweed, which relates to the exclusion of sugar from the free trade agreement. I am disappointed with the Opposition's dispirited, limp-wristed attempts to defend the deal and deflect discussion about the exclusion of sugar. The so-called free trade agreement between Australia and the United States of America has been described by the Howard Government as a significant win for Australian farmers. The Federal Government has maintained it was a one-in-twenty years opportunity and that the deal would deliver billions of dollars to Australian farmers in the national economy.

Only days after the agreement was signed it is clear that the deal is not as good as the Federal Government would have us believe. One only has to read the articles by Ross Gittins in the *Sydney Morning Herald* to understand that. I am intrigued by the speeches of Opposition members in their attempts to defend the free trade agreement because the document has not yet been released. We do not know the full detail of the document, yet the Opposition has said the agreement is unequivocally in the national interest. The agreement is not available and is still being scrubbed up. We do know that sugar is excluded from the agreement. We do know that thousands of families in the north of this State will not get any of the supposed benefits from the free trade agreement. As expected, and rightly so, the sugar farmers have responded to the free trade agreement with disappointment. They were given repeated assurances from senior Federal Government Ministers that sugar would be included in the deal and that it would be a priority.

Mr Peter Black: By John Anderson.

Mr DAVID CAMPBELL: As the honourable member for Murray-Darling interjects, the assurances came from John Anderson, the Deputy Prime Minister, the leader of what used to be the Country Party, now

The Nationals. The commitments given to the sugar farmers by senior Federal Government Ministers have come to nothing. Even a few weeks ago the Federal Government indicated that the farmers would receive substantial benefits from the deal. We know now that in the negotiated position that has been announced the Federal Government sold out the sugar farmers. Why did the Federal Government ignore the thousands of New South Wales families involved in the industry and the farmers whose livelihood depended on the deal? As expected, the sugar farmers are not impressed at all.

The New South Wales Farmers Association said that the results do not reflect a free trade agreement and there is no justification for American farmers preventing their Australian counterparts from having access to the United States markets. The National Farmers Federation, Australia's peak farming body, said that excluding the sugar industry from the deal is a significant failure. The Cane Growers Association is not impressed and the Sugar Industry Reform Committee said that growers are devastated. There have been protests and some Federal Government Ministers are concerned that the issue will cost them their seats at the upcoming election.

Mr Peter Black: Four seats.

Mr DAVID CAMPBELL: According to the honourable member for Murray-Darling, it will cost the Federal Government four seats. The exclusion of sugar from the free trade agreement will have a major impact on thousands of New South Wales families, many of whom are already having a tough time. The previous speaker talked about sweeteners. We have heard announcements from the Federal Government of yet another levy on consumers to bail out the sugar industry. The Federal Government will introduce another tax by stealth. Going back through the record, it has introduced all sorts of levies, such as the Ansett levy and a levy on milk. The Federal Government will introduce another hidden tax, on top of a whole range of other taxes, to bail out the sugar industry. The new levy will probably assist the industry but the Federal Government, through the Deputy Prime Minister, promised cane growers access to the United States market, and they have not got it.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Urgent Motion: Suspension of Standing and Sessional Orders

Motion by Mr Frank Sartor agreed to:

That standing and sessional orders be suspended to allow one additional speaker on the motion for urgent consideration and private members' statements to be postponed until the conclusion of the motion for urgent consideration.

AUSTRALIA-UNITED STATES OF AMERICA FREE TRADE AGREEMENT SUGAR INDUSTRY EXCLUSION

Urgent Motion

[Debate resumed.]

Mr IAN ARMSTRONG (Lachlan) [5.08 p.m.]: I thank the House for its indulgence. Free trade is a complex issue. Debate on it has been going on as long as I can remember and will go on indefinitely. The Achilles heel of the arrangements made between Australia and the United States of America in recent weeks is the sugar industry. There is an opportunity here for the Government, the Labor Party, which obviously has put a great deal of thought into today's debate and is committed to assisting the industry. A bill relating to ethanol is presently before the Senate. The passage of that bill will result in the provision of major assistance to the ethanol manufacturing industry in this country. I call on members of the Labor Party to consult with their Federal colleagues to ensure that the bill receives Independent and minority party support in the Senate to ensure its passage in the next couple of weeks. The passage of the bill will be a boost to the sugar industry in addition to the package the Prime Minister has indicated he will take to the industry. He said he would take the package to the industry himself, so we can be fairly sure he will not be empty-handed.

The sugar industry is a roller-coaster industry, in the same way as many of our other agricultural industries. Over the years it goes from great highs to great lows, but in recent times what has been consistent is the increase in the value of cane-growing land in New South Wales and Queensland. Last Wednesday and Thursday a major group was trying to buy more sugarcane farms in the Bundaberg district. Attractive offers were made to farmers to sell out to that major group so it would benefit from mass production using a large acreage and thus create more efficiencies. There is no doubt that the sugar industry is wounded—if not

financially, certainly mentally—but the Labor Party has an opportunity to help the industry by ensuring that the legislation relating to ethanol passes through Federal Parliament.

For many years Australia has been victimised because the United States has not allowed our wool into that country. When the Hon. Tim Fischer was the Minister for Trade in the previous Federal Government he opened up the wool market through Mexico and we got wool into America using that mechanism. The doors have now been opened for a direct improvement in the trade of wool with America. That will help the industry significantly. The same applies to lamb. At the moment our sheep industry is enjoying reasonable success. One reason for that is that our flock is the lowest it has been for well over 50 years. This country now has probably less than 70 million sheep. The official estimate is about 90 million, but the abattoir proprietors, who have their wits about them, will tell us it is about 70 million.

However, the ratio of meat-producing sheep to wool-producing sheep has not been assessed. Historically it has been about 60:40—about 60 per cent wool-producing sheep to 40 per cent meat-producing sheep. I suggest that in the past seven years, looking at the sale of meat-producing rams to wool-producing rams, that ratio has been reversed. The figure is now probably 60 per cent meat-producing sheep to 40 per cent wool-producing sheep. Despite the fact that the market took a slide yesterday and the market price for 18.5 micron wool was about \$7.30 clean—and one can deduct about 30¢ from that for the farmer; that is called greasy value—the returns, coupled with the price of lamb, have been generally satisfactory. If producers can secure an improved market price and improved access into the United States for lamb and mutton, their future viability will be ensured.

At the moment there is a confidence in the broader agricultural sector that I have not seen for a long time. That confidence has not been dampened by the announcement of this free trade agreement. I understand when the agreement is effectively put together it will contain some 5,000 pages. We are probably all talking off our hips today. I do not think any of us knows exactly what is in the agreement. I suggest we deal with the broader principles and forget about the details until we know what the agreement says. In the meantime, the State Government has a chance to help the sugar industry by getting behind the ethanol legislation and making sure it passes through Federal Parliament. [*Time expired.*]

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.13 p.m.], in reply: I thank the honourable member for Lachlan, the honourable member for Clarence, the honourable member for Ballina and, from the Government side, the Minister for Regional Development and the honourable member for Murray-Darling for participating in this incisive debate. There is no doubt that those of us who have the sugar industry in our electorates are prepared to speak in support of the motion. Honourable members on the other side of the House appear to be trying to defend the indefensible; in their hearts they know their side has let down the sugar industry. The honourable member for Ballina and the honourable member for Clarence spoke about the free trade agreement being in Australia's interests. In other words, they are saying they are prepared to put other interests ahead of industries in their own areas. That is magnanimous but they are elected to look after industries in their own areas, and the viability of those mills is at risk because the free trade agreement leaves out sugar.

The margins presently available will result in farmers leaving the industry. It is no good talking about restructuring packages, as the honourable member for Ballina did. The honourable member for Clarence also mentioned the sweeteners that might be offered. For the most part the industry is concerned about falling farm numbers. If farmers leave the industry the whole industry is put at risk. The Federal member for Richmond spoke about the Federal Government's support for the cogeneration electricity agreement with a company at Condong as a sweetener, as if that will benefit the farmers in the long term. That is minor compared to the long-term financial viability of the industry. It is misleading to claim that support for the co-generation project at Condong is support for the industry.

The honourable member for Ballina claimed the retention of a single-desk seller for a number of industries to be a benefit to the sugar industry. What does it matter if there is one desk seller or 10 desk sellers when there is no industry? The industry will go unless the party of which the honourable member for Ballina is a member is prepared to make sure the Federal Government cracks the nut with this industry and with other industries. The Federal Government has said the sugar market is probably the most corrupt ever, but it does not say that it is corrupt because of the subsidies the United States has put in place in its own country. That is why it is corrupt and that is why it is failing.

Australia has secured a better deal from multilateral agreements through the World Trade Organisation than it has from bilateral agreements, particularly bearing in mind what the leadership of the Cairns group has

been able to achieve. Entering a bilateral agreement with the United States means we will come out backwards. The honourable member for Ballina mentioned a detailed briefing. That is more than most people have had. The details are now coming out about this free trade agreement. It is fairly shonky, fairly bad, and, as the honourable member for Murray-Darling indicated, beef cattle producers will not receive any advantage for 18 years. That is a great benefit!

The honourable member for Clarence had to admit that the \$4 billion that was trumpeted is now down to about \$2 billion. By the time we get to the details it will probably be even less. Why do honourable members opposite not talk about the net gain to Australia? If they were to do so we might hear the truth. Honourable members opposite have the details, so they can tell us whether there will be any net gain. The greatest condemnation of the Opposition is that the honourable members for Ballina, Clarence and others voted against debating this motion— [*Time expired.*]

[*Interruption*]

Mr SPEAKER: Order! The Chair needs no help in announcing when an honourable member's speaking time has expired.

Motion agreed to.

Pursuant to resolution, private members' statements taken forthwith.

PRIVATE MEMBERS' STATEMENTS

AUNTIES AND UNCLES PROGRAM

Mr MATT BROWN (Kiama) [5.20 p.m.]: I wish the Aunties and Uncles Program a happy tenth anniversary and I thank the organisers for inviting me to attend the celebrations. In my experience the Aunties and Uncles Program is unique. The Department of Community Services [DOCS] provides \$26,500 in recurrent funding through the Community Services Grants Program. Its work in the Shoalhaven area is wonderful. Lisa Loveday, the program co-ordinator, seeks volunteers to be aunties and uncles to different children throughout the region. She then invites participation by parents who would like their children to enjoy the benefit of other family experiences. Some participants are single parents and others are couples who want to ensure that their children experience other positive family dynamics. The participating children visit their volunteer family one weekend each month perhaps to be exposed to a more traditional family environment than they experience on a day-to-day basis.

The anniversary celebration included a contribution by guest speaker Peter Garrett, who is no stranger to the region. He spoke to the supportive audience in glowing terms about the program and reminded us about the need for community service and value of volunteerism. I was joined by my colleague in this place the honourable member for South Coast and my Federal counterpart the honourable member for Gilmore. Volunteers Norm and Jenny Smith spoke about what they got out of the program and the differences between their experiences with their visiting child and their own children. They spoke about little events such as walking on the beach and the child wanting to stand between them and hold their hands. The child's obvious pleasure was wonderful. They also spoke about their interactions with the child's family and how everyone gets on well. Cheryl and Bob Sinclair have seven children but no extended family in the local area. They thought it was important for one of their children to experience the love and affection of an aunty and uncle and they spoke about the positive impact the program has had.

I particularly acknowledge the contributions of Lisa Loveday and Andrew Munro, the chief executive officer of Shoalcare. Shoalcare is a not-for-profit charity and has a voluntary board of directors comprising local businesspeople. It has 50 staff and receives funding from DOCS and the Federal Department of Health and Ageing. It runs seven different programs of which this is one. The Shoalhaven area has 46 aunties and uncles and as a result of an advertising campaign 15 prospective new volunteers are being assessed. In addition, 29 children from 21 families have been linked with volunteers and 23 children ranging from three to 12 years of age are waiting to be placed. I commend the program and encourage more people to volunteer to be an aunty or uncle.

SOUTHERN HIGHLANDS ELECTORATE HEALTH SERVICES

Ms PETA SEATON (Southern Highlands) [5.25 p.m.]: I will raise a number of health issues in my area, including the case of a constituent who is suffering while waiting for surgery at Bowral and District Hospital and Community Health Service and medical retrieval in the area. I rang the office of the Minister for Health several minutes ago in the hope that he would come to the Chamber to hear what I have to say and hopefully to respond. I am disappointed that he has not appeared as yet.

A couple of weeks ago I met with Mrs Catherine Felber from Hilltop who is suffering a deteriorating health condition as a result of constant extensions to the time she must wait for surgery at Bowral hospital. Mrs Felber is 57 years old and needs a double hip replacement. She was first put on the waiting list in March 2003 and was told she would be operated on in nine months; that is, in December 2003. In about September she was told that the waiting list had blown out and that she would have to wait another five months, until February or March 2004. When she recently checked the situation she was notified that she would have to wait yet another five months, until May or June 2004. This is an intolerable situation. Mrs Felber is in great pain and every time she inquires about the date of the operation she is told that she must wait even longer. It is a game of pick a number, any number.

Based on the past form of the health system, Mrs Felber has every reason to expect that she will continue to be drip fed extensions of the already excessively long waiting time. She is very concerned because, apart from the pain and debilitation she is suffering, she enjoys her job of assisting locals dealing with mental health problems to get around the community. She provides a vital service and she wants to continue to do so. However, if she does not have surgery soon she will lose her mobility and be forced to stop work. I want the Minister to guarantee that the department will give Mrs Felber a firm date for this essential surgery so that she can get on with her life and recover her health. In addition, I would like a guarantee that in giving Mrs Felber a definite surgery date it will not be at the expense of anyone else; that is, no-one else should be bumped down the list as a result.

I refer the Minister, who still has not come into the Chamber, to the recent tragic death of Mr Ron Tabak at Port Kembla. I am sure all honourable members will join me in expressing their condolences to his family. The New South Wales Ambulance Service has prepared a report on the incident detailing the chronology of events as it experienced them. I understand that the report deals with when the phone calls came through to various emergency lines and how those calls were responded to. The Ambulance Service might make recommendations as to how to improve response protocols for any future events of that type. Let us hope that those types of events do not recur, but in the fullness of time I predict that these types of things will happen again. This is a difficult situation.

Doctors who have provided expert opinion, comment and observation on the medical retrieval system have written letters to the *Illawarra Mercury*. Allegations are being made on Illawarra television about an allegedly flippant approach that is being taken to some emergency calls. For those reasons I have called for an independent inquiry to be conducted into those incidents rather than an inquiry by the Health Care Complaints Commission. As a result of the Camden and Campbelltown hospitals incidents, we already know how little the commission can be trusted. A fully independent inquiry is needed, but more than that I call on the Minister for Health to immediately release the report by the New South Wales Ambulance Service. I understand that the Minister has received the report that outlines the details of the tragedy and the response by the Ambulance Service. Those facts should be available for public scrutiny so that some attempt can be made to begin resolving the issue and dissipating the confusion that surrounds this tragic event.

TRIBUTES TO MS VANESSA McNEILL AND MR PETER HERLINGER

Ms PAM ALLAN (Wentworthville) [5.30 p.m.]: This evening I inform the House of a successful and delightful function conducted last Friday evening by the Holroyd Municipal Committee of the Australian Labor Party to mark the retirement of Councillor Vanessa McNeill and Councillor Peter Herlinger from Holroyd City Council. As Mr Deputy-Speaker, the honourable member for Liverpool, is aware, during the advent of local government elections many such functions are being held throughout the State. That evening was special because both Vanessa and Peter are retiring from the Holroyd City Council and both have had illustrious careers with the council. I congratulate Councillor Ken Morrissey who paid a wonderful tribute to Vanessa McNeill and Peter Heyes from the Toongabbie branch of the Australian Labor Party who spoke in praise of the contributions made by Peter Herlinger.

Vanessa McNeill is well known to me and, I suspect, the Minister at the table, the Minister for Tourism and Sport and Recreation, and Minister for Women, as well as many other people in the Australian Labor Party. She served 12½ years as a councillor of Holroyd City Council but her activity in the Australian Labor Party predates her involvement in the council. As Ken Morrissey reminded everyone last Friday night, Vanessa has been the secretary of the Guildford West branch since 1983, and she remains in that position. Ken has worked closely with Vanessa, as have many others, but I wish to draw particular attention to a lovely comment he made about Vanessa during his speech. He said:

During that 12½ year period, I can only praise her debating skills, her innovative ideas and her integrity. Whilst on some rare occasions we had some differences of opinion, I have never doubted her honesty and sincerity. She has had an outstanding record in her attendance and interest on many committees and council site inspections.

Her concern for the Pioneers, senior citizens, people with disabilities, and the youth in our community was always evident. She fought vigorously for improved facilities for these groups, and indeed all citizens in the community. Her love of heritage, good urban design with lots of open space and support for proper landscaping is well known to us all.

Ken went on to congratulate Vanessa on her campaign for the preservation of Linwood Hall. She worked with my colleague the honourable member for Granville, the Hon. Kim Yeadon, to preserve the hall for continued public use. The highlight of her career was serving as the first woman Labor deputy mayor of the council from 2001-02.

I do not think that 2 minutes and 17 seconds will be sufficient time for me to convey to the House the contributions made by Peter Herlinger to my local community, to Holroyd City Council and for that matter to the Australian Labor Party and Western Sydney in general. Peter was my campaign manager for numerous electoral campaigns. He has also been the secretary of my State electorate council. His career highlight was in 1999-2000 when he became the first Labor Mayor of Holroyd City Council—the first Labor mayor of a council whose history dates back to 1872, which I proudly pointed out on the occasion of his election.

Peter recently left hospital after having had a successful hip replacement but, despite his enthusiasm, he was unable to attend last Friday night's function. Peter Hayes nevertheless did him proud when he spoke about Peter Herlinger's tireless contribution to the Labor movement—virtually since 1940, which was the first federal election campaign in which Peter was involved. Peter joined the Labor Party in 1963 and has held all the positions of the Toongabbie branch of the Australian Labor Party. He also served the local community in an outstanding capacity on the Western Sydney Area Health Board and the Upper Parramatta River Catchment Trust. To this day he is a member of the Girraween Public School Council. He also has been a member of the Parramatta Park Trust and patron of the Girraween Little Athletics.

As I have mentioned on previous occasions in this House, Peter Herlinger was responsible for me joining the Australian Labor Party. I grew up in the street adjacent to where Peter decided to settle in April 1954 with his wife, Pat—in Normac Street, Girraween. He, Pat and Julie still live at that house. Peter's son, Robert, lives close by with his family. Peter has made an outstanding contribution to the Girraween and Toongabbie communities. The council will sorely miss him. Now that he has his new hip I suspect he should rethink his decision to resign. He is in good nick and, even given his age, he would be an outstanding member of council.

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

Mr IAN ARMSTRONG (Lachlan) [5.35 p.m.]: Over the past 12 months a number of complaints have been made by retailers and service providers to the Mid Western Area Health Service and the Southern Area Health Service regarding not only late payment for services provided by plumbers, electricians and food outlets but also the consistency of those late payments. The Mid Western Area Health Service appears to have caught up with its obligations, but the responsibilities of the Southern Area Health Service still need to be addressed because there are amounts owed that have been outstanding for many months. It was in the back of my mind to address this matter earlier in the House today, but I noted that the Minister for Regional Development spoke in glowing terms of the financial stature of the Government. He referred to the State's triple-A rating by Moody's rating agency and referred to New South Wales as one of the most progressive States of Australia. Therein lies the contradiction: If the Government has the money, why will it not pay its bills?

The first principle for individuals and businesses is that bills have to be paid on time. If that cannot be done, people should approach their creditors and work out a scheme of arrangement for payment. People have a moral obligation to pay their bills. More importantly, if private enterprise engaged in late payment, the Sheriff's officers would be called to repossess. The Carr Government cannot pat itself on the back for again achieving a

triple-A rating if that has been achieved at the expense of local bakers, plumbers and electricians who are artificially bankrolling this Government and thus enabling it to rate well with Standard and Poor's and Moody's.

Last year the Southern Area Health Service had an acting chief executive officer [CEO], Mr Bill Dargaville. His appointment was for a year, and of course an acting CEO does not have the muscle of a full-time CEO but, guess what? Another acting CEO has just been appointed for the next 12 months. I have been hearing two stories. One is that the health service cannot find someone who wants to take on the job, and the other is that the area health service is not prepared to appoint someone until the problems have been straightened out. The bottom line is that there is a total lack of confidence in the Southern Area Health Service because of the hesitancy involved in providing proper leadership that is associated with the CEO's position and in providing ongoing policy direction.

The new acting CEO was appointed during the past fortnight. Rumours abound that the positions of all divisional managers who were appointed approximately 18 months ago are about to be made redundant. I contacted the new acting CEO early last week who informed me that decisions would be made at a meeting that was to be held last Friday. Later on Friday afternoon I contacted the area health service only to be told that the meeting had been held, but that no information would be released. The service has kept the information to itself. One can imagine the position in which that leaves divisional managers and the confidence of general staff who are unable to get some indication of the leadership plans.

Subsequently I heard from various representatives on committees that the chairman, Mr Grattan Wilson—who has been chairman for many years—is making the most of the decisions. I am not sure who has the story right or not, and it does not make much difference, but I guarantee that there is no confidence. When confidence is lost in the management of a company, as we saw in the past few days in relation to the management of the National Bank of Australia, heads have to roll. There has to be confidence. The shareholders, the service receivers, in this case the patients, and those administering the service, in this case the staff, must have confidence. The staff must be given leadership, direction, stability, instruction, and proper services so they can provide a full and comprehensive health service to the people of the Southern Area Health Service.

I urge the Minister to urgently address the problems of the Southern Area Health Service, which appear to be endemic, including the fact that it appears not to be able to pay its bills. I also urge the Minister to come clean as to whether the Government intends to cut the budget in order to retrieve a budget overrun of about \$5 million, and to indicate to staff whether their jobs are secure for the future. I also urge the Minister to appoint a permanent chief executive officer so that he or she will have authority and the community can work with that officer in a proper and professional manner, instead of the amateur and immature management practices that have been occurring over the past 12 to 18 months.

CANCER PACKAGE LAUNCH

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.40 p.m.]: Yesterday in Newcastle the Hunter unit of the Cancer Council of New South Wales launched an important package of information for people who are diagnosed with cancer, their families and carers. Often such people are unsure of what to do or whom to turn to, and they may have emotional and financial problems. The launch was attended by clinicians, nurses, care workers, cancer sufferers and their carers. This very important package of information, which was developed in the Hunter and received input from clinicians, carers and cancer sufferers, includes a local support directory, a food and cancer guide, information for cancer patients on dealing with eating problems that often occur due to cancer and its treatment, and recipes for high-energy drinks and food. The package also includes a cancer care diary, which is very important for patients who are receiving treatment so that they can keep an accurate account of not only the treatment but also information they pick up along the way.

The package also includes an emotions and cancer handbook, which is a helpful aid for anyone who is affected by cancer. The handbook is designed to help cancer patients and everyone around them understand the emotional ups and downs that occur when a person is diagnosed with cancer, undergoes treatment, and talks to others about cancer. It also speaks about life after cancer and about the death that may occur during cancer treatment. In his launch yesterday Professor Alan Spigelman made it very clear that the package was an important tool not only for cancer patients and their carers but also for the medical profession. It emphasises the importance of a patient maintaining control over his or her treatment, understanding that treatment, and seeking information on both the rights and responsibilities of a patient.

The Cancer Council's helpline—13 11 20—which can be reached from anywhere in New South Wales, has extremely qualified nurses who can assist people with information about treatment, care, after-care, and a whole range of issues associated with cancer. During the launch information was provided about a web site entitled "Cancer Answers", an online tool developed by the Cancer Council of New South Wales that helps people understand cancer services, make informed choices and better cope with cancer when it is diagnosed. For people who have access to the web, the web site www.cancercouncil.com.au/canceranswers is an important tool for the education of people about cancer and its treatment.

I am sure all members of this House would have had direct contact with a family member or an acquaintance who has suffered cancer. We are all aware of the confusion and fear that is often associated with cancer diagnosis. My wife, Barbara, spoke at yesterday's launch about her journey and, of course, the journey of our family, through her cancer treatment. I believe it is important that cancer sufferers have the opportunity to sit and talk with a person who has made a successful transition through cancer treatment and care, to give them a sense of confidence that it is a disease that can be treated and, in many cases, cured. I pay tribute to Marlene Sqance, the co-ordinator of the project, to her Model of Supportive Care Advisory Committee, and to all the cancer patients and clinicians involved in the development of this important package, which I am sure will help cancer sufferers and their carers. [*Time expired.*]

SOUTHERN AREA HEALTH SERVICE FINANCIAL OBLIGATIONS

Mr ANDREW CONSTANCE (Bega) [5.45 p.m.]: Earlier the honourable member for Lachlan spoke about the Southern Area Health Service, and I echo his call to the Minister to address the problems associated with that service. I have called on the Minister to appoint an administrator to the area health service, which I believe to be in a financial and management crisis. Over recent weeks the Southern Area Health Service has been exposed from its cloud of secrecy, and the fact that it has not been publicly accountable to the community has now come out. Memos have been leaked, including a memo from the Director of Clinical Services, Robert Arthurson, which stated that one hospital had run out of basic clinical stock. He went on to say:

... there is the potential for clinical disasters or calamities if essential stock is suddenly found to be unavailable just when it is needed ...

The area health service is in complete meltdown. A further memo was issued in which the area health service executive asked staff to take unpaid leave during the months of December and January. Such a request by management is absolutely ludicrous, given that December-January is the busiest period for emergency departments on the South Coast. The reason for the executive's actions in this regard was to save wage costs. Again, it simply makes the point that the Government has lost the handle on what is going on in terms of the management of public health in this State. Following the issue of the memo, the health service union held a meeting, at which it backed my calls for an administrator to be appointed to the Southern Area Health Service. In its letter to members the union stated that members had no confidence in the ability of the Southern Area Health Service executive to implement the necessary management changes to get the organisation back on its feet.

We have had embarrassment after embarrassment. Last weekend, as reported on page 4 of the *Canberra Times*, Labor's most marginal seat holder in New South Wales, the honourable member for Monaro, stated clearly that redundancies could be offered to staff, and that he was awaiting the Minister's approval for funding to do so. Two days earlier I had met with the acting chief executive officer and received from her a guarantee that the management restructure that was going on within the area health service was on hold until staff had been properly consulted. At a time when the area health service staff have lost confidence in their organisation and are fearful of losing their jobs, it does not do the honourable member for Monaro any credit that he makes such ridiculous statements.

The embarrassment goes one step further. Over recent weeks the Government and the area health service have argued that the reason for the \$7 million debt owed to creditors throughout the region—who are suppliers of basic goods to South Coast hospitals, suppliers of medicines, and suppliers of a whole range of services to the region's hospitals—was the blow-out in costs for locum services. A letter from the Far South Coast Combined Medical Staff Council addressed to the Minister reveals that about \$205,000 was unnecessarily spent on the locum service in the Bega Valley.

Locums were paid in the order of \$1,200 a day to undertake procedures which could have been done by local doctors. This situation came about because a specialist gynaecologist position had been terminated six months ago. Following that the Southern Area Health Service decided to appoint locums in spite of the advice

from local doctors not to do so, and in spite of advice from local doctors that a specialist obstetrician for the area was not required. According to correspondence between doctors and the area health service and between doctors and the Minister, that advice was based on the premise that there were sufficiently trained local doctors to manage most patients locally. However, if a patient required specialist obstetric services that patient would require also specialist neo-natal facilities and, therefore, would need to be transferred to a tertiary level unit. The closest unit is in Canberra. The area health service has wasted \$205,200. Taxpayers' money need not have been wasted because services were available on the ground and local doctors could have covered the situation. The doctors have said that the area health service board has failed in its duty to spend public money responsibly. [*Time expired.*]

CRITICAL MASS DEMONSTRATIONS

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [5.50 p.m.]: I support majority opinion, particularly the opinion of the majority of people in the Bankstown electorate, who are sick and tired of having to put up with fringe minority groups telling us how to live, affecting our amenities, and using their sledgehammer approaches to attempt to ram minority ideals into community opinion. In my electorate there is continual media stereotyping of a push by some elements to incite action against concerns that do not exist. A number of groups regularly come to railway stations in my electorate and hand out literature, focusing particularly on young people. The literature is often incorrect, and focuses on causing young people to feel that they are not part of the community. I am concerned that those actions incite concerns about problems that do not exist in my local area.

I am also concerned that those groups continually get away with pushing their minority barrow in an area—an area of which I am very proud—which has strong family values and connections. Late last year an example of the actions of fringe mentality groups gone mad came to my attention. I was in the city when I witnessed the monthly bike ride through the central business district by a group calling itself Critical Mass. That group regularly turns up at community functions in my electorate and tries to cause a disturbance. The group delights in conducting its monthly slow bike ride through Sydney and over the harbour bridge, consequently causing a traffic gridlock and bringing parts of the city to an absolute standstill. Amazingly, no-one seems to know what Critical Mass represents, but one thing is sure: that group and others like it are out to cause maximum disruption.

As I see it, the group's intention is to ruin our way of life, by congesting traffic with its slow bike ride, by throwing marbles under police horses during demonstrations, or by hijacking peaceful protests and community gatherings as it has done in my electorate. Similar groups cause problems throughout the world. Last year I was in the city to attend the wonderful Schools Spectacular with my two sons. Unfortunately I witnessed the slow bike ride by Critical Mass through the city; it took me 45 minutes to drive from the western end of Oxford Street to the Entertainment Centre, a journey of less than a kilometre, because of that group of boofheads who call themselves Critical Mass.

It was embarrassing for me to try to explain to my sons why such idiots were legally allowed to take over our streets and amenities. The appearance of those buffoons clearly reflected their fringe mentality, some wearing few clothes, some with bright green and yellow hair, some carrying rude slogans, others dangerously carrying a child or a baby while riding their pushbikes. I am sure that I speak on behalf of the sane majority when I say that I am sick and tired of those pathetic neon-coloured morons running rampant through our streets and public facilities. The people of Bankstown have had a gutful of them hijacking our community. We cannot and should not allow a noisy minority—fringe dwellers, as far as I and most of my community are concerned—tell us what we should do, how we should think and how we should live.

In that regard I will continue to stand up and fight for the majority opinion to be heard above the noise made by that and similar groups of no-hopers. As a result of my comments I am sure I will attract the usual verbal spits that people from those groups excel in. In the first instance I am sure I will hear from that champion of minority causes and fringe expectations, Cameron Murphy, President of the New South Wales Council of Civil Liberties. As far as I am concerned, that council should be more aptly known as the council of civil minorities. I look forward to that dialogue and will continue to stand up for majority opinion.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.55 p.m.]: I would not use the language used by the honourable member for Bankstown. I do not want to be seen to endorse some aspects of his comments, but having been a victim of a Critical Mass episode I join with him in saying that that group's actions are disruptive to individuals. In recent years the Government

has put a lot of effort into providing bicycle ways and access ways for bike riders across Darling Harbour, and has gone a long way towards evolving a consciousness about the rights of cyclists—and that is a good thing. However, in a complex society, particularly in a global city the size of Sydney, unless a few rules and regulations are followed a city can be brought to its knees by the inconsiderate behaviour of people who want to make their point in a passive-aggressive way.

Protests can be undertaken in all sorts of other ways without deliberately trying to make life a misery for people who are trying to go home on a Friday night after working hard all week. I congratulate the honourable member for Bankstown on his forthrightness. However, once again I distance myself from some of the more colourful aspects of his contribution. The honourable member raised the important issue of rules and regulations. Although my comments are tangential to his, I question what makes people think that they can ride a bicycle on a footpath, particularly in the city. When I was growing up I remember that an orange traffic light meant that road users had to slow down in preparation for stopping, people had to cross a road at the pedestrian crossing, and drivers had to stop at a red light. It seems to me that the social rules we learnt as children are totally ignored today, to the detriment of the way we live in this city.

PORT STEPHENS PEARL OYSTER FARM

Mr JOHN TURNER (Myall Lakes) [5.57 p.m.]: A development application has been lodged for a pearl oyster farm in Port Stephens. First, it should be noted that the waters of Port Stephens do not form part of my electorate of Myall Lakes, which ends on the northern shore of the port. However, many of my constituents use Port Stephens for recreational and scenic purposes and enjoy the general amenity of Port Stephens. Second, I own a dwelling near the current pearling operations and as such would declare an interest. However, my comments reflect the views and concerns of my constituents and others who have contacted me on this matter. By way of background, Port Stephens is truly a recreational body of water. Even the traditional aquaculture of oysters has been rationalised with the Carr Government providing funds for the removal of derelict oyster racks.

In about 1972 a study was done to ascertain whether Port Stephens should become a working port. The concept of Port Stephens as a working port was not proceeded with. In about 1999 Australian Radiata Pty Ltd lodged an application to farm pearl oysters at three sites in Port Stephens. The proposal galvanised the Port Stephens communities of Nelson Bay, Salamander Bay, Soldiers Point, Hawks Nest, Tea Gardens, North Arm Cove and Pindimar. Rallies were held that attracted hundreds of people who objected to the proposal. I attended one meeting at Nelson Bay which more than 600 people attended. The audience called for action by the State member for Port Stephens. Strong and cogent objections were lodged and a commission of inquiry was held, culminating in the Minister for Planning rejecting the application on 1 August 2002, months before the 2003 State election.

The Minister for Planning at that time said, in rejecting the application, that the development was not in the public interest and presented ongoing unacceptable risks to the area's sensitive marine environment. The people of the area thought that that was the end of the matter. However, Australian Radiata Pty Ltd, which has now transformed into Port Stephens Pearls, has been allowed to lodge another application to farm pearl oysters in Port Stephens. That has again spurred the many people who objected previously into action. Ian Morphett of Tea Gardens wrote:

The community made its opposition very clear from the moment the DA was exhibited and "maintained the rage" through to Minister Refshauge's refusal to grant consent. Now that the revised DA is on exhibition the community is again giving vent to its opposition.

Mr Morphett also re-established the fact that the revamped proposal is:

... against the public interest because the community understands that pearl farms are totally inappropriate and incompatible in a popular residential and tourist destination, the amenity of which has a significant component of expansive, scenic and largely pristine waterway.

Time does not permit me to outline all the objections now. In any event, they have been forwarded yet again to the Department of Infrastructure, Planning and Natural Resources. However, a sample of the objections includes the following. Port Watch, Port Stephens, stated:

Pearl farms in particular are widely acknowledged to be suitable for remote areas only because of their sheer size, permanent occupation of deep navigable waters (10-14 metres), impacts on other water based activities and the cumulative effects of intensive farming on sensitive marine environments.

Gillian and Jim Phipps said:

This proposal has no significant differences from the proposal that was submitted by Australia Radiata and subsequently rejected. This new proposal has in fact altered its application to include more inside waters and now totals 30.25 hectares.

Cherylle Stone stated:

Of major concern is the apparent ongoing failure by the company to prevent sediment plume from escaping into Port Stephens.

Stephen and Ann Endersby said:

A vast amount of money has been spent on improving Port Stephens water quality through sewerage schemes ... and holding tanks and pump outs on boats. This improvement will be negated by pollution and sedimentations caused by the pearl oyster industry. The fragile marine environment and ecology of seagrass beds, fish, prawns, dolphins and whales will be damaged by sediment produced by shell washing. Noise pollution caused by barges and later, as oysters mature, by security craft which will be used to prevent theft of pearls will occur.

Anke Crick asked:

Why would anyone wish to industrialise and privatise our public recreational estuary and offshore waters?

Rhonda and David Henry said:

The farms and numerous buoys will prohibit others using the waterways especially during the cleaning and harvesting of the pearls (the buoys float on the surface during cleaning). This seems to take several hours most days of the week.

Some objections are strong on passion. This of course is not quantifiable for the purposes of assessment under the relevant Acts, but I mention it this evening because people feel a sense of outrage that the proposal was refused after due consideration and now they must begin the fight all over again in order to maintain the amenity of Port Stephens. I believe most people who have lodged objections have done so with the overall view that this proposal is simply not acceptable in the blue water wonderland—as Port Stephens is called—and will reduce, or even destroy, the amenity of the port. Julie Savage and Robert Currie summarised the situation when they said:

A government that treats Port Stephens as an industrial zone for the proliferation of the aquaculture industry is a government at odds with the majority of the community.

Mrs Hancock summed up the situation in her objections when she said:

Each morning when I walk along the shores one can but marvel and admire the pristine unspoilt beauty of this bay.

The Government must listen to the people on this issue and not dismiss their objections because there is no election around the corner.

NEW SOUTH WALES DISTRICTS CRICKET ASSOCIATION CENTENARY

Mr KEVIN GREENE (Georges River) [6.02 p.m.]: Last November I had the pleasure of hosting at Parliament House the centenary dinner of the New South Wales Districts Cricket Association. I congratulate David Draper and his staff on their magnificent job catering for almost 400 people at that significant function celebrating the history of cricket in New South Wales. I also congratulate the President of the New South Wales Districts Cricket Association, Jeff Evans, who has been in that role for about 10 years and is doing a wonderful job leading that organisation. I congratulate the organising committee chairman, Mr Eric Myatt, OAM, who is well known for his work over almost 30 years for junior cricket in the Sydney area, particularly the Parramatta district, and Mr Alf James, who collated the 100-year history of the New South Wales Districts Cricket Association in a magnificent publication. I also congratulate all those involved with the function.

Kerry O'Keeffe the well-known Australian leg spin bowler of the 1970s, was the guest speaker at the dinner. Kerry, who played his junior cricket in the St George district, shared some interesting thoughts about cricket development as a junior and the many hours that he spent practising at Scarborough Park, which still plays an important role in junior cricket in the St George area. The New South Wales Districts Cricket Association has produced many Test cricket players, not only Kerry O'Keeffe and Murray Bennett, the current President of St George District Cricket Club—who was also a St George junior—but Stephen and Mark Waugh, who are famous players from the Bankstown District Cricket Association.

The New South Wales Districts Cricket Association also organised a number of other functions throughout the cricket season to commemorate its centenary. The first event was a cricket match at Bradman

Oval last October, which unfortunately could not commence because of wet weather. It also held a cricket match at Bankstown Oval over the Christmas period between the New South Wales Districts under-21 side and the Victorian under-21 team. I compliment Ted Poulos from the Illawarra Catholic Club first grade team on his selection to play for the New South Wales Districts side. It was a three-game series and, as president of my local cricket association, I was able to attend the match at Bankstown Oval. All presidents were invited to that function and my wife and I and George and Camille Phillips, who also represented our association, enjoyed it very much.

The last event that the New South Wales Districts Cricket Association will hold to commemorate its centenary is the Watson Shield competition, which is the under-16 district representative competition. The final of that competition will be held on Tuesday 24 February at the Sydney Cricket Ground. This is a fitting conclusion to the association's centenary celebrations, with the under-16s culminating their junior careers by playing at the home of New South Wales cricket, the Sydney Cricket Ground. We all know of the fine and proud tradition of that ground. Roger Ridgway will be one of the match umpires in recognition of his enormous service to cricket.

Roger has been the secretary of the Illawarra Catholic Club—of which I have been president for many years—for more than a decade. He is also a life member of the Georges River St George Senior Cricket Association, the Georges River Penshurst St George Junior Cricket Association and of the Umpires League, of which he is currently secretary. It is a fitting reward for Roger that he be asked to umpire at the Sydney Cricket Ground. All of us who have been involved in cricket would love to be able to take part in a match at the ground. Roger Ridgway is most deserving of this honour and I congratulate him on his achievement.

In reflecting upon the centenary of the New South Wales Districts Cricket Association it is also appropriate to remember not only the managers, coaches, club officials and players who have been involved in cricket at a junior level for the past 100 years with New South Wales Districts but all those who have made a great contribution to junior sport and ensured its continued growth. I coached my under-10 C-grade team this season, and it is great to see both boys and girls enjoying their cricket and, of course, all dreaming of playing for Australia. Not many will make it—only 300 or so players have ever represented our country at cricket—but so long as they enjoy the game we should encourage them to continue in their sport.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [6.07 p.m.]: It is a pleasure to respond to the contribution of the honourable member for Georges River, who is an active local member who takes great interest both in the sport that he adores and in junior sport generally. He is most supportive of local sports men and women and of the many volunteers who make local sport possible, particularly at a junior level. Without that enthusiasm and support in the junior cricketing ranks we would not have the critical mass of junior players, who may eventually progress through the age-group competitions and make it to the Australian team, for which this fantastic cricketing nation is renowned.

I did not expect it, but cricket has proved to be important to the tourism portfolio. It became evident during the Australia-India cricket series this summer that many visitors from India had swelled our international arrivals figures. In fact, during the season we apparently had the second largest crowd in the history of cricket. That was good to see. I congratulate the Australian Tourism Commission on appointing Stephen Waugh—who has hero status on the subcontinent and is extremely popular because of his service both to cricket and to the Indian people—as a cricketing ambassador to attract more Indian tourists to Australia. There are all sorts of niche markets in tourism, and I suspect that cricket tourism is another.

GOSFORD POPULATION INCREASE

Mr CHRIS HARTCHER (Gosford) [6.09 p.m.]: Today I detail the concerns of Central Coast residents about State Government forced and ill-considered increases in population on the Central Coast. Last week it was revealed by the New South Wales Coalition that Landcom and the Gosford Hospital board had commissioned plans to be drawn up for the development of land on and around the property currently belonging to Gosford Hospital. These plans were not publicly released and were not included in the plans released by the State Government appointed planner John McInerney.

The plans detail a development on a colossal scale: 3,000 new residents in an area not much larger than the hospital grounds themselves. The development completely surrounds the Gosford Hospital complex. This, of course, presents the first problem. In an area obviously earmarked by the State Government for growth, it is vital that the hospital be upgraded. These plans in no way provide for future upgrades to Gosford Hospital. The cash

flow generated for the State Government is not being debated; no doubt this development will generate millions of dollars in revenue for the Government, some of which should be pushed back into paying for upgrades to Gosford Hospital.

The plan has been dubbed the city link project, but when one looks at the land on which the development is to be built one can see that there is no possible way it can link any of the new residents to the city of Gosford. Most of the developments are on the other side of a hill, with Gosford Hospital in the middle. The style of development denotes housing for either elderly retirees or young, small families. Neither category would be able to make use of any part of this plan as a city link. The distance and the hills would make walking to the Gosford central business district [CBD] difficult even for the fittest and most able-bodied of residents. Carrying a week's worth of shopping back to an apartment would be almost impossible. Residents would have no choice but to jump in their cars and drive into Gosford to reach shops, government departments, services and social venues. Gosford already suffers from a chronic lack of parking, and this proposal would do nothing but increase the problem.

This plan boxes the hospital in with buildings between 4 and 10 storeys high. It allows for no future growth of Gosford Hospital. It does not provide a city link, as its name suggests, but instead places extra pressure on the Gosford CBD. But by far the most controversial part of this plan concerns the railways. At a time when railways are in turmoil, trains are being cancelled and people are at risk of losing their jobs because of the Government's transport mismanagement, the Government wants to dump a further 3,000 people right on the train line. The easternmost edge of this development is only a few hundred metres from Gosford station. While the development may be quite a walk from the Gosford CBD, no doubt the project will provide housing for hundreds of commuters wanting to use the trains daily to travel to Sydney or Newcastle for work. This is a real concern.

With no end to the current rail problems in sight the Government plans to add thousands of new residents to the mix. The railway system on the Central Coast is having trouble coping with current commuter numbers, but the Government is prepared to add thousands more to the train system. To give the House some idea of the conditions that Central Coast commuters face I shall read the following letter which I received:

Dear Mr Hartcher

I am writing in regard to the recent Train cancellations.

I catch the 6.03 train (to my place of employment at Wyong), from Koolewong Station to Wyong station everyday.

This train is usually a straight through service that means I get to work by my starting time of 6.30am.

Yesterday morning 16/02/04 I arrived at the station at 5.55am to catch the 6.03 I waited & waited & the train did not arrive. A train finally arrived at 6.55am & terminated at Gosford & I had to wait a further 10 mins for a connecting train to Wyong.

I finally arrived at work at 7.40am an Hour & 10mins late. My Employer informed me that my pay would be docked.

I find this extremely upsetting, as this was through no fault of my own. Every time I am late to work because of Train cancellations my pay is going to be docked.

I do not see why I am put in the position of having my pay docked, by something that is out of my control.

I feel for other commuters who are placed in this position & have family commitments & are inconvenienced by being late to work, late home & finding themselves in the same position as myself, having their pay docked or having to make up the time lost.

Last week it was 10 to 15mins late,
this week it is an hour plus,
What is it going to be next week (Mr. Carr) 2 to 3 hours each day?????

The concern felt by this person is obviously felt by many other commuters faced with the overstrained railway system, and yet the plan will ensure that thousands more are placed upon it. This development that is proposed on or around the Gosford Hospital site is irresponsible. It is restrictive, and the Government knows it. It has tried to hide the latest overdevelopment project, and it has failed miserably. The plans are out and the public is not impressed.

ROUNDHOUSE PRESCHOOL ACCIDENT

Mr DAVID BARR (Manly) [6.13 p.m.]: "Community" is a word that is bandied about by politicians of all persuasions, but an example of what a community really is has been shown in Manly over the past few

weeks. On 15 December in a horrific accident a car crashed through the window of the Roundhouse preschool in Balgowlah into a room where children were sleeping. Two two-year olds were very seriously injured and are still fighting to recover at Westmead hospital. I want to talk about the way the community rallied around to support the families and the two little girls involved.

I mention the efforts of the Roundhouse staff—the director, Geata Jarrett, and the community services manager, Treena Allen; the police and the fire brigades, particularly the heroism of the firemen who went into the Roundhouse when there was fire and smoke; and also the local residents, a number of whom went in to pull out two children who were pinned under the car. I met one 70-year-old gentleman named Vic—I do not know his surname—who went into the preschool after the accident and his neighbours told me he came out coughing blood because of smoke inhalation. The whole of Manly has rallied around these two little girls, Sophie Delezio and Molly Wood, and a number of events have been organised. Edwin Street is well known as a centre for Christmas festivities and Christmas lighting, and has a strong community feel. An event in Edwin Street with local performers raised over \$25,000.

On 18 January a huge event was organised by former Olympian Mark Tonelli and former Ironman Craig Riddington, who is still an Ironman in my eyes. The logistics were enormous. There was a journey, as it was called, from the Roundhouse to Manly wharf, then surf ski paddles for some people all the way to Parramatta Stadium, followed by a walk to Westmead hospital. Participants were joined by surf skiers from other parts of the city, so it was not just a Manly event. The organisation of that event was phenomenal. The night ended with a special charity dinner at the Wharf Hotel at Manly, which raised a huge amount of money. Craig Riddington recently informed me that more than \$400,000 has been raised so far, and he anticipates that figure to reach \$700,000. That money is held in a trust organised by Manly life-saving club, and the money will be distributed as is appropriate. Those little girls, one of whom has had both feet amputated, will need ongoing medical help for a long time. That will affect the ability of the parents to earn an income because obviously one parent from each family will have to stay at home to look after the little girls for a long time. It will be a long journey.

What we saw in Manly was the community coming together to share the hurt, and in so doing helping those families in a really wonderful way. The spirit was phenomenal. I do not think Sydney has ever seen anything like it: at least 2,000 people who walked from the Roundhouse to the wharf, and all those who attended various functions and donated money. A function held by the Malibu surfboard riders on the beachfront raised about \$10,000. It is unfair for me to name some groups or people and not others. The point is that everyone has come together to lend a hand and pitch in for these two little girls. As I said, it shows what a community is all about. It comes down to the very basics of how we feel about our children, what they mean to us, and how our children are also everyone else's children. That is what we have seen in Manly.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [6.18 p.m.]: I thank the honourable member for Manly for drawing the attention of the House to this rather moving and poignant experience. Of course it was borne out of one of the worst tragedies that any of us have ever heard of, and as parents we shudder to think what it must have been like for the children—and, indeed, for the parents when they were told what had happened. It is very easy in politics to become a bit hardened and cynical. Every now and again the community surprises us and it restores our faith that human beings can rally in this sensitive, and very practical, way by raising money.

But, as the honourable member for Manly said, it was not just raising the money, it was everyone sharing the hurt and trying to lighten the load by contributing to the process of healing. It is inspiring to hear that. Sometimes I wonder what it would take to get the community—indeed, all of us—to behave like that outside the trigger of such an awful tragedy. Nevertheless, as long as it comes to the fore in response to a needy situation that gives us hope. But it would be nice if all of us could behave more charitably all the time.

UNIVERSITY OF NEW ENGLAND GOLDEN JUBILEE

Mr RICHARD TORBAY (Northern Tablelands) [6.20 p.m.]: Fifty years ago, on 1 February 1954, the University of New England [UNE] became Australia's first independent regional university. When one visits the lively campus today it is difficult to believe that 50 years ago there were just over 250 students, very few buildings and no professorial staff. This year's celebrations will focus on the determination and achievements of those pioneers who fought hard, first, to establish the New England University College attached to the University of Sydney in 1938, and then to achieve independence. A former member of this Chamber, the Hon. David Drummond, who as Minister for Education saw the first regional teachers college established in Armidale in 1929, was one of this group of visionary leaders.

The New England University College was founded after a local grazier, Thomas Richmond Forster, donated the grand White family homestead, Booloominbah on the outskirts of Armidale, to the Government to establish a university. It took much negotiation for the Government to accept the gift, and the organising committee was given a three-month deadline to produce £10,000—which was a lot of money in those days—to seal the deal. On the final day of the deadline the committee had not raised the full amount, and it is the stuff of legend that an anonymous donor, later identified as Miss Elsie White, appeared at the eleventh hour with an open cheque to make up the difference.

The college flourished and the students, who studied in Armidale but sat for their examinations through the University of Sydney, which conferred all degrees, were achieving outstanding results. However, the persuasion for the New South Wales Government to grant independence did not ultimately hang on that excellent performance. As is the way with governments, the Premier of the day, Joe Cahill, did not see the need to fund yet another autonomous university in New South Wales, particularly in a regional area. The New South Wales University of Technology—now the University of New South Wales—had just begun and a university college attached to it had been established in Newcastle.

A breakthrough came as the baby boom that followed the end of the Second World War began to put pressure on the State education system. The then education Minister, Robert Heffron, saw that more secondary school teachers had to be trained. He wanted to offer existing teachers the opportunity to upgrade their qualifications through a university correspondence system. However, when he approached the senate of Sydney university, it flatly refused to consider the proposal on the grounds that the full benefits of a university education could come only through face-to-face teaching and interaction within the on-campus community.

Despite several attempts to change the minds of the senate members, Mr Heffron found no traction. However, Sydney university strongly supported the campaign for the UNE's independence. It recognised that the college had earned its academic stripes and was now frustrated by the restrictions to its growth, having no professors and no funding to extend its buildings to accommodate more students. Moreover, its warden, Dr Robert Madgwick—later Sir Robert—was a keen advocate of adult education and had the necessary experience, having served as the director of Army education in Melbourne. Mr Heffron and Premier Cahill negotiated a tough deal with the college advisory committee that the price of autonomy would be to establish an external studies department primarily for teacher education and also to offer correspondence courses in arts at Newcastle's University College.

In December 1953 the Parliament passed the University of New England Bill, which established the newly independent institution from 1 February the following year. The acceptance of the New South Wales Government terms proved to be a wise decision, as the UNE external studies model soon achieved international recognition, and the number of external students now enrolled far outstrips the number of internal students. From the start, UNE embarked on a winning formula to offer the same courses and examinations to internal and external students with compulsory residential schools for external students.

At the end of March 1955 enrolments at the UNE, including external students, had jumped to 575, the majority in the faculty of arts. Last year the number of internal students was more than 3,000, and external students numbered more than 15,000. In 1954 the administrators of the new university lost no time in achieving one of their most important aims by appointing the first professors and establishing two new faculties, rural science and agricultural economics, whose performances in later years won international recognition for excellence. However, it was not until the recommendations of the Murray commission, appointed by Prime Minister Sir Robert Menzies, were implemented in 1958 that the UNE received an initial grant of £900,000 towards its building program, and the great adventure of transforming the campus into the modern university it has become today could begin.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [6.25 p.m.]: I congratulate the honourable member for Northern Tablelands on his statement about the golden jubilee of the University of New England. He has had a direct association with the university since 1980; he was formerly the warden of the university union and has served on the university council for six years. So he is well versed in the university's operations. The University of New England deserves praise for many things. It is a well-established regional university recognised for its community focus as well as its national activities. It delivers courses in areas of national importance, such as teacher education and nurse education. Its scholars and scientists have established international reputations through their contributions in rural science, agricultural economics, geology and archaeology.

However, if I had to choose one thing, I would choose not the university's past, as distinguished as it is, but its present. I congratulate the university on its accomplishments in achieving excellence with equity. Equity is an essential part of our culture. It is also at the heart of the concept of "regional university". Currently, the university has about 13,000 external students. To be able to communicate with current and prospective students, the university has established access centres on campuses of the TAFE New South Wales-New England Institute. Through centres in Boggabilla, Coonabarabran, Glen Innes, Gunnedah, Inverell, Moree, Narrabri, Quirindi and Tenterfield, the university is making higher education available to students in remote communities.

The university plays a leading role in breaking down the barriers to participation in higher education. Indigenous students make up a high proportion of enrolments at the university. The Oorala Aboriginal Centre provides personalised services for internal and external indigenous students. The centre offers not only academic advice and tutorial assistance but also a friendly place to study. The work of the university in an important range of research and development enterprises provides great support and direction for business and industry in the New England region. I congratulate the university on its golden jubilee.

Private members' statements noted.

[Mr Acting-Speaker (Mr Paul Lynch) left the chair at 6.27 p.m. The House resumed at 7.30 p.m.]

LOCAL COUNCIL AMALGAMATIONS

Matter of Public Importance

Mr ANDREW FRASER (Coffs Harbour) [7.30 p.m.]: My matter of public importance relates to the forced amalgamation of councils in New South Wales. The Government went to the people of New South Wales at the last election with a policy of no forced amalgamations, a policy that was supported by all Labor Party candidates across New South Wales, including the honourable member for Bathurst, who has been very vocal on the matter, the honourable member for Monaro, and the Minister for Mineral Resources. In May last year Minister Kelly proposed the dissolution of Yarrowlumla Shire Council, so the Labor Party has broken yet another election promise.

The Government does not understand the dramatic impact that forced council amalgamations would have on regional and rural New South Wales. Members opposite who wear the tag Country Labor do not understand that if the recommendations in the Peel review are accepted, the town of Murrurundi will lose 43 jobs—18 to Scone and 25 to Quirindi. As well as direct job losses, Murrurundi will also lose chemists, doctors, rural fire services, and clubs. Indeed, the whole community will be affected, both economically and socially, and eventually it will die.

It has been proposed that Walcha will be incorporated into a new Northern Tablelands supercouncil, resulting in the loss of 56 jobs. People living in Nowendoc will have to travel 2½ hours to Armidale to put a development application in to council. Very few people have their development applications approved in the one trip, and this community will have to endure five hours travelling each trip. The town of Hume will lose 73 jobs, and that will have a diabolical effect on Howlong and other surrounding communities. Indeed, the Howlong community fears that it will lose its council-owned and council-run nursing home.

Regional reviews on forced amalgamations are carried out by facilitators appointed by the Government, such as a former Federal Labor Minister, to provide what the Government wants. I challenge the Government to tell us the cost of these reviews because I understand from reading the Peel review that the proposed savings will be less than 1 per cent. The reviews do not take into account the oncost to councils, such as the cost of redundancies for senior staff and the cost of change of signage, letterhead and so on. In the case of Murrurundi and Scone the saving will be 0.6 of 1 per cent, which is laughable.

The Peel review was undertaken by Chris Vardon, former President of the Shires Association and unsuccessful Independent candidate for the seat of Bega. He is on the gravy train and is doing the Government's bidding. The report was plagiarised. Mr Daryl Dutton, the Chief Executive Officer of Scone Shire Council, found, as highlighted in this report, that approximately 80 per cent of the report was cut and pasted from the report of Professor Daly in the Australian Capital Territory.

The Government's bill seeks the arbitrary right to dismiss councils. The United Services Union [USU] gave me a badge as an honorary member of the union because it has not received support from the Labor Party.

The USU has been told that the Minister intends to revisit this matter next week. The Government will allow councils a special rate variation for up to seven years but, in exchange, will introduce multiple proclamations. In other words, it will allow for the seven councils surrounding the Australian Capital Territory to be altered by proclamation and I believe that two supercouncils, as originally proposed, will be formed.

The bill contains some employment provisions to try to sweeten the unions but, unfortunately, it will also give the director-general power to review what are loosely termed "political decisions" by council. At a meeting on 19 January the honourable member for Bathurst said that the whole process had been badly managed by the Government. In a letter to the editor of the *Western Advocate* on Monday 9 February he said:

I fully support those opposed to amalgamations of Local Government taking accepted methods of protest including picketing my office.

I wonder what his stance will be on this issue. The Labor Party voted against the bill I introduced last year, even though it was passed by the upper House. This bill gave communities the right to decide their own futures.

I turn now to what I believe is the illegal proclamation of the city of Sydney. The Government proclaimed the area as of 6 February because Blake Dawson Waldron told the Minister in writing that if they did not receive a decision by 8.30 a.m. that day, interlocutory action would be taken to ensure that forced amalgamation could not go ahead. The Minister got the Governor out of bed at 7.00 a.m. to make the proclamation. In addition, the proclamation stated that the new boundary would include the whole of the old South Sydney area and the whole of the city of Sydney area. As of that moment the city of Sydney encompassed those two areas.

The proclamation also states that the old city of Sydney area will be subject to the City of Sydney Act 1988 for its elections and that the old South Sydney area will be subject to the Local Government Act. The preliminary to the City of Sydney Act states that the Act will prevail over any discrepancies between the two Acts. I believe that people who were in the former South Sydney Council area should have the same rights under section 18 of the City of Sydney Act. Under that section the Electoral Commissioner is obliged to send an enrolment letter to non-resident ratepayers to ensure that they are on the roll.

The Government has circumvented section 18A and section 18B of the City of Sydney Act, and that is illegal. One cannot dictate to this Parliament by way of proclamation that an Act set up to cover the city of Sydney should be subservient. The preliminary to the City of Sydney Act states that "this Act shall prevail to the extent of any inconsistency between this and the principal Act"—the Local Government Act. I challenge the Government to make available to the Opposition any legal advice it received, and I ask whether the Government took advice from the Electoral Commissioner. I do not believe it did, because under the Act the Electoral Commissioner has certain duties that he does not have under the proclamation.

I would like to commend the Combined Councils Against Forced Amalgamations, which has done a great job, particularly with its "Bugger off, Bob—No Forced Amalgamations" campaign. That group printed more than 10,000 stickers, which are now a collector's item. The stickers were distributed to the Labor members of council who are trying to distance themselves from the actions of the Government. It has been clearly demonstrated that people in regional and rural New South Wales do not want forced amalgamations. Bigger is not better. Advice from the USU is that smaller is better and more efficient and will serve people in rural and regional areas far better than the Government's proposal. The Government should not force amalgamations on small communities that cannot afford the adverse social and economic impact of such amalgamations. It must provide the legal advice that supported the proclamation to allow the city of Sydney to hold an election under two separate Acts, because I believe it is illegal.

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [7.39 p.m.]: Local government reform in New South Wales has been debated for many years and this Government has acted. Rather than sit and watch councils being forced to slash their services, like those opposite would like to do, we believe it is time to stop debating and make a decision. The Government is acting to ensure that services are improved and that councils are stronger. Last year 116 of the 172 councils in New South Wales had to spend more than they earned. That cannot continue. The Department of Local Government has 30 councils on financial watch, and some of them are nearly broke.

Many of those councils are in rural New South Wales. If the Federal Government has its way the pressure on local councils in New South Wales will only increase. A House of Representatives report into cost shifting recommended that the model for allocating Federal assistance grants abolish per capita shares and use

the SES model that the Government uses for allocating school funding. We have estimated that that recommendation could mean the New South Wales share of Federal assistance grants would drop by more than \$47 million, or almost 10 per cent. Country councils in particular are reliant on those grants. Many need the grants to simply survive. This move could break their bank. We hear regularly about councils that are compelled to cut services to keep themselves in the black. Windouran Council could not put gravel on roads for six years, and it had to sell the general manager's car.

It is not just in the country that reform is needed. Over the past 20 years three separate independent reports have advocated council reform in the inner city. Sydney needs a living heart, not just a central business district. For Sydney to be a truly global city, it needs a modern capital city council. The new Sydney City Council will be financially stronger, better able to service ratepayers and better able to represent Sydney to the world. Even Hobart and Darwin have larger city councils than Sydney does. The new council in Sydney will have more than 130,000 people—smaller than Bankstown, Blacktown and Gosford councils.

The Boundaries Commission found that the amalgamation could achieve estimated one-off savings of \$2 million and annual savings of up to \$7 million. The jobs of workers at both councils will be transferred to the new council. Workers are protected under the Local Government Act and have additional protection under this proclamation. Regardless of all this, however, some are still talking about wasting more money on lawyers' fees. The City of Sydney will not tell its ratepayers how much it has already spent on fees challenging State Government decisions. These people have tried to take the Governor to court, challenging her right to make a proclamation in these matters, even though it is as plain as day in the Local Government Act. Last time councils took the State Government to court on these matters the decisions were merely delayed for two years and hundreds of thousands of dollars of ratepayers' and taxpayers' money was spent on lawyers.

The honourable member for Coffs Harbour continues to interject. If we go through the record of Opposition members over the past eight years we see that every time they have made allegations in this place, those allegations have been proved to be false or miscalculated. They do not do their homework and they do not know what they are talking about. They should listen to what is being said and stop their spreading of misinformation and scaremongering among the local communities. I encourage honourable members on both sides of the House to get on with the job and start focusing on what ratepayers and residents need and what this reform is all about: better services. The new council will have an extra \$7 million a year to pay for those services. That is \$7 million more that can be spent on removing graffiti, improving parks and gardens, and upgrading libraries and swimming pools—every year from now on.

In the councils in the south-east of the State, our reforms will mean one-off savings of \$2.13 million, savings of more than \$1 million for each year thereafter, and local jobs remaining in their communities. This model also removed doughnut councils—Yarrowlumla and Mulwaree. These were small councils surrounding larger centres, and even had their council chambers inside their neighbour's boundaries. The financial benefits of reform are proven. Canada Bay, a council that amalgamated just three years ago, has already saved \$1.1 million. That \$1.1 million can now be put back into providing better services for its community. It is obvious that bigger and more robust councils, with larger rate bases, attract economies of scale not available to smaller councils. Merging means one administration. That is the cost of maintaining one computer system and one council chambers. There are also economies of scale to be gained through the streamlined use of plant and equipment.

All honourable members would agree that there is nothing worse for communities and staff than to have a council battling to pay the bills. That is why we started this reform process, and that is why we are committed to seeing it through. We have received 10 applications for voluntary mergers, and the Boundaries Commission is currently looking at proposals affecting up to 40 councils in New South Wales. While this is more than ever before, some councils are still resisting reform. For the benefit of Opposition members, I should say that the reality is that the State Government is responsible for the administration of local government. To disagree is to argue not with the State Government but with the Australian Constitution. We take our responsibility to the community and ratepayers very seriously. The status quo is not good enough. We are not prepared to sit on our hands and let local government die in New South Wales. We value its contribution to the community.

The Minister for Local Government has said from day one that he wanted councils to talk to their communities about improvements. Many of them have made good suggestions and changes. This process is all about councils serving communities better. This is what the process is really about. It is about ensuring that councils have the ability to be viable and have the ability to service their communities—to live up to the expectations of their communities. It is disgraceful that a council could not resurface its roads for six years.

Coalition members might think that is all right, but Labor members do not. That is probably why they are in Opposition and we are not. This is not about politics. Our decisions are all about making local government in New South Wales stronger and better able to serve ratepayers. The State Government is responsible for the wellbeing of local government. That is the law, and we take that responsibility very seriously.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [7.47 p.m.]: The cry of "Bugger off, Bob" is reaching fever pitch across regional New South Wales. Rarely has a political leader and his government caused such turmoil and anger in regional communities. And there is a simple reason why this is so. The Premier and his Labor candidates lied to the public before the last election, less than 12 months ago. They told us there would be no forced amalgamations of local government. Yet in the past two weeks Labor has forcibly merged Sydney and southern New South Wales councils, and it seems that it will be only a matter of time before it announces further forced mergers. Labor has made clear that, no matter what the cost to our communities, it is going to create mega councils across country and coastal New South Wales.

Where is Labor's evidence to support the proposition that bigger is better in local government? It is clear to all honourable members on this side that efficiency in service delivery thus depends on the effectiveness of councils and not simply on their size. I refer to Tallaganda shire in southern New South Wales. It raised serious concerns about amalgamation in relation to jobs, economic activity and services. Extrapolating Tallaganda's estimates, \$175 million per annum would be lost to the economies of regional and rural New South Wales in respect of jobs, services and the flow-on effects to those local economies. Councils are often the largest employers in country towns, and Labor's forced amalgamations potentially sound the death knell for some country communities. Again, Sydney Labor is moving to centralise services, with no thought to the impacts that will have on those rural and regional communities.

When will Labor get the message that ratepayers do not want to be far removed from their council in their day-to-day activities? The projected savings of the so-called Minister for Local Government from the forced amalgamation of southern New South Wales councils are far outweighed by the inevitable long-term job losses and reduction in local services. Where are the impact statements of rural communities that the Premier promised in 1996? Writer Michael McGirr, who moved from Victoria to Gunning in the electorate of the honourable member for Burrinjuck—

Ms Katrina Hodgkinson: He is a great bloke—

Mr ANDREW STONER: Yes, he is—in southern New South Wales, succinctly and poignantly wrote on 25 November 2003 in the *Sydney Morning Herald*:

I moved from Melbourne and had seen the effect of council amalgamations on communities there. I had expected such amalgamations to be relatively unimportant in the broader scheme of things and soon forgotten by residents. I was surprised how significant they were.

The reasons soon became clear. Decisions about councils are not primarily economic decisions, although they do have economic consequences.

They are decisions about the identity of communities and the ability of people to participate actively within those communities.

The Labor Government does not understand local government and their communities, and the democracy that is accessed by local people to government at that level. That is why the Government is prepared to ride roughshod over local communities and the democracy in those communities. Councils are often the largest employers in country towns and Labor's forced amalgamations will sound the death knell for those communities. I am not sure whether the Minister for Local Government, the former convenor of so-called Country Labor, will be able to show his face in some areas of country New South Wales ever again.

Mr Andrew Fraser: He is not turning up at some regional meetings.

Mr ANDREW STONER: That is correct. He has traded on his local government background from the day he was appointed a Minister. Sadly, the Minister has sold out rural and regional residents for a big white car and a ministerial office overlooking Sydney Harbour. And who can forget the likes of the honourable member for Bathurst and the honourable member for Monaro who have meekly accepted what their Sydney masters have dished out to them, despite widespread opposition in their local communities? It is interesting to note the undertaking of the honourable member for Monaro to this House on 21 May 2003. He said:

During the recent election campaign, I stated clearly to people who live in the Monaro region that the Carr Government would not force amalgamations on them.

That is another broken promise from Country Labor and another sell-out of local communities. [*Time expired.*]

Mr ANDREW FRASER (Coffs Harbour) [7.52 p.m.], in reply: The dictatorial attitude and arrogance of this Government were demonstrated by the Parliamentary Secretary, who had no substance in her defence of a process that is wreaking havoc in regional and rural New South Wales. The Combined Councils Against Forced Amalgamations, comprising 65 councils, has demonstrated individually and collectively that its communities will suffer both social and economic loss because of the forced amalgamation program of this Government. As the Leader of The Nationals said, the Minister for Local Government is intent on telling us that the seven councils in the area near the Australian Capital Territory will give savings of \$2.13 million. The Minister failed to tell us about the loss of economic activity in those areas, which will far outweigh any of his proposed or perceived savings. The cost of the redundancy payments, the change of signage and the economic activity to which I referred and the Leader of The Nationals reiterated will mean a projected loss across regional New South Wales of \$175 million per annum in recurrent funding if these amalgamations go ahead. The Minister has ignored advice from the University of New England Centre for Local Government.

Mr Andrew Stoner: And the USU!

Mr ANDREW FRASER: And the United Services Union. Papers presented by the Centre for Local Government state that bigger is not better. It is lunacy for the Parliamentary Secretary to suggest that all these councils are going broke. The councils are fairing well and have the full support of their local communities. In fact, they have large reserves. Walgett Shire Council, which is under a section 740 investigation, has \$9.6 million in restricted reserve and \$4.5 million in unrestricted reserve. I have no doubt that the action of the Minister in Walgett and Rylstone is nothing more than something that will enable him to forcibly amalgamate those councils in the not too distant future. I am interested in where the honourable member for Bathurst will stand in relation to this issue. He made guarantees to his electorate in letters to the editor and other places. He was at the Panthers club at Bathurst. I suggest that he cannot be a panther at the Panthers club in his electorate and a pussy cat in the House. He has demonstrated that to the House and to the electorate. They will remember that in 2007, after their local government areas have been dissolved under this Government.

Ms Katrina Hodgkinson: Some already have.

Mr ANDREW FRASER: Some already have. The number of letters, phone calls, faxes and emails I receive from his electorate alone is unbelievable. The fact that Chris Vardon, who has done the greatest cut and paste job in the history of New South Wales, will conduct a regional review on behalf of the people is laughable. What did Stephen Hughes, the regional organiser, say at the last branch meeting in the electorate of the Minister for Mineral Resources? Stephen Hughes is doing the numbers as we speak and has the party on side, but the preselection of the Minister for Mineral Resources is in doubt. I spoke to Stephen Hughes tonight. Why has the USU threatened—

Ms Tanya Gadiel: Point of order: The honourable member for Coffs Harbour is not addressing the matter of public importance.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The honourable member for Coffs Harbour will confine his remarks to the subject matter of the matter of public importance.

Mr ANDREW FRASER: I am dealing with the subject matter. The honourable member for Parramatta has not even been in the Chamber for five minutes. The USU is so badly affected that it is going to disaffiliate from the Labor Party.

[*Interruption*]

Yes, it is. I spoke to Brian Harris this afternoon and I can provide the Minister for Mineral Resources with his mobile phone number. The unions and the communities are not happy, and so-called Country Labor is not listening to the people of regional New South Wales. Country Labor does not care about what happens to its communities and their economies. I commend the words of the USU and the councils. They distributed stickers and people wore T-shirts stating, "Bugger off, Bob—No Forced Amalgamations".

Discussion concluded.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (VICTIM IMPACT STATEMENTS) BILL**Second Reading****Debate resumed from 5 December 2003.**

Mr ANDREW TINK (Epping) [7.58 p.m.]: The object of the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill is to expand the category of offences for which the Local Court may receive and consider victim impact statements. I could not imagine any honourable member objecting to that proposition, and I certainly do not. I suspect that many honourable members do not appreciate the number of offences that are relevant to this piece of legislation and that so many very serious offences can be dealt with summarily. That is of great interest. The explanatory note to the bill states that the Crimes (Sentencing Procedure) Act 1999 is amended as set out in schedule 1. Schedule 1, new section 27, application of division, states:

- (c) an offence that is referred to in Table 1 of Schedule 1 to the *Criminal Procedure Act 1986* and that:
 - (i) results in actual physical bodily harm to any person, or
 - (ii) involves an act of actual or threatened violence or an act of sexual assault.

Table 1 of schedule 1 to the Criminal Procedure Act sets out the indictable offences that may be dealt with summarily unless the prosecutor or person charged elects otherwise. This Act of Parliament sets out the offences where there is a presumption that they will be dealt with by a magistrate. There will be a presumption that offences referred to in section 35 of the Crimes Act, malicious wounding or infliction of grievous bodily harm, will be dealt with by a magistrate. Section 35 provides:

- (1) Whosoever maliciously by any means:
 - (a) wounds any person, or
 - (b) inflicts grievous bodily harm upon any person,shall be liable to imprisonment for 7 years.

I am concerned that offences under section 35, which are very serious criminal offences, will be dealt with by a magistrate unless the person charged elects otherwise. Such offences are included in the category of offences where it is proposed that the court will receive and consider victim impact statements. I am not concerned about that aspect, but I am concerned that there is a presumption that a magistrate will deal with a charge of malicious wounding. The maximum penalty for the offence of malicious wounding is seven years imprisonment, but a magistrate can only impose a fraction of that maximum penalty. Another offence for which there is a presumption that it will be dealt with by a magistrate is referred to in section 35A of the Act, which relates to a person who maliciously causes a dog to inflict grievous bodily harm or actual bodily harm. Section 35A (1) provides:

A person who, having control of a dog, maliciously does any act which causes the dog to inflict grievous bodily harm on another person is liable to imprisonment for 7 years.

Again, I am concerned that there is to be a presumption that this offence will be dealt by a magistrate who may only impose a much lesser penalty. The offence of "riot", which is highly relevant to the outrageous activities that have occurred in Redfern over the past few nights, is referred to in section 93B of the Crimes Act, which provides:

Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot and liable to imprisonment for 10 years.

Pursuant to this legislation—which provides for the receipt and consideration of victim impact statements by the Local Court—there is a presumption that the offence of riot, which carries a penalty of 10 years imprisonment, will be dealt with by a magistrate who will impose a lighter maximum penalty. A similar offence is the serious offence of affray, which is referred to in section 93C of the Crimes Act, which provides:

A person who uses or threatens unlawful violence towards another and whose conduct is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety is guilty of affray and liable to imprisonment for 5 years.

Table 1 of schedule 1 to the Crimes (Sentencing Procedure) Act sets out the sections of indictable offences that are to be dealt with *prima facie* on a summary basis. Clause 2 of part 1 of that schedule includes the section 35 offence of malicious wounding and the section 35A offence of maliciously cause dog to inflict grievous bodily harm. In part 2 of table 1 of schedule 1, which relates to other offences under the Crimes Act 1900 or the common law, clause 10 includes the offences of riot under section 93B and affray under section 93C. I am concerned that the offence under section 114 of the Crimes Act—being armed with intent to commit an indictable offence—is included in clause 9 of part 2 of table 1. There is an epidemic of hand guns in this State and gun crime is rampant throughout the city and the wider State, yet this bill will ensure that a person charged with the offence of being armed with intent to commit an indictable offence will be dealt with by a magistrate on a presumptive basis. Section 114 of the Crimes Act provides:

- (1) Any person who:
- (a) is armed with any weapon, or instrument, with intent to commit an indictable offence,
 - (b) has in his or her possession, without lawful excuse, any implement of housebreaking or safe breaking, or ...
 - (c) has his or her face blackened or otherwise disguised ...
 - (d) enters or remains in or upon any part of a building or any land ...
- shall be liable to imprisonment for seven years.

The presumption is that that offence will be dealt with by a magistrate. I am concerned that the serious offence of car stealing under section 154AA of the Crime (Sentencing Procedure) Act is included in clause 9 of part 2 of Table 1. Section 154AA provides:

- (1) Any person who steals a motor vehicle is liable to imprisonment for 10 years.

The presumption is that that offence will be dealt with by a magistrate. I stress again that in each and every one of these cases if the offence is dealt with by a magistrate, rather than in the District Court, the maximum penalty will involve a much lighter term of imprisonment. The Opposition welcomes the extension of the receipt and consideration of victim impact statements for these crimes, but the victim impact statements should be heard in the District Court. Serious matters should not be dealt with in the Local Court. The amending bill should provide that these matters be dealt with *prima facie* in the District Court, not in the Local Court. The object of the bill is to expand the category of offences where the Local Court may receive and consider victim impact statements. One of the key objects of the bill should be to expand the category of offences in which the District Court, not the Local Court, may receive and consider victim impact statements. All of these offences of violence should not be dealt with in the Local Court.

Referring again to the offence of riot under section 93B of the Crimes Act, page 7 of today's *Sydney Morning Herald* carries a photograph of a person facing a line of police ready to hurl a large rock or brick. The photograph depicts the man's arm stretched back preparing to launch a missile. The man was caught literally in the split-second before he hurled a large chunk of rock at a police officer. That is a very serious offence. In the photograph the mask has fallen away and the man's face is readily identifiable. The man about to hurl a rock at a line of police is clearly distinguishable. I hope that the police will do everything they can to make an arrest in this case.

I also hope that if an arrest is made the matter will be dealt with before a jury in the District Court on indictment and not by a magistrate in the Local Court, where the maximum penalty would be far less than the penalty that can be imposed in the District Court. If a victim impact statement is made to the court—and I hope the police file such a statement—it should be dealt with in the District Court rather than in the Local Court. The photograph shows that a most serious offence is about to be committed. All members must understand that this legislation provides for a presumption that the offence depicted in the photograph will be dealt with in the Local Court, and that is wrong.

Mr Bob Debus: Unless the prosecutor or the person charged elects otherwise.

Mr ANDREW TINK: The indictable offences are to be dealt with summarily unless the prosecutor or person charged elects otherwise. This legislation provides for a presumption that these matters will be dealt with in the Local Court. The presumption ought to be that these matters will be dealt with in the District Court. The photograph clearly indicates the seriousness of the offence. In this case the presumption ought to be that the

matter will be dealt with in the District Court unless the prosecutor or person charged elects that it be dealt with in the Local Court. There should not be a presumption that an offence of this nature will be dealt with in the Local Court. Plainly there is something wrong with the law in this case.

The bill provides for victim impact statements. That is all well and good and we have no problem with that, but it hardly addresses the key issue. With regard to serious crime, the presumption is back to front. Consequently, victims impact statements, having been carefully listened to by the court, will not be given the weight or the forum they deserve, and the offender will not receive the penalty he or she deserves unless the statements are read in the appropriate court. The bill will ensure the continuance of a system in which victim impact statements involving crimes of violence are read in the wrong court.

Mrs KARYN PALUZZANO (Penrith) [8.10 p.m.]: I support the bill. For too many years society ignored in the courtroom the victims of crime. Too often victims would feel alienated during an immensely difficult time in their lives. This Government has responded to victims of crime in ways that no previous government has. This bill is a continuation of the Government's commitment to victims of crime. Currently, victim impact statements are allowed only in very limited circumstances in the Local Court, and that is, generally, when an offence has been committed that results in the death of a person. However, many offences dealt with by the Local Court and which are the subject of this bill are serious offences—such as sexual assault and other violent offences that result in physical harm to a person. In such cases victims have been prevented from accessing the victim impact statement processes that apply in the District Court and the Supreme Court.

Preventing a victim from presenting a victim impact statement in relation to the serious offences covered by the provisions of this bill merely because the offences are being dealt with in the Local Court rather than the District Court or the Supreme Court provides little comfort to those who wish to inform the court, via a victim impact statement, of the impact a crime has had on them and their lives. This bill will go some way towards providing a more humane system of involvement for those who wish to have their voices heard as part of the court process. In this place in the past year the Government has continued to update and amend legislation relating to victims of crime to ensure that their rights are protected and that victims are heard in the courtroom.

The Victims Legislation (Amendment) Act, which passed with unanimous support in this place, introduced three reforms: it enabled victim impact statements to be read out in court; it provided victims of crime with information about the prosecution of accused persons; and it provided counselling benefits to members of the immediate family of persons killed in a homicide involving the use of a motor vehicle. The reform proposed by this bill builds on reforms passed earlier in this place and reflects this Government's ongoing commitment to victims of crime. I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [8.13 p.m.]: I have much pleasure in supporting the contribution of the honourable member for Epping on the Crimes (Sentencing Procedures) Amendment (Victim Impact Statements) Bill, the object of which is to expand the category of offences in relation to which the Local Court may receive and consider victim impact statements. Currently, the Local Court may receive and consider such statements in relation to an offence that results in the death of any person or an offence for which a higher maximum penalty may be imposed when death is occasioned. Victims must be permitted to advise the court how a crime has impacted upon their lives. The bill will amend the Crimes (Sentencing Procedures) Act to enable the Local Court to receive victims impact statements when certain indictable offences dealt with summarily result in either actual physical bodily harm to any person or involve an act of actual or threatened violence or an act of sexual assault.

When the Local Court has received a victim impact statement the victim will be entitled to read out the statement in court following conviction but prior to sentencing, as determined by the Local Court. A number of my constituents who have been victims of a variety of crimes have expressed frustration about not being able to give vital impressions of the impact that the crime has had upon their lives. I reiterate and support the comments of the honourable member for Epping about such crimes as malicious wounding, unlawful violence for a common purpose and affray, when threats made by one person against another causes the person threatened to fear for his or her life. Such offences are very serious, and I concur with the statement of the honourable member for Epping that they should be dealt with by the District Court and not the Local Court. My constituents I referred to earlier would have benefited from being able to make a statement about how they felt, what they endured and what the future has in store for them as a consequence of being victims of crime. I support this amendment bill and support strongly the sentiments expressed by other honourable members about victims of crime and their right to an opportunity to have their day in court.

Ms ANGELA D'AMORE (Drummoyne) [8.16 p.m.]: I support the bill. Victim impact statements play an important role in helping victims of crime explain to a court how a crime has affected them. A victim impact

statement is a written statement by a primary victim of personal harm suffered as a direct result of an offence. In the case of a family victim, the statement relates to the impact of the death of the primary victim upon members of the immediate family of the primary victim. At present victim impact statements are mostly given in the Supreme Court and the District Court. This bill proposes to expand the use of victim impact statements in the Local Court in New South Wales in relation to certain indictable offences that are dealt with summarily—that is, those offences listed in table 1 of schedule 1 to the Criminal Procedure Act in relation to which a victim has suffered actual physical bodily harm as a result of an offence or when actual or threatened violence or an act of sexual assault has occurred.

In such cases, when there has not been a death, a victim impact statement not only provides an opportunity for the victim to have proper public respect paid to his or her pain and suffering; it also has a role to play in the determination by the court of the imposition of an appropriate sentence. The statement will explain to a magistrate the extent of the impact a crime has had on the victim's life. In cases in which a victim has died as a result of an offence and the immediate family wants to give a victim impact statement, it will continue to be allowed to do so in the Local Court. When a family member has died as a result of an act of violence the victim impact statement provides an opportunity for the family to express its feelings of grief and loss and allows proper public respect to be paid to those feelings. The changes being proposed today are an important step in continuing to ensure that victims of crime are not forgotten by the criminal justice system and that their views are not ignored in the sentencing process. I commend the bill to the House.

Ms LINDA BURNEY (Canterbury) [8.18 p.m.]: I support the bill, the provisions of which will touch the lives of many people who have experienced the trauma of crime. In the past many such people could not express the effects that a crime had upon them. This bill will give the victims of crime a voice. At present a victim impact statement may only be received by the Local Court when the offence being dealt with has resulted in death or the offence is one for which a higher maximum penalty may be imposed when death is occasioned. This bill expands the category of offences in relation to which the Local Court may receive and consider victim impact statements. Other serious offences such as those resulting in actual physical violence or threatened violence or an act of sexual assault are also dealt with in the Local Court. However, apart from the limited circumstances I have outlined, a sentencing magistrate does not have the benefit of a statement from the victim describing the impact of the crime. Such a statement reflects the objective seriousness of the offence and recognises the impact of the offending behaviour on the victim.

Yesterday a mother whose son was brutally murdered three months ago came to my electorate office and spoke about the effect of the murder on her family. I cannot imagine the pain, disbelief and horror the family has experienced. This is an important bill. Material detailing the impact of serious crimes should be presented to a sentencing magistrate. The defendant already has the opportunity to place favourable material, such as psychiatric reports and character testimonials, before the magistrate. This legislation will level the playing field: it will give victims the opportunity to voice their feelings and to explain to a magistrate how the offence has affected them and their families and its ongoing impact on them. All honourable members know how such events can destroy families and cause people to become dysfunctional and render them unable to move on. The humanity of the legislation addresses that point.

The bill will assist magistrates in imposing appropriate sentences. Perpetrators should hear about the misery their actions have caused their victims, who face them across the courtroom. The Chief Magistrate has requested these amendments and they will be carefully implemented. The witness assistance service of the Office of the Director of Public Prosecutions will provide support to victims who wish to make statements in Local Court proceedings. New South Wales Police generally prosecute table 1 matters, which are dealt with in the Local Court. New South Wales Police will provide victims involved in those proceedings with information about the preparation of impact statements as early as possible and will refer them to the Victims of Crime Bureau for further information and assistance. That is important because many people who are distressed or who do not have good English or literacy skills will be assisted to use their own words to make victim impact statements to the court and to the perpetrators. The Victims of Crime Bureau also provides an information package. That will be amended and distributed widely once this legislation is passed.

It is a great comfort to a victim of crime to be able to tell the court about the impact of an offence. Victims feel that they have been heard and they can talk from the heart about the effect of an offence on them and their immediate and extended families. I commend the Government for continuing to ensure that legislation relating to victims is amended in the light of concerns that arise about the operations of the State's criminal justice system—a system that the Attorney General has said repeatedly is not simply about punishment but about rehabilitation, fairness and the opportunity for everyone to have an equal say in the eyes of the law. I commend the bill to the House.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [8.23 p.m.]: The Government has a proud record of being tougher on criminals than any previous government. The Government has sent a clear message to offenders that if they want to make victims of others, it will make victims of them. Anyone who commits a violent crime will serve a long sentence. However, imprisoning these bullies is not enough. The court processes determine their guilt through abstract discussion of the law, but they are never truly confronted with the impact of their crimes on their victims. The courts' deliberations are cold, technical and abstract. They deal with the letter of the law but not the suffering of the victim. Criminals have been allowed to pass through the system without ever being made aware of the lifetime of pain that their victims suffer. These violent people never feel the pain their victims feel.

The Government already makes violent offenders regret their crimes by catching and imprisoning them. However, honourable members on this side of the Chamber do not believe that is enough. We want these bullies to feel the pain that their victims feel, and this bill will achieve that. It will allow victims to read to the court their accounts of the consequences of the offenders' crimes on their lives. The victims will be able to confront their assailants with the suffering they have endured. This bill will allow victims to burn their suffering into the minds of their attackers. It will force heartless thugs to relive their victims' pain day after day.

Victim impact statements also send a strong message to potential offenders that violence is morally wrong and unacceptable in this society. The abstract discussion of complex law in courts strips the criminal law of its moral message. The introduction of victim impact statements makes a criminal trial a spectacle of public shaming and social disapproval. It makes it more likely that a potential offender will desist from crime for fear of being rejected by society. Victim impact statements also have a positive effect on victims. In the past the justice system has dealt with violent criminals in an abstract manner. Abstract legal terms such as "mens rea" and "actus reus" are used in determining guilt. The unique personality of the victim and the harm caused have not been comprehensively recognised until now. Violent crime is not only physically harmful to victims, it can also cause permanent emotional scars. In the long term, that can be much more damaging than physical injury. Victims of violent crime feel violated. The criminal robs them of their human dignity and makes them feel unimportant and worthless. They feel powerless and unavenged and there has been nothing they could do about it. This legislation will change that.

Victim impact statements give victims a voice in the justice process. By allowing victims to share their experience of violent crime we are telling them that they are important and valuable. By giving victims input into the courts' deliberations we are telling them that they are powerful and that they will have an impact on the fate of their assailant. By allowing victims to confront their attackers verbally with their crimes and to tell them that they will be imprisoned we are giving victims a chance to regain their human dignity and to achieve release from the trauma of being violated. The New South Wales Government has a proud law and order policy record and has enacted increasingly tough measures to address violent crime. Since the Labor Party came to office it has sent violent criminals a clear message that if they do the crime they will serve a long sentence. This bill is another triumph over violence for the people of New South Wales. Most importantly, it is a triumph for the victims of violent crime over the thugs who attack them.

Mr ALAN ASHTON (East Hills) [8.29 p.m.]: I support the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill. The presentation of victim impact statements is a recent innovation. The Government and the Opposition deserve credit for improving the relevant legislation. Victim impact statements play an important role in Supreme Court cases dealing with murder. The procedure in the Local Court for dealing with offences involving serious violence currently does not provide for victim impact statements to be made. As noted by the member who preceded me in this debate, the honourable member for Fairfield, in this legislation the Government has introduced a way of avoiding victims being left with the feeling that they have not had their day in court. Courts have a fairly closed procedure when dealing with cases: witnesses give evidence, the magistrate or judge weighs the evidence, a decision is made, and if a perpetrator is found guilty, a sentence is imposed. Constituents who visit my East Hills electoral office often recount that victims do not have a sense of closure after their cases have been heard. Television programs often portray the same thing and lawyers often remark on it.

An offender may have seriously physically hurt a victim, who has had to sit in court and listen to that offender claim to be innocent or claim that what happened did not have a great impact on the complainant. Sometimes when offenders are asked why they committed the offence, they say they had had a few drinks and that what they did was out of character. In some instances a character reference is produced, stating that the offender would never commit anything like that type of violence again. In those circumstances, a victim may very well continue to be traumatised by the offence even during the trial process—and not only because of the

physical injury the victim has suffered. The victim's physical wounds may well have healed, but the psychological scarring suffered by the victim may not have done so. Many people other than the victim and the perpetrator are involved in crimes of violence. The victim and the offender usually have spouses and families, and the offender may have acted entirely out of character when committing the offence.

In the trial procedure, the prosecution and the defence put their cases and a decision is made. The essential element in the bill is bringing more people within the ambit of the court's consideration by virtue of victim impact statements. People other than the offender and the lawyer who acts on behalf of the victim will now have their day in court. It is important to note that the bill provides for victim impact statements to be made in relation to threatened violence as well as actual violence. Threats in the workplace are a far too common occurrence. They happen in hospitals. Nurses are confronted with threats from patients' relatives that something will happen to them if that they do not offer treatment to one patient ahead of others because that patient is more in need of treatment than somebody else. Regrettably, threats in the school system are also increasing. Teachers justifiably feel threatened by the force of what students say to them. Students do not only say, "Get lost! I am not doing that homework" or "I am not picking up that rubbish". Some extremely threatening and intimidating things are being said to teachers.

The Government has been reasonably successful in eliminating violence and crime in schools, but schoolteachers tell me that they feel threatened by what happens. As honourable members know, it is an offence to threaten to do physical bodily harm and it is certainly an offence to threaten to kill. We all know that people sometimes lose their temper and say, "I'll kill you if you do that". That is an offence and people who make that threat can be charged, brought before a magistrate or judge, and may be found guilty of an offence. Under the bill, a person who has been threatened and believed that an assault was imminent will have the right to tell the court what that did to them. They will be able to say that they were simply trying to do what they were required to do when they were threatened. Threats may completely shatter someone's life, and it can take a considerable period for them to recover.

There is no doubt in my mind that the additional provision for victim impact statements will give victims a sense of satisfaction. I deliberately do not use the term "a sense of revenge" because the role of the legal system is to provide a sanctioned retributive mechanism in our society. I acknowledge that often it is not necessarily wise to speak personally about certain subjects in Parliament, but if somebody wanted to beat me to a pulp, the only way I would feel that I had evened the score would be to say something similar to them.

Mr Bob Debus: You are an aggressive sort of person.

Mr ALAN ASHTON: At times I have been. It might even be said that to get into Parliament, one has to be a little aggressive. Perhaps it is a symptom of the short person syndrome that when I am challenged, I have to meet the challenge. If someone threatened me, I would feel that I have not got square with that person unless I got back at them. My father once said to me, "No matter how big a bloke is, if he hits you, you must hit him back. If you don't, you will be hit all through your life." He also used to say that I should pick only on people of my own size, and without Stephen O'Doherty and Kevin Moss, I do not have anyone to take on. In all seriousness, however, the point I make is that there are people in society who do not know how to resolve matters without using violence.

Many cases dealt with by the Local Court involve incidents in which people have literally been flattened outside a hotel, a club, at a school or in a hospital. Some of the victims are staff who are simply working. These are not major crimes involving criminals who go out of their way to commit murder. Victim impact statements should be allowed not only in cases involving death but also in cases of threatened violence or when an element of actual violence has been involved in the offence. This bill provides that when such cases are brought before the Local Court, a victim impact statement will carry the same weight in the determination of threatened or serious violence offences as it does for offences involving death. Whether a victim impact statement can be made will no longer depend on whether an offence is dealt with by the Supreme Court or the District Court. If an offence involving violence or the threat of violence is dealt with in the Local Court, a victim impact statement will be able to be read to the magistrate.

I appreciate the Opposition's support for the bill. I strongly support the object of the bill, which will provide victims with a sense of closure. The bill will ensure that victims will have the satisfaction of knowing not only that the offender has been sentenced to a substantial period of imprisonment but also that the system has worked for the victims, who have had a chance to tell the court how the offence has affected them and their families. The bill will provide a better way of dealing with offences because the victims will not leave the court

thinking that the outcome was not good enough as they did not have any input into the proceedings. That shortcoming in legal procedure is recognised internationally. People criticise the legal system for looking after the criminal instead of doing something for the victim.

I congratulate the Attorney General and the New South Wales Government on bringing forward this legislation, which widens the ambit of victim impact statements to increase the number of proceedings in which victims may have their day in court and tell the court exactly how the offence has affected them. Victims will be able to let the magistrate and the perpetrator of the offence hear what they have to say. An important conferencing system has been introduced in America which enables victims to sit down with perpetrators and express how they feel. A couple of years ago the Attorney General introduced legislation to facilitate a similar scheme. Sometimes that is effective in deterring offenders from a continuation of violent conduct because they have to think about what they have done. The provisions of the bill are not the complete answer to the provision of effective sentencing procedures. However, it is important that victim impact statements be added to the system operating in the Local Court instead of being restricted to the Supreme Court and the District Court.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [8.38 p.m.], in reply: I thank honourable members for their contribution to the debate. In doing so I acknowledge that each member who spoke during the debate supported the bill. I acknowledge particularly the contribution made by the honourable member for East Hills, who seemed to me to capture the essence of this legislation admirably. I note that the majority of the seven members who spoke to the bill are female members of this House. To my knowledge, I do not think that has occurred very often in debate over the 100-odd years that this Parliament has been in operation.

The Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill is designed to further enhance the rights of victims of crime when an offence results in either actual physical bodily harm to any person, or it involves an act of actual or threatened violence or an act of sexual assault. The amendment to the victim impact statement provisions of the Crimes (Sentencing Procedure) Act will provide an opportunity for victims of violent crimes listed in table 1 of schedule 1 to the Criminal Procedure Act to explain to the Local Court how a crime has affected them.

I wish to respond to the remarks of the honourable member for Epping, who made a fuss about the fact that table 1 matters are capable of being dealt with in the Local Court. The honourable member appears to object to the construction of the Criminal Procedure Act with regard to its use of the term "presumption". He seems to believe that every charge made by the police should be brought before the District Court, which is plainly ridiculous. No matter which way the honourable member chooses to twist the language of the Act, table 1 offences are matters that can be dealt with in the Local Court, unless the prosecution or the defence elect to have them dealt with in the District Court. Such has been the case for nearly a decade. Police prosecutors, who generally prosecute the types of matters we are speaking about, are aware of the level of criminality involved in any matter and the range of sentence that is appropriate. If they feel that a sentence of two years or less is within the appropriate range, they will bring the matter before the Local Court. They will not take the matter to the District Court; rather, they will make an informed decision on their own behalf and proceed appropriately.

Late last year the Government enhanced the sentencing powers of Local Court magistrates by making it possible for them to accumulate the sentences for a number of offences, up to five years imprisonment. In other words, although the limit for a sentence in the Local Court for any one offence might be two years, it is now possible for a magistrate to accumulate a sentence, up to five years imprisonment, for a series of offences tried at the same time. Given the wide range of criminality that is covered by table 1 offences, it is only sensible that there should be the sort of flexibility that allows for election between prosecution in the Local Court and the District Court under the provisions of the Criminal Procedure Act, as the prosecuting authorities deem to be warranted.

The remarks of the honourable member for Epping can only be construed, if one is being logical about their implication, as some kind of questioning of the capacity of the prosecuting authorities of the State to make an appropriate election about which court should deal with a particular matter. The proposal in the bill reflects the Government's continuing commitment to victims of crime and the families of victims who have died as a result of criminal acts. The point has been well made during the debate that victims of crime often need vindication. Indeed, victims of crime often need to explain and expiate their feelings of violation. Unless they are able to do that in the context of the criminal justice procedures that are brought to bear upon the offender, they cannot have a feeling of closure that is so important to them if they are to conduct the rest of their lives in a satisfactory manner.

Reference was made to the relatively impersonal nature of the courts. It is appropriate that I remind the House that the impetus for the amendment comes from the Chief Magistrate of New South Wales. It is he who suggested to me that the amendment should be made and, of course, I have been more than happy to accede to his request. I recognise that the feelings of victims need to be acknowledged and that victims need to be given the opportunity for expression if we are to improve the way in which the system of criminal justice deals with not only offenders but those who are affected by offences against the criminal law. For those reasons I am pleased to commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ELECTRICITY (CONSUMER SAFETY) BILL

Second Reading

Debate resumed from 4 December 2003.

Ms KATRINA HODGKINSON (Burrinjuck) [8.47 p.m.]: I indicate at the outset that the Opposition holds in high regard the responsibility to ensure that consumers of electrical goods are protected by legislation so that they can be confident that their safety is assured when using electrical goods. The Electricity Safety Act is a mechanism for ensuring that electrical articles and wiring work meet national and internationally recognised standards. The Electricity Safety Act ensures that all electrical items are made to minimum safety standards, with inspectors checking retailers and wholesalers to ensure compliance. Items from certain classes of articles must be tested, approved and marketed before they may be made available to the public.

A national competition policy review of the sections covering electrical articles and installations has been completed. The provisions of the Electricity Safety Act relating to electrical articles and installations have been remade in the Electricity (Consumer Safety) Bill, with amendments, in an attempt to improve the administration of the legislation, enhance consumer safety, ease the burden on suppliers of electrical articles, and underscore the serious intent of the safety regime. At present the Minister for Fair Trading and the Minister for Energy and Utilities jointly administer the Electricity Safety Act 1945. The administration of the legislation has therefore been split to clarify areas of responsibility. Matters administered by the Minister for Energy and Utilities have now been transferred to either the Electricity Supply Act or the Energy Administration Act. This is intended to provide for improved administrative efficiency and enhancement of the consumer protection framework, underpinned by a comprehensive inspection and regulatory regime.

The powers of Ministry of Energy and Utilities inspectors and Office of Fair Trading investigators have been enhanced in the bill. In future, when undertaking an investigation an authorised person's powers to make inquiries will not be limited to the place where a serious accident occurred. All causes of an accident can now be more thoroughly investigated. Under the current Act an investigation can be hampered by the inability of an authorised person to obtain relevant information from other sites. Investigations will be possible also at all premises where commercial activity involving electrical works and articles is carried on, although a search warrant will remain necessary for entry to the parts of places used for residential purposes.

Penalty notices will be introduced for clearly identified one-off breaches relating to electrical articles and installations. Attempting to supply or sell an electrical article that does not meet even minimum safety requirements will attract significant fines. I have been assured that the fines reflect those in the occupational health and safety legislation—up to \$555,000 for corporations, \$825,000 for repeat corporate offenders, \$55,000 for individuals and \$82,500 for repeat individual offenders. The offence of undertaking electrical wiring work other than in accordance with the wiring rules has been transferred from the regulations into the Act. Penalties under the articles and installations regulations will be increased also to properly reflect the nature of offences. Under the regulations a maximum of \$55,000 will apply for corporations and \$27,500 for individuals.

The definitions in the Act have been clarified and will be consistent across related electricity and occupational health and safety legislation. The power to declare the classes of electrical articles that require approval will be transferred from the Governor to the regulator, but will remain in line with the nationally consistent regime already in place. Suppliers of all electrical articles may be required to prove that any electrical article they sell meets the minimum safety standards if there are serious questions about the safety of that article.

Suppliers will have the certainty that certificates of approval for declared articles will remain valid for the full term of the approval. The Commissioner for Fair Trading will be able to apply for an injunction to enforce an agreement, such as to cease the sale of an unsafe article. The procedure for notifying the Commissioner for Fair Trading about serious accidents relating to electrical installations and articles will be put in place. Legal proceedings for breaches of the Act will be able to be commenced within two years after an offence is detected, but no later than five years after the offence. Appeals against administrative decisions will be made to the Administrative Decisions Tribunal instead of to the Minister.

The bill seeks to further enhance the safety measures in place in relation to electricity supply, electrical articles and installations and, therefore, further protects the consumers of electricity in this State. All those provisions are good. Today the honourable member for Orange, a hardworking member of the Legislation Review Committee [LRC], told me that the committee has some concerns about the bill. I have made investigations in regard to those concerns. I understand that the committee has written to the Minister for Fair Trading in relation to the concerns raised in its latest report. The report states that the LRC has written to the Minister seeking her advice in relation to various parts of the bill. Issues raised by the LRC include consumers bearing the responsibility for powerlines, particularly powerlines that fall onto private property. On a rural property the associated costs could amount to several thousand dollars. Clause 3 (1), which defines electrical installations, states:

... [electrical installation] does not include any of the following:

- (a) ... any electrical equipment used, or intended to use, in the generation, transmission or distribution of electricity that is:
 - (i) owned or used by an electricity supply authority, or
 - (ii) located in a place that is owned or occupied by such an authority,
- (b) any electrical article connected to, and extending or situated beyond, any electrical outlet socket,
- (c) any electrical equipment in or about a mine,
- (d) any electrical equipment operating at not more than 50 volts alternating current or 120 volts ripple-free direct current,
- (e) any other electrical equipment, or class of electrical equipment, prescribed by the regulations.

That definition answers the question asked by the LRC. However, I seek clarification of that from the Minister. An upper House member of the LRC, the Hon. Don Harwin, raised with me another issue relating to what are called Henry VIII clauses. The committee is concerned that many regulations will override Acts of Parliament and that Parliament will not have the ability to properly review any regulations. That is what is referred to as Henry VIII clauses. I understand that the entire committee is in agreement with the report. I recognise that regulations are necessary in order to incorporate all elements, particularly in relation to a safety bill.

However, I ask the Minister to confirm that in her reply. A point raised by the LRC relates to the removal of the privilege against self-incrimination in the bill unduly trespassing on personal rights when it comes to inspections. Self-incrimination, or the right to silence, is an issue that the LRC has raised. I ask the Minister to address that in her response; and her explanation may suffice in lieu of a letter to the LRC. Once again, I state that the Opposition does not oppose the bill, and recognises the importance of updating legislation that would improve the safety of consumers of electrical products.

Ms ANGELA D'AMORE (Drummoyne) [8.55 p.m.]: I support the Electricity (Consumer Safety) Bill. The bill essentially re-enacts and strengthens the consumer protection provisions of the Electricity Safety Act, and then strengthens them to further protect consumers. At the same time, the bill assists the providers of electrical goods and services by clarifying their obligations and administrative requirements and clarifies offences under the Act. All electricity is lethal. It is vital for the safety of everyone in New South Wales that this bill covers all electrical installations that pose a potential risk of serious injury or electrocution. This includes installations such as those powered by alternative energy sources, for example, solar cells. The Government supports environmentally sustainable power sources in New South Wales to benefit the environment and economy by reducing greenhouse gas emissions. However, this support cannot come at the risk of consumer safety.

The people of New South Wales actively follow strategies to reduce pollution by embracing environmentally friendly technology, and more than 4,000 remote and alternative energy sources are known to be in use in the State for domestic and commercial purposes. Examples of remote installations may be found in isolated parts of the State, from Bourke to the Bellinger Valley and from the lighthouse on Montague Island into

the heart of suburban Sydney. Remote area power supply systems generate electricity using one or more sources, including solar panels, wind turbines and micro hydro-turbines. They store energy in batteries for use as required: for electricity which runs along wires in homes, farm sheds, factory units and to any part of a property where electricity is required, such as to illuminate a council swimming pool or football field. That electricity is just as useful and just as potentially dangerous as the electricity we draw from the national grid.

As this technology advances, there will be an increasing number of fixed free-standing domestic installations, not to mention those in tourist facilities, large industrial sites and manufacturing complexes, shopping centres, hospitals, banks, telecommunications repeater stations, water and sewage pumps, museums and universities. For safety reasons, it is already a requirement that installations that generate their own electricity must be installed or approved by a licensed electrician according to Australian standards. But this is only partial consumer protection and does not apply to installations that do not receive government assistance and that are not connected to the national electricity grid. All consumers should have the right to be fully covered by safety provisions, no matter from where they get their electricity, for their own safety and for the safety of their neighbours and the environment. People in homes, businesses, shops, factories, and major industrial complexes all consume electricity and should all be protected by the provisions in this bill. All members of Parliament should support the Electricity (Consumer Safety) Bill and ensure that New South Wales consumers are protected, wherever they are.

Mr DARYL MAGUIRE (Wagga Wagga) [8.58 p.m.]: All members of Parliament would be interested in this legislation, as we all are users of electricity. In fact, this legislative review is timely. Not long ago Parliament suffered the loss of Lois Blach, who was tragically electrocuted. I know that honourable members would join with me in reviewing this legislation in the hope that it will prevent tragedies such as the electrocution of our friend Lois. I have read the legislation and I wish to bring several issues to the attention of the Minister for Fair Trading. I ask her to respond to these points when she replies to the debate. The first issue is the sale of electrical goods. Clause 16 of the bill states:

Electrical articles must meet certain standards before they can be sold (cf 1946 No 13, ss 21A and 21DA)

- (1) A person must not sell an electrical article if ... in the case of a declared electrical article—the article is not of ... a model of electrical article that has a model approval, or ... a class, description or model that has been approved or registered by the relevant authority for another State or a Territory, or ... a model of electrical article that has been approved or certified under a recognised external approval scheme (being an approval or certification that is evidenced by marking on the article)

I assume that this clause relates to the Australian standards and import requirements. I ask the Minister to confirm whether I am correct and to explain what effect, if any, this clause will have on the private resale of electrical goods at garage sales and so on. Will this clause affect such sales and the activities of those who sell electrical goods privately? My second point concerns clause 32, "Responsibilities of persons concerning the safety of electrical installations". It states:

A responsible person for an electrical installation in a place must, to the best of the person's ability and knowledge, ensure that such parts of the electrical installation as may be prescribed by the regulations are maintained in accordance with the regulations while the electrical installation remains connected to the source of the supply of electricity.

It continues:

In this section, **responsible person**, in relation to an electrical installation in a place, means:

- (a) the occupier of the place, or
- (b) if there is no occupier, any owner of the place.

I seek the Minister's response to the following scenario. A person might purchase a property and then discover some time later—perhaps 12 or 18 months later—that the property has faulty wiring. According to the Minister's second reading speech:

... legal proceedings for breaches of the Act will be able to be commenced within two years after an offence is detected, but no later than five years after the offence, recognising that, for example, poor wiring work might not be detected until several years after it was done;

I ask the Minister: Who would pursue the former owner in the scenario that I have described? Would the owner—perhaps a home handyman did the installation—or the electrician who performed the work be held responsible? Would the new owner of the property be able to pursue the previous owner or electrician over the faulty work or would the NSW Office of Fair Trading take action on the new owner's behalf? When the work was discovered and the authorities deemed it to be faulty would the electrical supply to the property be disconnected?

The new owner purchased the property in good faith. Electrical systems are not checked in a building inspection. There is sometimes a report on the plumbing, the property is certainly examined for pests such as white ants and other relevant legal requirements are met but a check of electrical wiring is not compulsory. Therefore, a person could unwittingly buy a property upon which some electrical work has been done that is found to be illegal and the authorities could order that the power be disconnected. The new owner may not have the money needed to rectify the faulty work. What will happen to that person? Will the owner have no alternative means of meeting his or her everyday energy needs? Who will take up the battle on his or her behalf? I ask the Minister to outline the procedures that would apply in that case. I am sure that purchasers have been caught in that trap. Many might have spent their last dollar on their deposit, on moving and so on, and would have great difficulty raising the thousands of dollars needed to rectify the problem. My final point involves the Electricity Development Fund. The bill states:

The money that, on the repeal date, was standing to the credit of the Electricity Development Fund established by section 15 of the repealed Act is to be transferred to the Consolidated Fund.

I have not had time to visit the Library to research the relevant documents concerning the Electricity Development Fund. I ask the Minister to explain how money was contributed to the fund, why it was contributed, how much is in the fund and whether the fund was established to boost consumer confidence in the network. I think the public would be as interested as I am to know what the fund was all about and what it was meant to achieve. I read the document that the Minister circulated some months ago but I was not able to frame my questions until I saw the bill. I am seeking greater clarity. I note that further regulations—

Mr Joseph Tripodi: Haven't you read the bill?

Mr DARYL MAGUIRE: Yes, I have read the bill. Some regulations will be introduced later. While I agree with the general thrust of the legislation, we must all support any moves to improve electrical standards and consumer safety—particularly as we were touched by the tragic loss of Lois Blach. I believe consumers would feel more confident about electrical safety if the Minister were to respond to my questions. Clause 32 of the bill outlines the responsibilities of persons concerning the safety of electrical installations. Offences can be prosecuted within a five-year window. Will that provision be retrospective or will it apply for five years after the proclamation of the bill? For example, if I buy a property today, this bill is subsequently assented to and three months later I discover an electrical fault with the property, will I be covered for that faulty work?

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [9.08 p.m.]: Since 1946 various forms of electricity safety legislation have been protecting the lives of consumers and residents in New South Wales. The legislation prescribes essential safety principles for the manufacture and distribution of electrical articles as well as providing rules for those who may install, modify and repair electrical wiring in and around our homes and workplaces. The public safety objectives of such legislation are continued and enhanced in the Electricity (Consumer Safety) Bill, which is now before the House. It also promotes more efficient administration of the safety requirements while meeting national and international standards.

Few of us would consider living without the benefits of electricity—lights, refrigerators, televisions and computers. But electricity can be lethal and we must manufacture, supply, install and use electrical articles and wiring responsibly. The provisions in the Electricity (Consumer Safety) Bill continue to require that all electrical items be made to minimum safety standards. They empower inspectors to check electrical items stocked by retailers and wholesalers to ensure compliance and to take action if necessary. The public is further protected by provisions which require the testing, approval and marking of high-risk electrical articles before they may be made available. Evidence that a person carrying out electrical wiring work is permitted to do that work may also be required. At the same time, consumers using domestic, commercial and industrial installations have an obligation to maintain their installations to the best of their knowledge and ability. This is a requirement under the electricity safety legislation.

The Government's initiatives to improve electricity-related safety include enhancing the powers of inspectors from the Department of Energy, Utilities and Sustainability and of the Office of Fair Trading investigators. Inspectors and investigators will be able to make relevant enquiries at sites where serious accidents have occurred. Investigations will be possible at all premises where commercial activity involving electrical works and articles is carried out. Penalty notices will be introduced for clearly identified one-off breaches relating to electrical articles and installations to further improve compliance and to align New South Wales with the equivalent interstate legislation.

Enforcement strategies for the electricity consumer safety legislation are also being strengthened. Penalties for breaches will correspond with the seriousness of those breaches. Minor infringements might

receive a warning or a fine. However, poorly manufactured electrical articles and substandard wiring work present hazards to life and property. Attempting to supply or sell an electrical article that does not meet the minimum safety requirements will attract a fine of up to \$550,000 for corporations, or \$825,000 for repeat offenders, and \$55,000 for individuals, or \$82,500 for repeat offenders.

A person or corporation who deliberately fails to ensure the safety of their electrical installation and who therefore poses a threat to themselves, their neighbours and their environment may face similar penalties. The offence of undertaking electrical wiring work other than in accordance with the wiring rules has been transferred from the regulations into the Act to underscore the importance of professional electrical wiring work. Penalties under the articles and installations regulations will also be increased to properly reflect the nature of offences. Under the regulations a maximum of \$55,000 will apply in the case of corporations, and \$27,500 for individuals.

In line with general support, installations powered by stand-alone electricity generators—those which do not purchase any electricity from the network operators—will now be covered by this legislation. People who own and use a remote installation have as much responsibility to themselves as to their families, neighbours and their environment to ensure, to the best of their knowledge and ability, that the installation is safe. This bill will allow the appropriate government agency to inspect the credentials of someone doing wiring work or to investigate a complaint about an electrician's work at a business or home which has been running on electricity from its own generator. The provisions of the Electricity Safety Act relating to electrical articles and installations have been remade in this bill, with some amendments, to improve the administration of the legislation, to enhance consumer safety, and to underscore the serious intent of this safety regime.

I would also like to add that this is of particular interest to me because, like the honourable member for Wagga Wagga, who made reference to someone who had been killed through an electrical accident, I also bring to the attention of the House that I had a very good friend at school who was killed in an electrical accident that occurred while he was an industrial electrician trying to correct a power failure in a factory. It has been about four or five years since that young man lost his life and I believe that anything that seeks to increase the level of safety for consumers and for workers who have to expose themselves to the risk of correcting power failures is a very good thing. I am sure that this bill will receive the support of both sides of the House because I think it is all about improving the quality of life of anyone who has any interface with electrical power.

Mrs BARBARA PERRY (Auburn) [9.14 p.m.]: I support the bill, which serves to improve a little-known but incredibly important Act. Most of the time we take for granted that lights will work when we flick the switch on the wall, that the water will be hot when we want to have a shower, and that we can watch a program when we turn on the television. We just assume that electricity will be safely harnessed by the wiring in our homes, offices, street lamps and factories and that it will be converted into consumable products. Electricity is a ubiquitous part of our lives. This bill quietly ensures that the products we plug into power points are safe to use.

There are a significant number of electrical articles in New South Wales. Consider that there are more than six and a half million residents and more than two and a half million households, farms, factories, offices and other commercial premises which use electricity. Then try to imagine the number of articles—probably in the hundreds of millions—which are plugged into the power points at these places. The bill aims to reduce the safety risks associated with the failure or poor installation of electrical equipment. According to data published by the Office of Fair Trading, during 2002 there were 178 serious accidents and 10 fatalities involving electricity in New South Wales. These accidents and fatalities are a tragedy. The Government considers that one death is too many, and the legislation before the House is a major step to enhance the safety of consumers of electricity.

The bill also simplifies an old and complex Act by clarifying portfolio responsibilities. It is noteworthy that the terminology has been made clearer and brought up to date with industry usage. Definitions will be carried across to the related occupational health and safety legislation to retain consistency. Suppliers of electrical goods and services should supply safe electrical goods and services. Everyone should be aware of their own responsibility to take care of their property and not to endanger the environment around them. The Government is essentially re-enacting the public safety provisions of the Electricity Safety Act, but making them more efficient and paying even greater regard to the safety of consumers.

It is obvious that the rights and obligations of everyone directly affected by this bill have been paramount during the review and drafting process. The modifications to the existing legislation further clarify

administrative requirements. Administrative decisions will be reviewable by the Administrative Decisions Tribunal. When seeking information as part of an investigation, Energy and Utilities and Fair Trading officers will require additional authorisation from their respective agency head to enter third-party premises. If there is an electrical accident in a factory this authorised power of entry will enable investigators to seek information relating to the accident from the head office where relevant records might be located. It would seem that there is a great deal of passing support for this bill. Some matters have been raised by the Opposition, but the bill is a responsible and necessary one. I commend the bill to the House.

Mr MICHAEL RICHARDSON (The Hills) [9.18 p.m.]: I have not been provided with any notes by the Minister's department so I guess what I have to say will not sound as monotonously repetitive as the contributions of some speakers on the other side of the House. However, I am pleased to note that the number of deaths resulting from electrical accidents has fallen to the extent outlined by the Minister. That is a very positive step and one that we would all want to continue. Obviously, 10 fatal electrical accidents in 2002 were 10 fatal electrical accidents too many.

Most members would have bought a second-hand refrigerator, a washing machine or maybe a stereo, and many may also have sold such goods. Who is liable should those goods be faulty? Does the vendor have to warrant that the goods have been tested before they are resold? If that is the case, there are literally hundreds, if not thousands, of goods being potentially illegally advertised and sold through the *Trading Post*, through the Internet on eBay, or at garage sales, as the honourable member for Wagga Wagga reminds me. Second-hand computers, television sets, vacuum cleaners—there is a whole range of goods that potentially should not be sold unless and until they are tested. I have seen no publicity whatsoever about this. The Government has not addressed this in debate, substantively in a discussion paper or, indeed, in consultation with the community.

Last weekend we had a council clean-up in our area, and a large number of electrical goods were thrown out. As always, the scavengers came and picked over the piles of rubbish outside people's houses—one man's trash is another man's treasure, as the saying goes. I guess a lot of that equipment will find its way back on to the resale market in the future, probably through garage sales for the cheaper stuff or through advertisements for sale in the newspapers. I would lay London to a brick that not one of those items will be tested before it is resold, and that not one scavenger would be aware that he or she is potentially breaking the law—the Minister might clarify the position—by collecting that equipment and reselling it. That serious issue needs to be addressed. Clearly, it has the potential to cause fatalities so it is a serious issue in both respects.

I echo some comments made by the honourable member for Wagga Wagga. I wonder what happens if a person purchases a house—it might be 50 years old—and an electrician carrying out some wiring identifies that there is a lot of shonky wiring in the house and dubs in the purchaser. Is the person liable to be fined for somebody else's sins as a consequence? Is the person obliged to have the faulty wiring rectified as expeditiously as possible? I would have thought that was important if we are serious about trying to reduce the incidence of electrical accidents and potential fires in people's houses. That was not covered in the Minister's second reading speech, and I do not believe it is covered in the legislation. I can recall an electrician coming around to a house I owned some years ago and pointing out to me some faulty wiring. We had the faulty wiring rectified, but perhaps not everybody would take that approach. That is another issue that the Minister should address in her reply to the debate and if necessary clarify via amendments to the legislation.

Ms VIRGINIA JUDGE (Strathfield) [9.23 p.m.]: I support the Electricity (Consumer Safety) Bill, which is a fine example of Government policy continuing to protect the public's interests. Since the bill's objects seek to make consequential amendments to various other Acts and regulations and enact provisions of a savings or transitional nature consequent on the enactment of the purposes of this Act, I believe it is timely to set the current context by recalling electricity safety legislation, which in itself charts an interesting chapter of history in New South Wales.

The Electricity Advisory Committee was created in 1935 to advise the then Minister for Local Government on the generation, transmission and supply of electricity in the State. At that time the Governor had to approve the construction or extension of electricity generators or transmission lines. The Electricity Development Act was introduced in 1945, creating the Electricity Authority of New South Wales, a unifying body corporate empowered to regulate the extension of the existing power supply and the 184 electricity distributors operating at that time, including the Commissioner for Railways, 80 municipal councils, 35 shire councils, 8 county councils and 58 franchise holders.

Under the post-war Labor Government, the then Minister for Public Works, and later Premier, J. J. Cahill, was eager to ensure the rapid spread of electricity to rural areas, and the Electricity Development Act

enabled the Electricity Authority to subsidise the provision of electricity to areas of rural New South Wales where it would not otherwise be economical to do so. That is yet another example of a Labor government looking after the people in the bush. By 1956 the Electricity Authority's administration had subsidised the provision of electricity to 33,500 farms. The Electricity Authority was also responsible for a scheme that extended lighting along traffic routes.

By the mid 1960s the inefficiencies of the disparate electricity generation plants and transmission operations were mostly resolved, and the rules for the safe supply and use of electricity were set in place. Evolution of the electricity industry continued during the 1970s and the 1980s. The scheme requiring specific electrical articles, mostly household items, to be approved before they could be supplied was introduced in 1985 and further refined in 1991, when accident and reporting provisions were introduced, along with making consumers responsible, to the best of their ability and knowledge, for the safety of their electrical installations.

As part of the wider national reform of the energy market, the authority of network operators to provide and protect reticulated electricity services was transferred from the Electricity Act to the Electricity Supply Act 1995. The provisions relating to electricity supply and accident reporting remained in what is now the Electricity Safety Act 1945. A review of the Electricity Safety Act commenced in 2001 as part of the national competition policy process. An issues paper was widely advertised and distributed throughout New South Wales and interstate. The responses received were practical, and further useful discussions were held with all interested parties. All views were taken into consideration before the Government's final report on the review was released in May 2003.

The final report included a small number of recommendations for minor amendments of the electricity safety legislation, most importantly advising that the Act be updated and clarified. Again, the report was widely advertised and distributed. Significantly, the responses received were 98 per cent in agreement with the recommendations for reform. Therefore, every effort has been made to involve stakeholders in the last months as this bill has been drafted. I commend the Minister and her departmental officers for being so proactive and consultative in the whole process. The majority of changes to existing provisions are administrative and will benefit both industry and consumers.

The Government has ensured that interested parties have had additional time to examine the proposals and raise any concerns over the two months since the bill was tabled. The views of those who did not take part in the earlier part of the review process have been heard. No-one has missed out in making a contribution to the Electricity (Consumer Safety) Bill. The bill is another step in advancing the safe use of electricity by consumers by modernising concepts and clarifying the operation of the legislation. It is with the safety of consumers in mind that the Government has concurrent measures in train, introducing via the home building legislation mandatory continuing professional development requirements for all persons, including electricians, who hold individual contractor licences and holders of qualified supervisor certificates linked to a corporation, partnership or contractor licence.

The Government is committed to making life safer for everyone by ensuring that the people who make their living from doing specialist electrical wiring work have relevant, up-to-date knowledge to get the job done properly. The Electricity (Consumer Safety) Bill continues the present successful safety arrangements and further ensures that electricians, manufacturers, suppliers and consumers of electrical articles can easily understand the standards for electrical wiring work and electrical articles. The bill is a rational, pragmatic and sensible approach to an important issue and should be supported by all.

For the past half century this legislation has protected consumers from the risk of injury or death associated with electricity. It is important that electrical articles and services meet minimum safety standards. This is the purpose of law-making and legislation. This measure seeks to prevent the unnecessary and avoidable injury that can result from the unsafe use of electrical products or services. It allows the Office of Fair Trading to ensure that products and/or installation meet those very strict minimum safety standards. An example of the success of the legislation is the ability to remove products before they enter the homes of consumers.

For example, last year Fair Trading inspectors discovered an electric grinder that did not meet Australian standards. They ordered the removal of the product from retail outlets and eventually succeeded in prosecution against the supplier. They did not simply stand by and do nothing; they acted accordingly. With such an important issue as electrical safety it is paramount to ensure that the people of New South Wales understand that this legislation has strong bipartisan support for all its stages through this important House. I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [9.31 p.m.]: I speak briefly to the Electricity (Consumer Safety) Bill. Electricity is invisible and it is crucial that measures are in place to safeguard the people of New South Wales. The objects of the bill are to repeal the Electricity Safety Act 1945; to re-enact, with modifications, the provisions of the current Act concerning electrical articles, electrical installations and the investigation and reporting of electrical accidents to the extent that they are currently administered by the Minister for Commerce and the Minister for Fair Trading; to amend the Electricity Supply Act 1995 to re-enact, with modifications, the provisions of the current Act concerning electrical structures, corrosion protection systems, stray current sources and the investigation and reporting of electrical accidents to the extent that they are currently administered by the Minister for Energy and Utilities; to amend the Energy Administration Act 1987 to re-enact, with modifications, the provisions of the current Act concerning energy efficiency for electrical articles and the functions of the Energy Corporation of New South Wales in relation to electricity safety to the extent that they are currently administered by the Minister for Energy and Utilities; to make consequential amendments to various other Act and regulations; and to enact provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

On a number of occasions when I worked as a community nurse I attended patients who had been involved in some type of electrical accident. One was a patient with Alzheimer's disease who had simultaneously touched her sink and her stove and received a severe electrical shock through her body. I have heard of electricians who have died when trapped in ceiling cavities. It is often difficult to know whether they were at fault or whether there was some fault with the electrical installation. I share concerns about garage sales and the sale of second-hand electric blankets, in particular. On occasions I have been given second-hand electric blankets but have thrown them out immediately because of the possibility that broken wires may result in a fire in a bed in which a child may be sleeping. There is a great risk with second-hand electrical items.

I, too, am concerned about electrical wiring in old or renovated houses. People may inherit, through no fault of their own, electrical wiring that may be faulty. One hears about fires caused by electrical faults. Issues can arise as to who is responsible for work carried out by non-qualified people installing electrical appliances. I have recently undertaken home extensions and I hope that the electrical work is safe. The question also arises as to who wears the extra cost if consumers carry out further electrical work to correct any faults. In conclusion, the Opposition does not oppose changes to the legislation. The Government is taking this opportunity to strengthen enforcement aspects of electrical consumer safety legislation for this State.

Ms REBA MEAGHER (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [9.36 p.m.], in reply: I thank all honourable members who have contributed to the debate. In particular, I note the contribution of the honourable member for Burrinjuck and thank her for indicating, at the outset, the Opposition's support for the rigorous safety standards the Government proposes in this revised regulatory regime. In relation to the issues raised in the "Legislation Review Digest" tabled today, namely, the definition of an electrical installation and withholding information from an inspector during an investigation, I have replied to the honourable member for Miranda and chairman of the committee in the following terms:

In relation to the Bill's proposed regulation-making power to amend the definition of electrical installation, I note that this is not intended to apply retrospectively. That is, it will in no way impose costs or responsibilities on a consumer where they do not currently apply.

As background, I note that the existing demarcation of responsibility in respect of distribution power lines between customers and network operators has been in place since 1996, through the *Electricity Safety Act 1945*, the *Electricity Supply Act 1995* and the "Service and Installation Rules".

For pre-existing electrical installations, the demarcation point is determined by the standards or rules in place at the time of construction, or alternatively, by agreement between the parties. Over time, changes in the electricity industry, its legislation, and property ownership have given rise to some dispute.

This Bill seeks to improve clarity in the delineation between the electricity distribution ownership framework and the electrical installation framework, via a regulation-making power setting out criteria for defining an electrical installation. The definition of an electrical installation is separate to, and has no impact on, the definition for distribution system under the *Electricity Supply Act 1995*.

The details and extent of the proposed regulation-making power will be subject to public debate when a regulatory impact statement is released this year, including a cost/benefit analysis.

In relation to the Bill's proposed clause 44, I note firstly that the provision is the same as that in the existing *Electricity Safety Act 1945*. The Bill also continues the existing Act's protection that a person can remain silent with reasonable excuse. I would add that these powers and protections parallel several pieces of legislation already in existence across a number of portfolios.

The clause provides that evidence gained under it is not admissible in most criminal proceedings. I note that while such evidence may be admissible in civil proceedings, these proceedings do not involve punitive penalties. The rationale for the clause is that it is necessary to ensure that safety can be maintained. The operation of the clause likely would involve commercial or industrial settings in which it is crucial to achieve public interest outcomes of safety and protection of the public.

The honourable member for Wagga Wagga raised a number of issues. Firstly, the strict provisions of the bill do apply to the sale of second-hand electrical goods, because second-hand electrical goods can be more dangerous to people than new electrical items. As used electrical articles age, insulation can degenerate, repairs might not restore an item to its original pristine condition, wiring might become loose, or dirt could build up to destroy internal connections. The Government believes that second-hand electrical articles must meet minimum safety requirements, and many household items must also meet appropriate Australian standards. The forthcoming review of the regulations will address this matter further. I believe my response also addresses the issue raised by the honourable member for The Hills relating to scavengers at garage sales. If they go on to sell an electrical item, they are responsible for ensuring it is of a suitable safety standard.

The honourable member for Wagga Wagga also gave an example relating to a home. In that case the owners would be obliged to fix the electrical fault. However, the owners would not be liable to prosecution because they were not aware that the fault existed when they purchased the home. Of course, the Office of Fair Trading would be in a position to pursue the electrician responsible for the faulty wiring. The honourable member also raised an issue about a handyman. In that instance, the handyman would be prosecuted for carrying out work and being unlicensed. The honourable member also asked about disconnection from the network. There is power in the bill to do that, but only if there is an immediate safety issue.

The honourable member for Wagga Wagga asked about the Electricity Development Fund. That is under the administration of my colleague the Minister for Energy and Utilities, and I suggest the honourable member direct his inquiries to that Minister. There is no provision of the bill that enables retrospective prosecution. Other matters raised by the honourable member for The Hills are dealt with quite extensively in clause 32 of the bill, so I refer the honourable member to the bill. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by Ms Reba Meagher agreed to:

That the House at its rising this day do adjourn until Wednesday 18 February 2004 at 10.00 a.m.

The House adjourned at 9.43 p.m. until Wednesday 18 February 2004 at 10.00 a.m.
