

LEGISLATIVE ASSEMBLY

Wednesday 18 February 2004

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

Mr Speaker offered the Prayer.

FREEDOM OF INFORMATION AMENDMENT (TERRORISM AND CRIMINAL INTELLIGENCE) BILL

Bill introduced and read a first time.

Second Reading

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [10.00 a.m.], on behalf of Mr Bob Carr: I move:

That this bill be now read a second time.

The Freedom of Information Act is an important part of modern government. But in light of September 11 and Bali we have to strike a better balance between public access to information and protection of the community. We cannot rely on the same assumption, the same world view we had before September 11. In a world under threat, we have to act within the assumption that attacks are being planned all the time. We have to assume terrorists are soaking up publicly available information, searching for targets and opportunities to inflict further attacks on the United States and her allies.

The fact is government agencies now hold significantly more documents containing sensitive counter-terrorism information than when our freedom of information law was enacted in 1989. We cannot allow the Freedom of Information Act to become an unwitting tool in terrorists' designs. That is why the Government is introducing legislation to better protect the security of counter-terrorism and other sensitive law enforcement information. Commonwealth freedom of information laws have always included a national security exemption, and the Northern Territory and Victorian Parliaments have recently passed similar laws. But here, in the biggest and arguably most vulnerable State, we still have not acted. The legislation I introduce today closes the gap. It is true New South Wales already has an exemption to protect certain documents relating to law enforcement and public safety, but we need a simple and comprehensive counter-terrorism exemption to stop sensitive information being inadvertently released or deliberately sought.

This bill provides that exemption. It protects security and risk management plans concerning private and public critical infrastructure; ensures intelligence agencies can prepare and share sensitive documentation without risking release; protects intelligence about particular people, groups or activities that may present a threat to the security of the State; and protects plans for prevention, preparedness, response or recovery that may reveal vulnerabilities or risks that could be exploited by terrorists—and that means, for example, protecting information about the location and quantity of medical supplies in the event of a chemical attack, information that does not readily fall within any of the current exemptions in the Freedom of Information Act.

I believe that the proposals in this bill strike the right balance between public access and public protection. The exemptions will apply only where restricted access is reasonably necessary for the proper administration of government. A decision to invoke any of the exemptions in the bill will be reviewable internally within agencies. If that fails to satisfy applicants, they can seek external review of the decision from the Ombudsman or the Administrative Decisions Tribunal.

I turn now to some of the detail of the bill. The bill extends the types of documents that may be exempt from disclosure under the Freedom of Information Act. Documents that could reasonably be expected to facilitate the commission of a terrorist act or prejudice terrorism prevention, preparedness, response or recovery may be exempt from disclosure. For consistency, the definition of terrorist act used in the Terrorism (Police Powers) Act will apply to this exemption. The formulation for this exemption mirrors the four phases of counter-terrorism response under the National Counter Terrorism Plan agreed to by the Commonwealth, the

States and Territories. This exemption will assist the State to perform its responsibilities under the National Counter Terrorism Plan, without fear that documents created in accordance with it may be inappropriately released.

Documents created by the Counter Terrorism Co-ordination Command in New South Wales Police may be exempt from disclosure as may documents created by the State Crime Command in New South Wales Police in the exercise of its intelligence functions. This exemption replaces the current provision in the Freedom of Information Act that exempts from disclosure all documents created by the New South Wales Police Information and Intelligence Centre, which has been disbanded and its intelligence functions moved to State Crime Command. This amendment will ensure that intelligence documents that were protected from release under the previous command structure continue to be protected.

Documents created by the Corrections Intelligence Group of the Department of Corrective Services in the exercise of its intelligence functions may also be exempt from disclosure. The New South Wales Crime Commission will be exempt from the operation of the Freedom of Information Act in relation to its investigative and reporting functions. This exemption is consistent with that afforded to other important investigative agencies such as the Independent Commission Against Corruption and the Police Integrity Commission. The Crime Commission investigates and reports on the most serious crimes, and relies heavily on informants. Therefore confidentiality needs to be assured for investigations to succeed.

The exemption proposed in the bill may reduce the chance of accidental or inadvertent release of sensitive documents. It may also help facilitate information sharing between the Crime Commission and other intelligence collecting organisations, and that reflects one of the big lessons the United States authorities learnt from September 11—that effective counter-terrorism needs seamless co-operation between intelligence agencies. The bill will also reduce the diversion of precious Crime Commission resources to FOI compliance. This is an additional part of the Government's counter-terrorism response, a small but significant step in helping tilt the balance against terrorists and in favour of security. It is part of the delicate balancing act we have been undertaking since September 11 to maintain our cherished rights and freedoms while closing the gaps exploited by terrorists to inflict mayhem and carnage on innocent civilians. This is an important bill for our national security and I commend it to the House.

Debate adjourned on motion by Mr Andrew Tink.

SUPERANNUATION ADMINISTRATION AMENDMENT BILL

Second Reading

Debate resumed from 4 December 2003.

Ms GLADYS BEREJIKLIAN (Willoughby) [10.12 a.m.]: The Superannuation Administration Amendment Bill makes a number of minor amendments to the Superannuation Administration Act 1996 specifically with respect to: the provision of information relating to the general administration of FSS Trustee Corporation [FTC] and SAS Trustee Corporation [STC] superannuation schemes and funds to the Minister administering the Acts relating to those schemes and funds, currently the Special Minister of State; monitoring the activities of FTC and STC; clarifying the role of various superannuation trustees in resolving disputes concerning entitlements and obligations of members and former members of certain superannuation funds; and quorums and voting procedures of the boards of the FTC and the STC. The bill also makes a number of amendments by way of statute law revision.

First, in effect, the passage of this bill will mean that both the Minister responsible for the Superannuation Administration Act, currently the Treasurer, and the Minister administering the State superannuation funds, currently the Special Minister of State, now have the power to request information from the funds. Previously, only the Treasurer had the power to request information from the State superannuation funds. Second, the Treasurer is given the power to initiate potential prudential investigations into the State superannuation funds. As the Australian Prudential Regulation Authority [APRA] does not cover public sector superannuation schemes, this now allows APRA-style investigations which previously were not allowable.

Third, board voting procedures will be clarified. Previously there was an inconsistency between voting at board meetings and at other times. These procedures are now clarified and uniform. The quorum will be increased from five members to six, of a total of nine members, and a vote of two-thirds of the board, rather than

two-thirds of those members attending will constitute a board decision. Finally, it will mean clarification of responsibility for members who have been transferred from energy industry or local government superannuation schemes—principally the Electricity Industry Superannuation Scheme [EISS] or the Local Government Superannuation Scheme [LGSS]—to the State superannuation schemes, in the case of disputes or appeals. The EISS and the LGSS will be responsible for dealing with disputes or appeals relating to issues occurring while the members were members of either the EISS or the LGSS.

As these amendments are only administrative in nature, the Opposition will not be opposing the bill. However, I want to raise two issues. Firstly, this bill is the result of a five-year review of legislation. The review reporting on this bill was actually completed in 2001-02 and I am disappointed that the bill has taken more than two years to reach the Parliament. I note that, in relation to corporate governance and prudential provisions regarding the private sector, the Australian Labor Party is always very quick to jump on the private sector to ensure compliance. However, it takes longer to respond when it comes to public sector corporate governance.

Secondly, I raise the issue of proclamation. As is noted by the Legislation Review Committee, currently there is no commencement date for the legislation. The review committee has actually written to the Treasurer seeking his advice as to the reasons for commencement by proclamation and the likely commencement date of the Act. In its reply, I want the Government to respond as to whether the Treasurer has defined the proclamation date and why it was not in the initial bill. In raising these points I again reiterate that the Opposition will not be opposing the bill. However, I want a reply to the two items that I have raised. I commend the bill to the House.

Mr GERARD MARTIN (Bathurst) [10.15 a.m.]: I support the Superannuation Administration Amendment bill. This bill is yet another step in this Government's ongoing work to ensure that there is appropriate oversight and corporate governance of the superannuation schemes that our public sector employees rely on. Through increased monitoring of the trustees of these schemes, there should be a better outcome for all members of the schemes. The bill adds a new part 4 to the Superannuation Administration Act 1996. The new part 4 empowers the Minister to require the two trustees of the major New South Wales Government superannuation funds, namely the FSS Trustee Corporation [FTC] and the SAS Trustee Corporation [STC], to report on any specified matters relating to the exercise of the trustees' functions. The functions of the trustees are listed in sections 9 and 50 of the Superannuation Administration Act 1996.

The principal functions are: administering the schemes; managing the fund's investments; providing for safe custody of the fund's assets; ensuring benefits are paid in accordance with scheme entitlements; and determining disputes. Part 4 will allow the Minister to require a report from the trustees about how well any or all of these functions have been performed, to require production of any books relating to the trustees' affairs, and to allow access to business premises where books relating to the trustees' affairs are kept. These powers give the Minister the ability to initiate a thorough prudential review of any aspect of the operation of the trustees' principal functions.

The Minister responsible for administering the superannuation scheme legislation, currently the Special Minister of State, will also be able to obtain from the trustees information relating to the general administration and operation of the schemes and the fund. As the Superannuation Administration Act 1996 presently stands, only the Minister responsible for the Superannuation Administration Act, presently the Treasurer, is able to obtain such information.

The bill makes a range of other changes to the current legislative framework. With the benefit of experience gained since the Superannuation Administration Act was enacted in 1996, two technical changes need to be made. Firstly, items 26 to 29 of schedule 1 correct an anomaly in the trustee's decision-making requirements. As the Superannuation Administration Act presently stands, a quorum at a meeting of the trustee board is five out of nine directors. An effective decision requires a two-thirds majority of the votes when a quorum is present. Thus, a decision could be made with as few as three out of five directors present. However if a decision were to be made outside a physical meeting, an effective decision requires a two-thirds majority, or six out of nine directors. This means that a different number of directors is required for decisions depending on the number of directors attending a meeting. The bill removes this anomaly.

This bill sets the quorum at a meeting of the trustee board at six out of nine directors, and provides that an effective decision always requires a two-thirds majority, or six out of nine directors. I want to clarify one detail in the second reading speech. In that speech my colleague said that the proposed amendments to the quorum and voting requirements would mean that an effective decision of the trustee board needed only two-

thirds of the directors who voted. However, it is clear from items 27 and 29 of schedule 1 that an effective decision of the trustee board needs a two-thirds majority of the directors, not just two-thirds of those voting.

As honourable members may recall, separate local government and electricity industry schemes were removed from government superannuation schemes in 1997. Under the 1997 transitional regulations, the trustees for these new schemes were empowered to determine disputes raised by transferred members. However, the transitional regulations did not make it sufficiently clear that the trustees for the new schemes should also determine disputes by former members. These are former members who have been employed by transferred employers but were themselves not transferred as members because they had already exited from the relevant government superannuation scheme. Schedule 2 to the bill rectifies this gap in the transitional regulations, making it clear that the former member would be able to dispute a claim directly from the new fund and the matter would then be dealt with in the normal way by the new fund. Members will not be disadvantaged by this provision, which simply clarifies who is responsible for dealing with disputes. I urge all members to support the bill.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.20 a.m.], in reply: I thank all honourable members for their contributions to the debate on the Superannuation Administration Amendment Bill. As has been eloquently put on many occasions by my learned colleagues, the passage of the bill will strengthen the prudential requirements and corporate governance of the New South Wales public sector superannuation schemes. In brief, the changes provide increased monitoring of the superannuation trustees, mainly by facilitating the prudential reviews of the trustee corporations. The power to initiate prudential investigations into the operations of the superannuation funds brings New South Wales into line with the Commonwealth Superannuation Industry (Supervision) Act.

The reviews will ensure that members' contributions and earnings are accurately recorded, that the trustees have investment plans and that they are implemented, that fraud controls are adequate, that systems are in place to minimise overpayments to members, and that the operations of the trustees and the administrator are efficient. The bill also gives the Minister the ability to request information from the trustees, as required, and clarifies the voting requirements of the boards of the trustees. A quorum for a board meeting will be increased to six and two-thirds of the majority of votes, that is a minimum of six board members, will constitute a position of the board. The final change to the Act relates to former members of the SAS Trustee Corporation [STC] and the FSS Trustee Corporation [FTC] who transferred to the local government and electricity industry superannuation schemes in 1997. Members who were in dispute with the STC or the FTC before being transferred to the local government or electricity superannuation schemes will be able to have their issues resolved by the trustees of the latter funds. The bill will improve prudential regulations for State superannuation schemes, and I advise the Opposition that the provisions of the bill can commence on assent.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NATIONAL PARKS AND WILDLIFE AMENDMENT (KOSCIUSZKO NATIONAL PARK ROADS) BILL

Second Reading

Debate resumed from 29 October 2003.

Mr STEVE WHAN (Monaro) [10.23 a.m.]: Just over six years ago the Thredbo community experienced the terrible tragedy of the Thredbo landslide and the death of 18 people that night. I was horrified, as we all were, and then transfixed as the rescuers worked tirelessly to eventually accomplish the miraculous rescue of Stuart Diver. That night stays firmly in the memory of the Thredbo community, and those who lost their lives remain missed and loved by their friends and relatives. It is hard for a government to help a community recover from emotional hurt, but I can inform the House that Thredbo has moved ahead and is once again a bustling, vibrant and positive community. The Thredbo community tackles adversity with great spirit, as it did again in January last year when the town was evacuated during bushfires. After several disappointing ski seasons, last year Thredbo had a bumper season and big visitor numbers. The growth in visitor numbers seems to have carried through to this summer. I have not seen the official figures, but on a visit to Thredbo in January I saw a great number of visitors taking in the sites and bushwalking. A beautiful memorial to the 18 victims of the landslide has been erected at Thredbo.

The Carr Government has taken action to try to ensure that another tragedy such as happened that night never happens again. This bill has been introduced as part of that process. Part of the process has been the handover of the responsibility for planning in the resorts to the Department of Infrastructure, Planning and Natural Resources. The handover has now occurred. I am pleased to see the commencement of construction on a new lodge for the Brindabella Ski Club. The club's original Carinya Lodge was swept away on that tragic night. I acknowledge that the process of introducing a new planning regime and, indeed, this bill has not been a speedy one. I know that it has been a frustrating time for Kosciusko Thredbo Ltd and a number of individuals and companies involved. It has been a painstaking process and some planning issues remain to be resolved. I will be working to assist in the resolution of those issues. Following this tragedy, it is important that the new planning regime is right and that buildings and roads are of an adequate construction to withstand a landslide occurring in the future.

The bill provides for the handover of responsibility for the Alpine Way and Kosciusko Road from the National Parks and Wildlife Service to the Roads and Traffic Authority [RTA]. The handover was a direct recommendation of reviews following the Thredbo landslide. The Coroner's report recommended that an independent review be conducted into the responsibility for the roads and planning in the area, and the Government announced its acceptance of the recommendation in the Walker report that the roads should be handed over. The measure is a sensible way to put the roads into the hands of the organisation that has the expertise to make sure they are safe and well maintained. The bill provides for the handover of a road reserve of 20 metres from the centre line. The RTA will manage the road reserve for the purpose of roadworks, traffic management and road safety. It will also manage the structural works and monitor the geotechnical equipment that is located in the park.

The National Parks and Wildlife Service will continue to manage flora and fauna, weeds and feral animals, and fire control within the road reserve. The handover gives the RTA the control it requires to undertake maintenance and improvements over time. Honourable members who have visited Thredbo would know that a significant amount of work has been undertaken on the area above the landslide and along the Alpine Way to stabilise the road and ensure that it is of sound construction. The road took years to build, and in some parts it is spectacular. The reconstruction of this area was an important task following the landslide. The Government allocated a significant amount of money to the road reconstruction. At the time of the landslide an amount of \$20 million was mentioned. Although the reconstruction has been costly, it is worth it if it prevents the future loss of life.

In general, the bill, which has been introduced as a direct response to the inquiries into the landslide, has been welcomed. Kosciusko Thredbo Ltd, which holds the head lease at Thredbo and manages the site, has advised the Government of its agreement with the provisions of the bill. There is close interaction between the Alpine Way reserve and many of the structures in the Thredbo village. The reserve is adjacent to many of the village buildings and a number of car parks have been constructed as part of the new roadworks. The road has a close relationship with the village and is vital to the area, carrying traffic in winter and summer so that people can enjoy the alpine areas. The Colong Foundation has expressed some opposition to the bill. I respect the Colong Foundation's role in promoting wilderness in New South Wales. Although I do not agree with every position the foundation takes, I acknowledge the legitimate role it plays in constantly lobbying government and the community on national parks and wilderness issues. However, I believe it has not thoroughly considered its opposition to this matter.

The Colong Foundation, together with everyone in the region, knows that the bill has been introduced and this action has been taken to directly address the issue of road safety. On my reading of the foundation's media statements, it believes that these measures will endanger the wilderness areas within Kosciuszko National Park. It seems to have the view that the RTA will turn the roads into freeways. Obviously that will not happen. Basically the roads will be used to access the park, although I would like to see the Alpine Way brought up to a standard whereby it can be more widely promoted as a tourist route, say, from Thredbo to Dead Horse Gap with a link to Victoria or a loop back through Adaminaby. The road is vital for our region, not only to cater for the snow season but also for visitors throughout the year to be able to enjoy the park and appreciate its beauty and natural values.

The road reserve that this bill sets aside will still require some involvement by National Parks in the major realignment of the road. That is something the Colong Foundation wrote to me, and I assume other members, about. This does not mean we are going to see six-lane freeways through wilderness areas. I hope it means we will see expertise invoked in maintaining these roads and ensuring that they are up to a standard that will enable safe use by all residents. Other parts of the park are already accessed by Roads and Traffic Authority [RTA] roads and do not seem to have suffered any dire consequences as a result of that access.

It is important to the Snowy Mountains region that tourists can access Kosciuszko National Park effectively and safely. According to a recent study undertaken into the impact of the park, Kosciuszko National Park generates more than 6,300 jobs and injects about \$500 million per year into the State's economy. The major resorts believe those figures understate the park's impact on the local economy and the New South Wales economy and that they seriously underestimate the amount of employment and revenue generated out of the park. Needless to say, even those figures are impressive—6,300 jobs, many located in the Snowy River and Cooma-Monaro shires. Those jobs are vital to those shires. The Snowy River shire's latest proposal for a new local environmental plan points out that over the past 10 years the real growth in Snowy River shire employment, which, traditionally had been an agriculturally based economy, has been in industries generated by tourism, such as hospitality. They are firmly fixing their future on those jobs, and obviously the park is critical to that future.

New South Wales residents account for about 80 per cent of the total expenditure by visitors to the park. Most travel there by road, given that there are not many options and fairly limited aeroplane access. Sixty-five per cent of the visitors come in winter and 35 per cent in summer. About three-quarters of visitors stay for one night or more, and the remainder stay for a day. On average, people spend \$178 per day, with \$700 for overnights. They spend much more on packaged skiing tourism in the winter. My family and I attend Runners Week in the park each January and we also spend a lot of time walking and appreciating the national park. From what I can see, visitor numbers in the park are flourishing. I hope that will be confirmed by the figures that Kosciuszko, Thredbo and the region produce later in the year.

My experience is that people who come to enjoy the park are generally responsible. They appreciate the natural value and beauty of the area they are visiting, and try not to damage the park's surrounds. It is important to have good roads to get people to those accessible parts of the park that we encourage them to visit. We want them to arrive safely without damaging the environment. This bill fulfils the commitment that the Government made to the region after the landslide. It is an important part of the healing process that follows such a tragedy. Thredbo is a tight community, and will never forget that tragedy. Each year when I visit Thredbo I see that there are still a lot of flowers around the memorial to those who died. The people in Thredbo want to get on with the business of producing income and enjoying their lives, but they also want to make sure that they remember those who died. I want to make sure they never see something like that happen again.

Another challenge affecting Kosciuszko National Park is the development of the park's plan of management. As with the issues we have discussed today, this is very important in balancing access by users of the park with the need to preserve the park's natural beauty and environment. Most people who visit the area, particularly in the summer, do so because of its natural values. Obviously it will be difficult to balance that natural value with accessibility, but a very extensive consultation process has been undertaken to develop a draft plan, which will be released shortly. That plan will be available for comment by members of the community and by user groups before it is approved by the Minister. I am confident that in that process we will be able to come up with a plan that balances the need to access the park with the need to protect wilderness areas and the important values in the alpine areas. We will come up with something that enhances our ability to keep this resource for our children and build on the great economic impact that this park has for the Snowy River shire, the Cooma-Monaro shire and the other shires in adjacent areas. This is a good move forward. It is important that we make sure these roads are safe. I commend the bill to the House.

Mr MICHAEL RICHARDSON (The Hills) [10.35 a.m.]: I indicate at the outset that the Opposition will not oppose this bill. The transfer of these roads to the Roads and Traffic Authority [RTA] is an issue that the Opposition has pursued for some time. The only question we have to ask is why it has taken the Government so long to introduce this bill. It was in July 1997 that the Alpine Way collapsed, killing 18 people—a tragedy that I am sure is etched into all of our minds. Something should have been done about transferring the roads to a proper roads authority well before now. The bill deals with the key recommendation of the Walker report, which, in turn, was consequent upon the Coroner's report on the Thredbo landslip disaster of 1997.

One possible reason for the delay in this legislation being introduced into Parliament was the reluctance of the RTA to take on the roads because they had not been built to RTA standards. The Government should reassure the people of New South Wales that the roads, now that they are to be handed over to the RTA, will not only be maintained to the appropriate standards but have been constructed to the appropriate standards and that there will not be any ongoing safety considerations for people living in Kosciuszko National Park. I do not propose to revisit at any length the circumstances of the Thredbo landslip disaster. Suffice it to say that on 30 July 1997 a section of the Alpine Way above Thredbo village collapsed carrying away two ski lodges—Bimbadeen and Carinya—and killing 18 people. We can all remember the graphic images of the time—the

desperate night-time search for survivors, and the cheers when the sole survivor, Stuart Diver, was carried to safety. That is etched in my memory almost as strongly as the events of September 11. It was a poignant moment for all of us.

The Coroner, Mr Derrick Hand, recommended that an independent review be conducted into whether the National Parks and Wildlife Service should retain responsibility for planning and roads maintenance within Kosciuszko National Park. That inquiry was carried out by Mr Bret Walker, SC, and I commend his report to anyone interested in this issue. Mr Walker's recommendations were, amongst others, that the Alpine Way should be removed from the responsibility of the National Parks and Wildlife Service, that the Kosciuszko Road should be removed from the responsibility of the National Parks and Wildlife Service, and that consideration should be given to allocating responsibility for the Alpine Way and the Kosciuszko Road to the Roads and Traffic Authority. The bill fulfils those recommendations, although not in the way envisaged by Mr Walker. He also recommended amending subsection 37 (1) of the National Parks and Wildlife Act to permit the revocation of the reservation of land as part of a national park in the case of land on which through roads are built. The bill deals specifically with roads in Kosciuszko National Park by inserting an additional section 184A.

Before addressing the amendment I will deal briefly with the history of the Alpine Way and the Kosciuszko Road. I first travelled the Alpine Way in the late 1960s, soon after it was opened. It is a very scenic road and, as the honourable member for Monaro said, it has the potential to generate much more tourist traffic during the summer months. The road was built by the Snowy Mountains Hydro-Electric Authority [SMHEA] to connect Cooma with Khancoban. It was considered essential for the Snowy Mountain scheme's development in the Khancoban area. It was not built to carry continually increasing volumes of traffic for hundreds of years. The road was constructed through very difficult terrain.

Dead Horse Gap is almost 6,000 feet high and the road through it is closed for much of the year because it is covered by snow. The SMHEA recognised that it would be used only for light traffic so it was constructed to class A standard, which was its highest standard at the time. The road was never intended to be a main public highway. It tended to be used only as a construction road and that soon became readily apparent. The authority built these roads to last only 20 years; that is, the scheme's construction period. Of course, now, more than 40 years later, the road has lasted well beyond its designated lifespan and is carrying a volume of traffic that was never envisaged when it was constructed in the 1950s.

From the 1950s on it was apparent that roads being constructed by the authority, and particularly the Alpine Way, would have long-term tourism implications. Of course, the Alpine Way facilitated the establishment of Thredbo Village in the late 1950s—without the road there would be no village. By 1964 the authority traffic using the road was less than 10 per cent of the total traffic load. The volume of tourist traffic overtook the volume of construction traffic in the early days. In 1964 the SMHEA said that it would not continue to meet the full cost of maintenance and snow clearing of the road—it would do work commensurate with its level of use—and in 1966 it told the Government of the day that it no longer required the road for the Snowy Mountains scheme.

The New South Wales Government took over responsibility for the road on 1 April 1968. It became responsible for maintenance and snow clearing and the SMHEA was required to pay \$200,000 a year for 10 years, \$150,000 a year for the following five years and \$100,000 a year for the final five years. Those payments were in recognition of the fact that the SMHEA would have an ongoing need to use the road. The National Parks and Wildlife Service [NPWS] was responsible for the care and management of other roads in the park. In 1968 the then Department of Main Roads agreed to act as an agent for the NPWS in undertaking snow clearing and maintenance of the roads on a priority basis. That joint venture agreement was in place from 1968 onwards, whereby both the NPWS and the then Department of Main Roads were responsible for maintaining and clearing the road.

Over the ensuing 36 years it has been possible for a State government to declare the Alpine Way to be a main road or one of a variety of other prescribed roads. If that had been done, the road would have come under the direct control of the Roads and Traffic Authority [RTA]. Mr Walker points out that numerous attempts were made throughout the history of the road to make it the direct responsibility of the RTA. That bears out my contention that the introduction of this bill has been delayed because the RTA has been reluctant to take on responsibility for the Alpine Way, in particular, because it was not built to its standards. If it had been handed over to the RTA, State funds would have been made available for its reconstruction. Although I recognise that a significant amount has been spent on the road, I suggest that even more significant amounts of funding will be required in the future so that the road can be brought up to scratch, given that it was built to last for only 20

years. On the other hand, the Kosciuszko Road—the other road covered by this bill—is a tourist road built nearly 100 years ago at the top of Mount Kosciuszko. I am sure some honourable members will have driven to the top of the mountain.

Ms Katrina Hodgkinson: Some of us have walked to the top.

Mr MICHAEL RICHARDSON: The road is no longer open to the top of the mountain. As the honourable member for Burrinjuck said, some of us have walked to the top. I certainly have. It is not as high as Mount Everest, but it still offers a magnificent vista from the roof of Australia. Of course, it is an extremely important access road not only for the tourism businesses operating in Perisher, Smiggin Holes and Charlotte Pass but also for Australians who want to visit the highest point in this country.

Because the Kosciuszko Road was not built by the SMHEA it was designed to a higher standard. As a consequence, some people have questioned why Mr Walker recommended that it should be handed over to the RTA. Some suggest that that could be seen as a vote of no confidence in the NPWS's ability to maintain the road to an appropriate standard. Rather peculiarly, the National Parks Association [NPA] is opposed to this aspect of the legislation because it says that it will encourage increased levels of development in the Perisher and Smiggin Holes resort areas. It is true that the road's capacity has been a significant constraint on further development in those areas, but I do not accept that argument. We are dealing with road safety and it is clearly important that the road be built and maintained to an appropriate standard. I will not say "to the highest possible standard" because the NPA would probably then believe I was advocating building a freeway to Perisher. That is not the case, but the road does need to be maintained to the highest possible standard.

I do not think the National Parks and Wildlife Service is a good roads authority. The Coroner and Mr Walker were very critical of its maintenance of roads and planning in the Kosciuszko National Park. A similar problem existed some years ago in the Rocky Mountains National Park in Canada when Parks Canada, which is similar to the National Parks and Wildlife Service in New South Wales, was unable to continue funding to an appropriate standard the highway traversing the parks. Approximately 30 years ago that highway was handed over to the Canadian Highways Authority, which is similar to the RTA, and it invested appropriate and adequate funding for a national highway. That system has worked very well.

Parks Canada collects fees from everyone who drives along the national highway, even visitors who are just passing through. In contrast, the United States National Park Service has not been able to establish a similar system in the Great Smoky Mountains National Park in Tennessee, which is the most visited national park in the United States of America. Each year 10 million people visit the park free of charge. Although that is far removed from the two million people who visit the Kosciuszko National Park, there is no doubt that Kosciuszko National Park is the jewel in the New South Wales national park estate and generates a great deal of revenue for reinvestment in conservation. The collection of entry fees on an RTA road by the National Parks and Wildlife Service was an issue of concern to me. I am pleased that it appears to have been dealt with under new section 184A (7), which states:

For the purposes only of provisions of this Act and the regulations (including provisions relating to the control of traffic) that are necessary for park management purposes and the collection of fees for park use, the excised land is taken to be reserved as part of Kosciuszko National Park.

The bill also provides for the RTA to carry out essential work on roads by virtue of new section 184A (4), which states:

Persons authorised in that behalf by the RTA may enter (and remain for as long as may reasonably be necessary on) land adjoining or adjacent to excised land, with or without vehicles, plant and equipment, after giving reasonable notice to the Director-General and any lessee or sublessee (or, in an emergency, without notice), for the purpose of:

- (a) inspecting, building, rebuilding, repairing or maintaining roads on the excised land and ancillary infrastructure (such as drainage works) on the excised land or the adjoining or adjacent land, or
- (b) inspecting, placing, replacing, removing, repairing, maintaining or augmenting devices on the adjoining or adjacent land that measure hydrological features or land movement relating to use of the excised land for the purpose of roads.

That is an important provision. Considering the difficult terrain of the Snowy Mountains and the chequered history of the worst of the roads, it is essential that the RTA should be able to monitor hydrology and landslip. According to the Government, the National Parks and Wildlife Service will continue to manage conservation in the road reserve, including management of flora and fauna, weeds and feral animals, and fire control measures.

The RTA will develop an environmental management system, in consultation with the NPWS and other stakeholders, before carrying out any work in the road reserve. That partnership could have been formed many years ago to combine the expertise of both agencies and create a safe environment for visitors to the park.

Some of the matters to be determined will be able to be dealt with by negotiation rather than by legislation. The proof of the pudding will be in the eating: it remains to be seen whether the RTA allocates the necessary funds to bring the Alpine Way in particular up to standard. The areas to be excised from the park are generally within 20 metres of the centre line of the roads, although the area of road reserve sometimes varies. I understand that these areas are not incorporated in the bill but are held at the property and land information branch of the RTA. The National Parks Association of New South Wales understandably is critical of this arrangement. In a letter addressed to me dated 11 November last year, Andrew Cox states:

Which areas are being revoked? We still have not seen a map yet (... I first asked for one more than two weeks ago)! The road length that may be revoked is 40km for the Kosciuszko Road and about 90km for the Alpine Way from near Bullocks Flat to Khancoban via Thredbo. These are big distances!

They certainly are big distances. Indeed, it would be useful to know exactly which areas will be revoked. The Parliament is being asked to vote on a bill whose full ramifications are unknown. The National Parks Association is also critical of the determination by the RTA of future transport planning for the park. Andrew Cox's letter also states:

How will future transport planning for the park be determined if the NPWS can no longer constrain the straightening, widening and speed of the road? Park planning will then become a matter of coping with the large number of visitors coming into the park by being forced to provide infrastructure in the resorts. Our model is for ensuring that new visitor infrastructure and accommodation is provided by neighbouring towns such as Jindabyne, Tumut, Adaminaby and Khancoban. At worst case, NPWS needs a concurrent role.

I understand those sentiments. Over a lengthy period the NPA has opposed further development in the snowfields. Given that we are discussing the number of visitors who currently use the roads, the central issue is improvement in road safety for visitors and for people who live in areas that are beneath the Alpine Way and at Thredbo. That is why the Opposition does not oppose the legislation; indeed, we support it. Andrew Cox's letter also states:

How will the Plan of Management currently under revision apply to the environmental issues relating to management of the road?

The plan of management recently attracted fairly spirited opposition. The Opposition asks the Government to address that issue. Andrew Cox's letter also states:

Why didn't the Government wait until the Plan of Management review process has concluded and the views of the public were canvassed with the public exhibition of the draft plan... ?

Given that this legislation should have been, and could have been, introduced into the Parliament some years ago, I do not really concur with the view expressed by Mr Cox that there should have been further delay. However, it is certainly true that the two issues could have been considered together, which would have eased some of the concerns that have been expressed by the National Parks Association. Andrew Cox's letter also states:

What role does the RTA already have in managing the roads in question, and why was this not acceptable. My understanding is that the Kosciuszko Road to Charlotte Pass is already an RTA designated road, even if NPWS legally control it. RTA do much... of the work on it, under supervision by NPWS.

The bill strengthens the partnership to which I have referred and provides for the appropriate agency to apply its expertise in the best possible way. I conclude my remarks by reiterating my request that the Government respond to the issues I have raised.

Mr DARYL MAGUIRE (Wagga Wagga) [11.00 a.m.]: The National Parks and Wildlife Amendment (Kosciuszko National Park Roads) Bill has been a long time coming. I echo the sentiments of the honourable member for Monaro—whose electorate also encompasses Mount Kosciuszko and Kosciuszko National Park, as does the electorate of the honourable member for Burrinjuck, who will also speak to the bill—in acknowledging the great tragedy that occurred at Thredbo.

The bill is an appropriate measure to excise certain land from Kosciuszko National Park and vest in the Roads and Traffic Authority [RTA] the management and control of the Alpine Road, which will enhance the

road facilities and remove the responsibility from the National Parks and Wildlife Service. However, in doing so the Government has addressed only part of the problem. For members who may not be aware, Kosciuszko National Park is traversed by the Alpine Way. On many occasions in this House I have referred to the treacherous conditions of that road. I acknowledge that repairs have been made to the sections of the Alpine Way within the national park, and that the legislation will bring the road under the management and control of the RTA, but the Government has failed to complete the job, as it does on many occasions and in many spheres for which it is responsible.

I refer to the remaining 11-kilometres section of road needed to extend the Alpine Way to the Bringenbrong Bridge, near the Victorian border. Through representations to the Minister and petitions I have lodged in this House, I have brought to the attention of members on many occasions the treacherous nature of the Alpine Way. I have received representations from people who use the road to commute to their home towns, particularly Khancoban, and also people in the tourism industry who rely on the road. All members should be concerned about road safety, and this issue is being ignored by the Government.

As the bill is dealt with and amended in the upper House and assented to by the Governor, I call on the Government to implement legislation and complete negotiations with Tumbarumba Shire Council to declare the road known as regional road 627 as a State road. I have received several faxes regarding the condition of the Alpine Way from people who attend roadside accidents on that 11-kilometre section of road and who recognise the enormous calamities and tragedies that occur there. One of them reads:

Here we go again—another death!!! How many more—before you attend to this road. Another family without a father—and totally preventable. I wonder how many law suits are cooking out there? Why pay for the road twice (Once to fix it, the rest to compensate those injured by the lack of maintenance over the past forty years).

Another fax reads:

As I forecast in my fax to you asking what progress had been made since our petition of last year, we had our first fatality, last weekend ... When are you going to do something!! ANYTHING!!! The road from Bringenbrong bridge to the border of Kosciuszko National Park is an absolute death trap. Why are you still squabbling over responsibility. Nero fiddles as Rome burns!!!

I think I read something about that in today's *Daily Telegraph*; it may have been about Caesar fiddling but it was an article that referred to taking no responsibility. As I said, I have presented petitions to this place on many occasions. One of them reads:

The condition of the Road known as "The Alpine Way", particularly the section of road between the border of New South Wales & Victoria at Bringenbrong Bridge and the beginning of Kosciuszko National Park. The road is a death trap (two fatalities in three months in this eleven kilometres alone, and as well as several more close by). This road is the main scenic route into Victoria, through the Snowy Mountains. The Victorian side is well made & maintained. As soon as you cross the border it becomes a "Goat track", with deep, poorly patched potholes and rolls in the road, capable of launching an unwary motorist or motorcyclist into oncoming traffic. Tourists are appalled and will not return.

This road has had no substantial upgrade or repair since being built fifty years ago as a temporary access for the Snowy scheme construction. Since the completion of seal on the Alpine Way, traffic, particularly motorcycles, has increased exponentially. The undersigned petitioners therefore ask the Legislative Assembly to:

Provide resources to substantially repair, upgrade & realign this section (Eleven Kilometres only) of "The Alpine Way". We also request that the road be upgraded to main road status and responsibility be transferred from Tumbarumba Shire to the RTA.

I have made speeches in this place, I have written to the Minister on many occasions, and I have placed questions on notice, about the program of repair works and negotiations that should have taken place between the RTA and Tumbarumba Shire Council to resolve the problem. A newspaper article written by Megan Connellan reads:

A man, 34, is dead after he crashed his motorcycle yesterday morning on Alpine Way, about 10km west of Khancoban.

Following the bushfires, the local community, with whom the honourable member for Monaro and I are very familiar, met and came up with a strategy to attract tourists to the region. Despite such a strategy, the road needs to be upgraded. Local communities were devastated during the bushfires, and the Thredbo community was devastated after the tragedy that occurred there. If the Government is serious about tourism, it needs to put its money where its mouth is. It needs to negotiate with Tumbarumba Shire Council, declare the Alpine Way as a State road, and take responsibility for it.

Some time ago, on behalf of Tumbarumba Shire Council I put to the Minister a solution: if he does not want to declare the road as a State road and take responsibility for it, he should allocate one-off funding to allow the council to repair the road, which is a death trap. The council informs me that it will cost approximately

\$1.5 million to remedy the problem. Lives have been lost on that road, and lives will continue to be lost while ever the Government procrastinates and peers into its belly button about the meaning of life. Life is precious, and lives have been lost on that road. Whilst I acknowledge that the bill is a positive move for road management within national parks, I also acknowledge the concerns of the people who have written to me about the treacherous condition of the Alpine Way.

The maintenance of the State's roads and their access by motorists and tourists is extremely important, and their safety should always be regarded with the highest priority. I acknowledge that the management of roads through the implementation of speed limits and so on will ensure a minimal impact on wildlife. Unfortunately, animals are killed on roads every week. I, for one, have had the misfortune to have the front of my vehicle come into contact with kangaroos, birds and other wildlife. It is regrettable when such accidents occur, but the reality is that they will continue to occur. However, accidents are also caused by drivers swerving to miss kangaroos and hitting potholes on roads that are poorly maintained, as is the case with the Alpine Way.

The roads on the Victorian side of the Alpine Way are built in such a way that the moment a motorcyclist travels across the New South Wales border they take their life into their hands. The roads were not built for the numbers of tourists who currently access them. The Alpine Way has become a major tourist route for motorcyclists; indeed, thousands of motorcyclists use the road to travel to Victoria. The Minister for Roads is responsible for providing for the motorists of the State safe roads of the best possible standard.

The Minister has abrogated his responsibility by not concluding negotiations with Tumbarumba Shire Council and not providing one-off funding to upgrade what has been recognised as an inferior, substandard road that has cost lives, and will cost lives while ever the Government procrastinates. I appeal to the Minister, to members on the other side of the House, and to my colleague who shares the Alpine with me, to provide this funding and to have the road designated a State road. I ask the Minister to provide funding now for the upgrade of that road. The communities of Khancoban and Tumbarumba and the residents and farmers along that road will not give up this fight until that is done.

I will not give up the fight until I see that road brought up to an acceptable standard, or at least to a minimum standard that will provide safe transit for the people whom businesses are trying to encourage. The Government is supposedly spending thousands of dollars on plans and programs to encourage people to the area. I want those plans to work, and the people who run businesses in the area want them to work. What is needed is some support from the Minister to make that happen.

Ms KATRINA HODGKINSON (Burrinjuck) [11.11 a.m.]: This bill is about improving roads in the Kosciuszko area, which are some of the worst roads in the State. As was said, the roads are so heavily used, particularly in the winter peak, that it is essential they be upgraded. They are so dangerous that I believe further widening is absolutely justified. Every year there are so many fatalities on our southern roads, and biting the bullet and upgrading these tourism snow routes to modern highway conditions would be a blessing not only for locals but for all who use them.

The tragedy of 18 deaths as a result of the Thredbo landslip highlighted the dangers that commuters, visitors and residents face along the Alpine Way and the Kosciuszko Road. However, it has taken years for the Government to transfer this long-needed responsibility to the Roads and Traffic Authority. Yet the question must be asked: Why? Is this bill an admission by the Government that the National Parks and Wildlife Service [NPWS] falls down in several key parts of its responsibility? We know that it does. We have seen incompetence in road maintenance and recently we have seen the proposal to further lock up the people's park, the Kosciuszko National Park. Most recently we have seen the emergence of a community group known as the Bush Users Group.

Today we are talking about transportation in the Kosciuszko National Park area. I will refer to another method of transportation in the people's park that could, indeed, relieve some pressure on the roads. On 3 February some of my Nationals colleagues and I met a group of more than 100 horse riders in Queanbeyan after they had finished a 150 kilometre trek. That ride was a protest against plans by the National Parks and Wildlife Service to restrict access to the Pinch River region in the lower Snowy, and to the limestone karst area around Blue Waterholes in the northern end of the park. The Kosciuszko National Park, the people's park, was established in 1944 and covers more than 670,000 hectares. Aboriginal occupation of the area is thought to date back 20,000 years. Since European settlement the park area has been the subject of exploration, gold rushes, grazing, mining, skiing, tourism and the construction of the Snowy Mountains Hydro-Electric Scheme.

Many roads and tracks cross the park, and much of our early history and bush traditions are reflected in the numerous squatter's huts throughout the park. I have visited many of the huts, some of which were sadly lost in the January 2003 bushfires. While talking about national parks I must mention the incompetence of the NPWS in relation to bushfire maintenance and management, fuel reduction strategies that were not undertaken, and warnings put out by local residents and members on this side of the Chamber before the fires occurred. Warnings were given again and again to undertake some hazard reduction to get rid of the fuel build-up. But what happened? We saw the eventual loss of 500 homes and four lives as a result of bushfires that commenced in the Kosciuszko National Park.

The park as a whole could never be described as a pristine wilderness, but this has had an impact on the landscape. When the review of the plan of management for the Kosciuszko National Park was announced several years ago, I asked for and received a briefing on the process to be followed. I was assured that community consultation was important. Subsequent events have made me extremely suspicious about any public consultation touted by the Labor Government. I cite the *Managing the Catchments* debacle, the Water Management Act, the Parry report into public transport, and the regional reviews of local government as some examples of the New South Wales Labor Government having paid little more than lip service to public consultation. The people of rural New South Wales have judged the Carr Labor Government by its past actions. Put bluntly, the people do not trust this Labor Government—and they are right not to do so.

On 10 February in the *Tumut and Adelong Times*, the Acting Director, Southern, of the NPWS, railed against protesters' misinformation. He called on locals to be patient and to wait for the draft plan of management to be released. However, four days earlier he had appeared on the ABC television program *Stateline* strongly arguing for further restrictions on horse riding in the park. The acting director is just one step below the director-general of the service and his dismissive comment, broadcast on the ABC, that the protest ride meant nothing, is very disturbing. It shows that the senior management of the service has a preconceived idea of what it wants to do, and that it knows what it will do—and be damned about any public consultation! In implementing the policies of the Carr Labor Government, the National Parks and Wildlife Service does not have a good reputation of stewardship of the Kosciuszko National Park.

Graziers in areas surrounding the park frequently lose large numbers of sheep to wild dogs that breed and shelter in the park. I have raised this matter many times over my years in this place. Noxious weeds spread unchecked from the park, and wild pigs are a considerable problem. Large areas of the park are closed because of the devastating fires of 2003, which I mentioned. I have seen at first hand and photographed some areas of the park where the fire was so fierce that the ground has been virtually sterilised and no regrowth has occurred. This happened only because of the heavy fuel loads that the NPWS allowed to build up over many years of neglecting hazard reduction. With this record of mismanagement, is there any wonder that locals do not trust the Carr Labor Government? One protest rider in Queanbeyan said, "No more damn lies please, National Parks Service, we want the truth." He further said:

These people are the same ones that shot over 600 brumbies in the Guy Fawkes National Park and the same ones that let the Kosciuszko National Park burn last year.

They have a record of incompetency, mismanagement and misuse.

I support the calls of the Bush Users Group and many others for a rethink of the plan of management. If more of the park were opened up to recreational use, the impact of the more than two million visitors a year would be dispersed over a much wider area and, consequently, significantly reduced. The Kosciuszko National Park, the people's park, is a wonderful place and deserves to be sensibly managed, used and enjoyed now and into the future. It should not be locked up forever at the behest of city-bound intelligentsia propounding extreme green theories. In fact, I will go one step further: As the NPWS is not maintaining the park responsibly, why not just abolish the service and relegate it to the status of a community group. That is how strongly people in my area feel about this issue at the moment. I am not speaking from a personal point of view, but on behalf of many of my constituents who have real serious management issues about the management of the Kosciuszko National Park and have contacted me in my electorate office.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [11.17 a.m.], in reply: I thank honourable members for their contributions. As stated, the Alpine Way was originally built as a temporary reconstruction road in connection with the Snowy Mountains Hydro-electric Scheme in the 1950s. Today, it is the main vehicular thoroughfare in a geographically isolated area and a vital asset to the regional economy. The Alpine Way and Kosciuszko Road are used by hundreds of thousands of cars every year to access the all-year-round recreational attractions offered by the park. Under a memorandum of understanding, and following

enactment of the bill, the Roads and Traffic Authority [RTA] will manage the road reserve, including the usual functions of carrying out roadworks and managing traffic and road safety. It will also manage and maintain geotechnical monitoring equipment and structural works that are integral to road stability and are located in the adjoining national park.

The bill makes specific allowance for the RTA to access land adjacent to the road reserve to carry out work and to place ancillary infrastructure and other devices that are necessary to monitor drainage and ensure the long-term stability of the road. Arrangements have been made, supported by the memorandum of understanding, for the two agencies to share information and co-ordinate future risk reduction work in the area. I assure the House that the Government remains firmly committed to upholding the integrity of the State's national parks system.

I should also advise the House of a minor change that will be made to the definition of the land to be excised from the park. I understand that the Minister advised the Opposition spokesperson, the honourable member for The Hills, of this minor change yesterday. In defining the land to be excised from the park, the bill refers to plans held by the Roads and Traffic Authority [RTA] that show a general road corridor of 20 metres from each side of the roads' centre lines, with deviations to ensure that the road corridors to be transferred to the Roads and Traffic Authority include major structural works that are integral to the roads' long-term stability. There are also deviations where the road reserve will be narrower than the general road corridor of 20 metres from each side of the roads' centre lines in order to minimise the impact on leaseholders within the park.

There is a pressure tunnel that is integral to the operations of Snowy Hydro Ltd and the Snowy Mountains scheme that runs underneath the Alpine Way at a depth of approximately 80 metres. This asset is covered by the Snowy park lease between the Department of Environment and Conservation and Snowy Hydro Ltd. The plans referred to in the bill are currently undergoing a minor modification by the Roads and Traffic Authority in order to ensure that the pressure tunnel is not affected by the roads transfer and will remain covered by the Snowy park lease.

Due to the subterranean nature of the tunnel, the land above the tunnel to be excised from Kosciuszko National Park and transferred to the Roads and Traffic Authority will be restricted to a depth of 30 metres below the surface. I am advised that Snowy Hydro Ltd and the Roads and Traffic Authority are currently finalising an agreement with respect to the management of ancillary Snowy Hydro assets, such as communications cables, that lie within the proposed road reserves. This does not require any change to the bill.

Why did it take so long to transfer the road to the RTA? The honourable member for The Hills expressed concern about the length of time that it has taken for the bill to come before the House. In mid-2000 the Coroner issued his report of the inquest into the deaths arising from the Thredbo landslide. In early 2001 Mr Bret Walker, SC, completed his further inquiry into aspects associated with, among other things, future responsibility for road management within the park. Since that time the RTA and the National Parks and Wildlife Service have negotiated their memorandum of understanding, and the bill was drafted and introduced in 2003. I must stress that, since the landslide, National Parks has spent about \$70 million maintaining and upgrading the Alpine Way. This also goes to the point raised by the honourable member for Wagga Wagga. It is clear that the road is now in a far better condition than it was six years ago. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ANIMAL DISEASES LEGISLATION AMENDMENT (CIVIL LIABILITY) BILL

Bill introduced and read a first time.

Second Reading

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [11.24 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

The matters addressed in the Animal Diseases Legislation Amendment (Civil Liability) Bill have arisen primarily as a result of concerns raised by stock and station agents about their exposure to civil liability arising

from disclosing information required under the Stock Diseases Act 1923. At present the only legislated protection from civil liability under the Act is in respect of notification of diseases. The amendment in this bill will further protect a person when he or she is required to disclose information under either the Stock Diseases Act 1923 or the Exotic Diseases of Animals Act 1991.

The proposed amendments to these Acts are identical in effect. They provide that if persons are required under either Act to provide any information, the provision of that information by those persons will not subject them to any personal action, liability, claim or demand—for example, when answering a question from an inspector put to the person, giving a notice, or producing a record or other document required under either Act. The unfettered supply of information such as that required under the Stock Diseases Act 1923 and the Exotic Diseases of Animals Act 1991 to the bodies responsible for disease surveillance, such as the rural lands protection boards and NSW Agriculture, is essential in order to safeguard the integrity of our livestock slaughtering and livestock product industry, the gross value of which in 2000-01 was \$8,837.1 million for New South Wales and \$33,564.1 million for Australia.

Individuals who are required to provide information in these circumstances must be protected from civil liability for disclosing that information. Such provisions exist in other legislation administered by NSW Agriculture such as the Stock (Chemical Residues) Act 1975. The operation of the bill is such that it applies to any information required under either the Stock Diseases Act 1923 or the Exotic Diseases of Animals Act 1991 that was provided before the commencement of the bill, other than information in respect of which proceedings have commenced. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

WOOL, HIDE AND SKIN DEALERS BILL

Bill introduced and read a first time.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [11.28 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Wool, Hide and Skin Dealers Bill. The bill makes licensing criteria more stringent by replacing the "fit and proper person" test with specific criteria, modernising the penalty regime, and removing penalties of imprisonment for offences other than being an unlicensed dealer. It transfers the administration of the wool, hide and skin dealers licensing scheme from the courts to NSW Police, removes the license fee of \$10 per annum to make licences free of charge, changes licence renewal requirements from yearly to once every three years, strengthens record-keeping requirements to assist police in investigating reports of stolen wool, hide or skins, and ends the requirement to keep certain archaic and duplicate records. The Wool, Hide and Skin Dealers Act 1935 was introduced to assist police in responding to stock theft. The Act established a licensing regime for businesses dealing in unprocessed wool hide and skins, and it provides police with the power to enter and search premises used for storing wool, hides and skins.

The Pastoral and Agricultural Crime Working Party—with representatives from the New South Wales Farmers Association, the Rural Lands Protection Boards, NSW Agriculture and NSW Police—was established in 2000 to investigate what could be done to address crime in the bush. The working party's October 2000 report made recommendations concerning stock identification, police powers, training, specialist rural crime investigators, as well as the regulation of wool, hide and skin dealers. The working party recommended that the Wool, Hide and Skin Dealers Act 1935 be remodelled along the lines of the Pawnbrokers and Second-hand Dealers Act 1996, and that licensing criteria and record-keeping requirements be strengthened as an improved crime-fighting tool for police.

This bill represents the latest of the working party's recommendations that have been implemented to address crime facing pastoral and agricultural industries in New South Wales. Under the bill eligibility to hold a licence will be subject to more rigorous criteria. The fit and proper person test will be replaced with specific criteria, including not having been convicted for a dishonesty offence in the previous 10 years, being over 18, not being mentally incapacitated and not being an undischarged bankrupt. The Commissioner of Police will hold the discretion to allow a person to hold a licence if there are minor or trivial breaches of eligibility criteria.

An important crime prevention component of the bill is the requirement of licensees to obtain evidence of the identity of any supplier of wool, hide and skins. In the case of a natural person this must be in the form of photographic identification such as a driver's licence. In the case of a corporation the company's Australian business number is required. The identity of the person who delivers any wool, hide and skins on behalf of another person must also be provided. These are key provisions of the bill aimed at limiting the ability of those who have stolen wool, hide or skins from off-loading those stolen goods. Other crime prevention measures in the bill include obligations placed upon licensees to refuse and report suspicious wool, hide or skins to police, and the requirement of licensees to keep detailed records of those who supply or deliver them with wool, hides or skins.

I note that during the final phase of industry consultation it became apparent that industry was concerned with the requirement for two forms of identification, as set out in the consultation draft bill, to be produced by suppliers, at least one of which needed to be a photo identification, such as a driver's licence. The bill requires one form of photo identification to be produced by suppliers. Two forms of identification will still be required when applying for a licence. I am advised by NSW Police that the crime prevention objectives of the bill will still be met with the one form of photo identification to be produced by suppliers, whilst at the same time this will make compliance with the new legislation more practical for industry. I am pleased at this outcome as a result of consultation with industry. I take this opportunity to again recognise the work of the Pastoral and Agricultural Working Party. Initiatives that have been implemented as a result of the working party's recommendations also include:

The appointment and training of thirty-three (33) specialist Rural Crime Investigators in twenty-six (26) Local Area Commands; and

The introduction of a new offence of hunting without a firearm on any land without permission of the occupier. This offence carries a maximum penalty of \$1,100 or 12 months gaol, or both. Police may now issue a penalty notice of \$550 for this offence – the ability to issue a penalty notice also being a recommendation of the Working Party.

I met with members of the Pastoral and Agricultural Crime Working Party in Tamworth late last year. As a result of that meeting, police have now been made authorised officers under relevant sections of the Rural Lands Protection Board Act 1998, which will enable them to enforce that Act in relation to the illicit transportation of feral pests such as feral pigs. Transporting feral animals can cause the spread of disease, as well as feral populations, around the State and the country. I am pleased to say the majority of the working party's report recommendations have been implemented or are under way, and that the working party will continue to operate as an advisory body to the Government on an ongoing basis to assist in responding to and preventing crime in pastoral and agricultural industries in New South Wales.

The Government is committed to fighting crime in country and regional areas. This bill reflects the recommendations of the Pastoral and Agricultural Crime Working Party's 2000 report and the recommendations of the 2002 National Competition Policy Review. The objectives of the bill are consistent with the Government's commitment and strategies to fight rural crime. The bill relates to bovine and ovine animals—essentially cattle and sheep—and there is provision in the regulations to add other animals should it become apparent that there is significant illegal trade in the skins of any other animal sufficient to warrant its inclusion in the licensing scheme.

I again thank industry representatives for their input into this bill. The Government has endeavoured to balance the need for a minimum of regulation with the need for effective crime-fighting measures, including the requirement of suppliers to show proof of their identity and record keeping required of dealers. I believe we have achieved such a balance through the consultation process. The Wool, Hide and Skin Dealers Bill will provide NSW Police with the tools they need to investigate illegal trade in wool, hide and skins. I commend the bill to the House.

Debate adjourned on motion by Mr Adrian Piccoli.

EDUCATION AMENDMENT (NON-GOVERNMENT SCHOOLS REGISTRATION) BILL

Bill introduced and read a first time.

Second Reading

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [11.36 a.m.]: I move:

That this bill be now read a second time.

Governments have a clear obligation to articulate what we, as a community, expect from our schools. Governments also have an obligation to help parents make judgements about schools on the basis of objective and reliable information. Parents have to be confident that their school is capable of providing a quality learning environment. Parents who choose to send their child to a non-government school deserve to know that their choice is resulting in concrete benefits for their children. They want assurances that schools are providing responsive, effective and safe learning environments, and they want the information about school performance and policies that will help them know whether a school is meeting their expectations.

Today I introduce a bill that will help deliver these assurances, the Education Amendment (Non-Government Schools Registration) Bill. It will provide for greater transparency of school policies and practices. It will lead to more information being made available to parents about key school features and performance. It will encourage ongoing school improvement and responsiveness. It will help provide parents and the wider community with information about the quality of education being delivered in non-government schools. I state at the outset that we acknowledge the achievements of the non-government school sector. It has played, and will continue to play, a key role in providing diversity and choice for families. This bill is not about restricting choice, nor about restricting the capacity of non-government schools to meet the needs and expectations of their communities.

The Government recognises that non-government schools are a vital part of the educational landscape in New South Wales and that they will continue to be one of the cornerstones of our system. A constant in this Government's achievement in education has been a concern for standards and rigour. The changes we made to the school certificate and the higher school certificate were about raising standards of student achievement. So too the improvements we are making to government schools. The bill is about extending the same framework of standards for non-government schools. It follows the recommendations of the first report of the review of non-government schools, the so-called Grimshaw report.

Grimshaw found that standards for all schools should be about goals and expectations, not minimum or basic requirements. The review also registered an increase in community expectations about school accountability. Parents, in particular, want schools to account more comprehensively for the outcomes being achieved by students. In New South Wales these expectations are being addressed in a number of ways. For example, an emphasis on standards and accountability has led to an outcomes-based curriculum and reporting framework for the school certificate and the higher school certificate. The new emphasis on standards is reflected in syllabuses that set high expectations. It is also a requirement that in the reporting of student achievements results are linked with specific performance standards. The Government sees it as appropriate to apply similar expectations consistently across all schools.

There is a need for a regulatory framework that addresses quality and accountability in non-government schools so that the community can be confident that high educational standards are being achieved across all sectors of schooling. That is what this bill achieves in the following ways. First, like other public bodies, schools will need to be duly constituted as legal entities, with owners and operators clearly identifiable and accountable. Secondly, teaching staff at a non-government school will need to either attain or be progressing towards defined standards of professional teacher competence. Thirdly, schools will need to provide a safe and supportive environment by having in place policies and procedures that promote student welfare, as well as policies and procedures that show their compliance with the child protection requirements of other Acts. As well, the ban on corporal punishment introduced by the Government as an Australian first in 1995 will remain in place.

Fourthly, schools with boarding school facilities will need to have in place documented policies and procedures to ensure the safety and welfare of boarders. They will also need to clarify that the boarding facility is either provided by the school itself or by a provider who has a formal contractual relationship with the school. Fifthly, schools will have to base their courses of study on Board of Studies syllabuses. However, the bill makes available the option for schools with particular philosophical or religious objections to present a case for using different material. Finally, schools will need to have policies and procedures in place to ensure their capacity to participate in annual reporting.

I point out that we are not asking non-government schools to do anything that government schools have not done or will not do. The Act clearly stipulates that government schools must comply with the same requirements that apply to non-government schools. I do not propose to go over the provisions of the bill in exhaustive detail as there is an extensive explanatory note. However, I shall refer briefly to the sections of the bill that are of greatest significance. The amendments are set out in schedule 1 to the bill. Items [4] and [6] amend the Act and provide that courses of study for primary and secondary schooling respectively are to be based on and taught in accordance with the syllabuses developed by the Board of Studies.

Syllabuses developed by the Board of Studies describe in clear terms what students should know, understand and be able to do. However, in the classroom board syllabuses provide considerable leeway for teachers to develop programs that take account of the nature of the learner, the ethos of the school and the expectations of the school community. While each syllabus is designed to give schools the flexibility and discretion they need, they are also the outcome of a rigorous quality assurance process. That board syllabuses have the confidence of schools is shown by the fact that almost every school uses them. In my visits to schools and at meetings with their representatives I am often reminded of the high regard in which the board's syllabuses are held.

The prescription of the board's curriculum will ensure that all students have access to the same essential learning experiences. The fact that the board's syllabuses do not require a single approach also means that schools will continue to have the flexibility and discretion to adapt them to their needs. The Government acknowledges that there will always be a small number of schools that for philosophical or religious reasons will find it difficult to use board syllabuses in their entirety. To allow these schools to continue to offer the choice sought by their communities, items [5] and [7] of the bill provide for parts of the syllabus to be modified on application to the Board of Studies.

I turn now to item [9] in schedule 1. The intervening items deal with provisions of an administrative and ancillary nature, and I will return to them later. Item [9] is the heart of the bill; it inserts new section 47. It renders in legislative form the Grimshaw proposals for school registration. New section 47 (a) is the requirement for school proprietors to constitute themselves as appropriate legal entities. It is in the interests of both the proprietors and parents that those who own and operate schools have an appropriate legal form. The legal responsibilities and liabilities of members of governing boards, councils or bodies need to be clearly defined and understood. Some schools become large enterprises that control substantial resources. Others remain small concerns that are reliant on a handful of key personnel. In recognition of the variety of school types, it will be a matter for each proprietor to decide on a legal form that is compatible with the school's philosophy and aims.

New section 47 (b) stipulates that each responsible person for the school must be of good character. The bill uses the same yardstick applying to public boards and authorities. That is, school proprietors, members of governing bodies and principals will be required to notify the Board of Studies if they are convicted of an offence punishable by 12 months or more in prison, become bankrupt or insolvent, or become mentally incapacitated. These requirements mirror those applying to appointments to public bodies around Australia. The same standards should apply to those enterprises whose business is the nature and development of Australia's most precious asset—our children and young people. New section 47 (c) implements the Grimshaw recommendation that those responsible for the cancellation of a school's registration should be ineligible to run another school for five years from the date of the cancellation. New section 47 (d) links requirements for registration to the Government's agenda for high teacher standards across the government and non-government sectors. The Government sees a professional standards framework for teachers as playing a key part in a quality assurance framework for schooling.

The bill provides for teaching staff in a non-government school to either attain or be working towards an appropriate standard of professional teacher competence. Teaching staff who have not attained the standard will also need to be under the direct on-site supervision of staff who have attained the standard. We also want to proceed in ways that build on current levels of teacher professionalism. For this reason when the standards come into effect people with doctorates and other higher level qualifications who are currently teaching will continue to be able to teach. On the other hand, people without a degree or people who have only completed year 10 or year 12 will not be able to take responsibility for delivering the mandatory curriculum to our students. However, this will not affect the discretion of schools to employ specialists, such as artists, chaplains or youth workers, who provide support as guests of the school.

Subsections (e) and (f) of new section 47 require schools to have premises, buildings and facilities that are adequate for the courses of study at the school. These provisions are carried over from the current Act. Schools should be able to show that their classrooms, libraries, computer laboratories and other facilities are adequate to deliver their courses of study successfully. New section 47 (g) requires schools to provide a safe and supportive environment for students. This requirement is aimed squarely at providing the best possible policy settings to ensure the safety and welfare of students. It concerns the extent to which a school has formal policies and procedures that establish a safe and caring environment in which students are nurtured and which responds to each student's personal and social needs. It also concerns the extent to which a school is complying with its child protection responsibilities.

The provision will require schools to have policies in place providing for a safe and supportive environment. These policies will need to touch on matters such as security, supervision, pastoral care and codes of conduct, to name a few. This Government was the first in Australia to introduce child protection legislation. We take very seriously our responsibility to ensure that those working with children are subject to the strictest standards of probity. We want to send the clearest possible message about our commitment to the care and protection of young people and to reinforce this commitment at every opportunity. That is why the bill includes specific reference to the key legislation for child protection—part 3 of the Ombudsman Act 1974 and part 7 of the Commission for Children and Young Persons Act 1998. We want to ensure that there is no doubt about what schools' obligations are and that these obligations are followed through with clear and specific policies.

New section 47 (h) carries over from the current requirements the ban on corporal punishment—again, an Australian first and now emulated nationally. It also requires schools to base their discipline policies on the principles of procedural fairness—another Australian first. New section 47 (1) deals with the provision of boarding facilities. It requires these facilities to have policies and procedures that are satisfactory to ensure the safety and welfare of boarders. Any facility that plays a custodial role for young people must subscribe to and account for appropriate standards of care. The bill will close the gap in the framework of legal protection for young people in residential care situations. New South Wales will be the first State to regulate boarding schools in this way. New section 47 (j) provides the link between the requirements for registration and the changes to part 3 of the Act, which I have already discussed. It is the provision by which non-government schools will be required, as a condition of registration, to base their courses of study on Board of Studies syllabuses.

New section 47 (k) ensures that schools that offer part or all of their courses of study by distance education make appropriate provision for the social and personal development of their students. Under new section 3 "distance education" is defined as "... education in which students and teachers are not regularly in the presence of each other but communicate in writing, by print or by electronic or like means". Our requirements for schools need to anticipate new and emerging forms of schooling as much as possible.

For several years now schools have been taking advantage of advances in information technology. Many are now using the Internet to deliver lesson materials, to conduct tutorials, to provide access to libraries, and to disseminate and collect assignments. Schools are beginning to replicate online many of the experiences and features that were previously assumed to be the exclusive preserve of the bricks and mortar institution. The possibility of using the Internet as a delivery mode adds a whole new dimension to our assumptions about what schooling is and how to ensure quality outcomes for all students, regardless of the setting. In tandem with the other requirements for registration, this provision will ensure that schools that operate in a virtual environment do not lose sight of their responsibility to help students develop a capacity to interact with others and to function as responsible members of the community.

New section 47 (l) introduces annual public reporting by non-government schools. Accountability should be one of the central features of our system of schools. Moreover, since quality outcomes for all students are important for the whole community, the forms of accountability should be similar for both government and non-government schools. Best practice in school reporting is well researched and documented. The research shows that the best frameworks have five features in common. First, the focus is on reporting to parents on the achievement of goals and school performance across a range of measures. Second, reports provide clear benchmarks. Third, the information is accurate and reliable. Fourth, schools work within the parameters of an agreed reporting framework. Finally, schools and school systems promote a culture of accountability. It is precisely this type of culture that we want to encourage across all schools in New South Wales.

However, in establishing common reporting we recognise the diversity of the sector and its relative independence and will give schools flexibility in how they will report. However, all schools will report on performance in statewide tests and examinations, teacher standards, retention rates, enrolment policies and profiles, student welfare policies, discipline policies, complaints and grievance resolution policies, school-developed improvement priorities, and school income and expenditure. In successive years the indicators may evolve, coinciding with changes in reporting in government schools. This is to ensure that reports across the government and non-government schools sectors remain broadly consistent, with the same core features.

New section 47 (l) (ii) is about raising standards and refers to the provision by non-government schools of information for inclusion in the Minister's annual report to Parliament. It means that more information collected from the non-government schools sector will form part of the Minister's report to Parliament on schooling in New South Wales. Inclusion of data on the performance of the non-government schools sector will see the report become a better tool for accounting to Parliament and the community on the effectiveness of all

our schools. The Grimshaw report made a number of recommendations for strengthening the process for registration. The bill reflects this, as well as other provisions necessary to give effect to the new registration requirements.

Item [1] inserts new section 3, which includes a definition of "responsible person". This definition will ensure that any person who is responsible for the overall control and direction of the school, either directly or indirectly, is subject to the good character provisions. Item [2], new section 3 (1), aligns the definition of "proprietor" with the new legal entity requirement. Items [4], [5] and [6] relate to the new curriculum requirements, which I have already discussed. Item [7] provides for exemptions in certain circumstances. Item [8] tightens up requirements relating to schools that decide to withdraw from the system of non-government schools. It will require these schools to apply for registration within one month of leaving the system. At the moment these schools can continue to operate under the terms of their system registration for an extended period. Item [10] imposes the discipline on school proponents to make application for registration well ahead of the school's proposed opening date. This is to give the Board of Studies enough time to properly consider the application and work through any issues with a proprietor before classes commence.

Item [19] makes similar provision for schools that are already registered and that are approaching the end of their registration. Item [12] enacts the Grimshaw report recommendation regarding an initial 12-month period of registration during which fledgling schools would be more closely monitored. Items [13], [17] and [18] allow the Minister to change the status of a school's registration if concerns about that school's continuing compliance with the requirements arise during the course of its five-year period of registration. Specifically, the items provide the means for the Minister to change a school's registration status to provisional or to otherwise vary the term of registration if the Board of Studies discovers serious deficiencies in the operation of the school. These provisions are based on the Grimshaw recommendations for a series of graduated steps to be followed in the event of a school not complying with the requirements. The steps range from initial investigation by board officers to cancellation of the school's registration.

Item [24] makes similar provisions with respect to the accreditation of schools for the School Certificate and/or Higher School Certificate. Item [16] reduces the term of registration from six years to five years. This is to provide for more frequent compliance monitoring of schools. Item [23] is a cognate change to certificates of exemption from registration. Item [24] makes a similar change with respect to accreditation. Item [20] supports the good conduct provisions. It makes clear the grounds on which persons responsible for a school are to notify the proper authorities of a change in their personal circumstances. As I have mentioned, the grounds are the same as those applying to members of other public boards and corporations. Item [21] reiterates the overall emphasis of the bill on standards by introducing a daily penalty for operating an unregistered school.

New South Wales has a long tradition of excellence in education and we acknowledge that the non-government sector has made a significant contribution to this tradition. However, the achievements of all schools are made possible through policy and regulatory frameworks that are established by governments, taking into account the interests of the community as a whole. This bill is an important step forward on behalf of those interests. I commend the bill to the House.

Debate adjourned on motion by Mrs Jillian Skinner.

THE SYNOD OF EASTERN AUSTRALIA PROPERTY AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [11.55 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The purpose of this bill is to amend The Synod of Eastern Australia Property Act 1918 to provide for the office-bearers of The Synod of Eastern Australia Property Trust to be indemnified out of trust property against expenses and liabilities that they incur in connection with exercising or performing their powers, authorities, duties or functions. The Synod of Eastern Australia is the governing body of the Presbyterian Church of Eastern Australia. The church was formed in 1846 when three ministers and three elders withdrew from what is now the

Presbyterian Church in New South Wales. The church comprises 12 charges or parishes in New South Wales, Queensland, Victoria and Tasmania. Approximately 850 people regularly attend church services throughout Australia. There are seven charges in New South Wales—in Sydney, Grafton, Wauchope, Taree, Maclean, Raymond Terrace and Mount Druitt. Approximately 500 people regularly attend church services in New South Wales.

An Act was passed in 1918 that established a property trust for the church. However, the Act did not make provision to reimburse the trustees for moneys expended on behalf of the trust or to indemnify the trustees for activities carried out on behalf of the trust. On 8 May 2003 the synod of the church agreed to request the Government to amend the Act to address the issues of the liability and remuneration of the trustees. Notice of the proposed motion to request amendments to the Act was given to the two synod representatives in each charge, approximately three weeks prior to the synod being convened. Twenty-three synod representatives passed the motion, with no representatives opposing the motion. All 14 representatives from the seven New South Wales charges supported the motion.

The bill will insert section 2A into the Act to enable trustees to be indemnified out of trust property. The provision is similar to the indemnification provision used in other church property trust legislation. An example of such a provision is section 23 of the Methodist Church of Samoa in Australia Property Trust Act 1998. The bill continues the longstanding government policy to assist churches to organise their financial and property affairs by sponsoring legislation in relation to corporate property trusts. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George.

PUBLIC LOTTERIES LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [11.59 a.m.]: I move:

That this bill be now read a second time.

This bill provides for amendments arising from reviews of the Public Lotteries Act 1996 and the New South Wales Lotteries Corporatisation Act 1996. These reviews were conducted during 2002 and 2003 and identified a need for refinement of both Acts. The proposed amendments were developed in consultation with all key stakeholders, following the release of an issues paper during the review process. The Public Lotteries Act is the principal legislation regulating the operation of public lotteries in New South Wales. The objectives of the Act are to make provision for the proper conduct of public lotteries in the public interest, to minimise any harm associated with public lotteries and to ensure that revenue derived from the conduct of public lotteries is accounted for in a proper manner. The New South Wales Lotteries Corporatisation Act, which established the New South Wales Lotteries Corporation as a statutory, State-owned corporation, set out the objectives and functions of the corporation and transferred the assets, rights and liabilities of the pre-existing statutory body—New South Wales Lotteries. I will briefly address the subject matter of the proposed amendments to each Act separately.

In regard to the Public Lotteries Act 1996, the bill seeks to make several clarifications and create some new offences. The most important new offences will prohibit the unauthorised sale and promotion of public lottery products, such as the range of products available for purchase from newsagencies, and the purchase of these lottery products on behalf of others for a fee or reward. Experience has shown that unauthorised sellers of the reputable range of products of New South Wales Lotteries target potential overseas subscribers by means of a direct mailing campaign, or via the Internet. The main problem with these operators is that their offers can be ambiguous and even misleading. The offer can suggest that a player has a very high, almost guaranteed chance of winning millions of dollars. There are also cases where these intermediaries have failed to pass on prizes won by players. This has resulted in many dissatisfied customers. The Government receives complaints from these customers every year. This situation is endangering both the commercial reputation of the New South Wales Lotteries Corporation as the lottery operator and New South Wales' general reputation as a jurisdiction that can ensure public lotteries and other gaming activities are conducted with integrity.

At present there is no explicit offence in the Act, or any other gaming-related legislation for that matter, which prohibits an unauthorised involvement in the sale of public lottery products. As such, this particular form

of facilitating gambling activity is completely unregulated. The implementation of this proposal will rectify this troubling situation. Three new offences will be created: unauthorised selling of entries in or subscriptions to a public lottery; unauthorised promotion or marketing of a public lottery; and a person not to enter or subscribe to a public lottery on behalf of another for a fee or reward. Another new offence will address fraudulent claims being made for lottery prizes. The investigation of fraudulent claims costs lottery operators both time and money, and there is no existing deterrent to the making of fraudulent claims. The introduction of this offence and the attached penalty will provide a deterrent and help maintain public confidence in the integrity of public lotteries. The offence will be limited in that it will apply to a person who lodges a claim knowing it to be materially false or misleading.

The review also brought to light several areas in which greater clarity was required in the legislation. In parts, the Act, as currently worded, is not sufficiently clear on a small number of basic operational matters. Accordingly, the amendments will make it clear that lottery licensees may enter into agreements to participate in national games, that lottery licensees are permitted to contribute to prize payments for national lottery games, that separate prize funds are required for each public lottery licence and that lottery agents are allowed to pay minor prizes directly to lottery subscribers. Also, the bill will extend the same right to public lottery licensees to organise and run syndicates that is currently granted to their agents.

The bill will also extend the jurisdiction of the Administrative Decisions Tribunal. A person will be able to apply to the tribunal for a review of ministerial decisions to withdraw the approval or appointment of an agent of a public lottery licensee. The bill will amend the notification requirements for a change in the circumstances of a lottery licensee. Recently it became apparent that a lottery licensee may be placed in the position of unintentionally breaching certain notification requirements. This is more likely to occur where a licensee does not have total control over the changing information and must await the advice of other parties. The bill will address this by changing the notification requirements so that a licensee or agent is required to notify the Minister of changed circumstances, but only within 14 days of becoming aware of the change in circumstances. It is important to understand that this will only apply to cases where a licensee or agent does not have direct control over the change in status. Where there is full knowledge of the changed information the licensee or agent must notify the Minister in writing within 14 days of the change occurring.

I now turn to an aspect of the bill that has generated some media attention, namely, the proposed introduction of enhanced regulation-making powers within the Act to provide for the introduction of a statutory time limit on unclaimed prizes. Under current circumstances the liability for unclaimed prizes is open-ended. It is estimated that, for New South Wales Lotteries alone, the exposure currently amounts to at least \$115 million. Furthermore, as the vast majority of unclaimed prizes are of minor value, and as few claims are received relating to lotteries drawn more than three years ago, the cost of maintaining open-ended verification systems for such prizes is difficult to justify. It is acknowledged that the introduction of a limit of claims for lottery prizes is relevant to the Legislation Review Committee's scrutiny of bills, as it delegates the power to introduce time limits to a regulation.

It is important to understand that there is no intention to arbitrarily remove the current unlimited right of public lottery subscribers to lodge their claim for winnings. It is proposed that the limit on the time for lodging prize claims will be introduced gradually, and will not be fully in place for up to 15 years from the date of commencement of the relevant regulation. Hence, there will be more than adequate time for lottery subscribers to check if they have an old, potentially prize-winning lottery ticket lying around gathering dust at the bottom of a suitcase or in the back of the sock drawer before the new limits are fully implemented. So it is clear that the introduction of this limit will significantly reduce the exposure of licensees to the unclaimed prize liability without abruptly depriving lottery subscribers of an accustomed right. Finally, the bill will introduce a number of minor miscellaneous, ancillary and consequential amendments to the Public Lotteries Act. These amendments will enhance certain definitions in the Act, and ensure that other definitions are consistent throughout the Act.

I now turn to amendments to the New South Wales Lotteries Corporatisation Act. The amendments proposed to this Act are non-contentious and straightforward. In summary, at the point in time when the New South Wales Lotteries Corporation was being established, which was in 1997, the assets, rights and liabilities of the former New South Wales Lotteries were transferred to the corporation. This process was specifically catered for in certain provisions in the Act. The transfer of these assets, rights and liabilities has long been completed, and these relevant provisions are now obsolete. It is appropriate that they be removed from the Act. In conclusion, this bill will make further improvements to the regulatory framework for the operation of public lotteries in New South Wales, and I commend it to the House.

Debate adjourned on motion by Mr Thomas George.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT (ALCOHOL) BILL**Second Reading****Debate resumed from 3 December 2003.**

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [12.08 p.m.]: I lead for the Opposition on this legislation and I indicate at the outset that we will not be opposing the bill. However, we have some reservations about it, and propose in the upper House to move an amendment to require the Government to review the legislation in two years time to assess its effectiveness. There are a number of reasons for that, and later in my remarks I will expand on those. The main purpose of the bill is to make it an offence for the holders of learner and provisional licences to drive with any alcohol in their blood. Currently, learner and provisional licence holders are permitted to drive with a prescribed concentration of alcohol [PCA] of 0.02 grams per 100 millilitres of blood.

The bill amends the Act from a PCA of 0.02 grams to a PCA of zero. In his second reading speech the Minister outlined comprehensively the reasons for the introduction of the bill. A subcommittee of the Alcohol Summit that examined road safety and the consumption of alcohol—a group of which I was a member—was presented with evidence that alcohol is a significant factor in fatalities generally but particularly in fatalities involving young drivers. The bill was introduced as a result of a key recommendation of the Alcohol Summit.

I will refer to some key issues that support the need for this legislation. Young drivers are grossly overrepresented in alcohol-related accidents. Drivers in the 17 to 20 years age group represent 6 per cent of drivers but are involved in 17 per cent of drink-driving fatal crashes. In other words, young drivers in that age group are three times more likely to be involved in an alcohol-related fatal crash than are older drivers. Many have asked for statistics showing the number of accidents that involve young drivers with less than 0.02 grams of alcohol in their blood. Research provided to the Alcohol Summit shows that drivers between the age of 16 to 20 years with a prescribed concentration of alcohol below 0.02 grams were eight times more likely to be involved in a fatal accident than older drivers with the same prescribed concentration of alcohol.

Even with a low prescribed concentration of alcohol in their blood, young, inexperienced drivers are eight times more likely to be involved in a fatal crash than are older drivers. That is a sobering statistic. I note that last year there were 2,312 alcohol-related offences committed by learner and provisional drivers. Those figures are evidence that this is a serious issue. Further, strong medical research shows that the effect of alcohol is more pronounced in drivers who are not highly skilled and who are inexperienced. Legislation similar to this bill has been introduced in other States. Indeed, New South Wales and Western Australia are the only States that do not have this type of legislation.

The bill has a number of interesting provisions. It deals with the consumption of foodstuffs and medicine that contain a small amount of alcohol that would on blood analysis yield a reading above zero. The legislation provides a defence to learner and provisional drivers if they can prove to a court that the alcohol in their blood was not caused by the consumption of alcohol but by the ingestion of foodstuffs or medicines, or taken at Holy Communion. The provision of such a defence is appropriate. However, the onus of proof has been reversed to a presumption of guilt, rather than the presumption of innocence that generally prevails in our legal system. In some circumstances, it may be difficult for an alleged offender to prove innocence. It could be argued that such a defence should not be necessary, given that generally there is a presumption of innocence. However, I recognise that the defence is provided for unusual circumstances.

I am advised that other States have addressed this problem by providing that if an arresting officer smells alcohol on the breath of an alleged offender who claims not to have been drinking, a blood test will be undertaken. If there is no smell of alcohol on the breath, despite there being a reading of a PCA of less than 0.02, some leniency is extended. I have concerns about that type of subjective arrangement and the implementation of the law on an equal basis.

The Coalition supports the legislation generally. We have a long history in New South Wales of supporting intelligent road safety measures that are designed to reduce the road toll. However, the bill does not provide for roadside drug tests. I am concerned that the legislation may be an incentive for young people to switch from alcohol to drugs. If learner or provisional drivers have any alcohol whatsoever in their system, they can be charged with breaking the law, but if they drive with drugs in their system, they will not be charged with breaking the law. I am concerned that this legislation will cause young people to feel they are better off taking drugs than consuming alcohol.

The issue of drugs and road safety is well documented. In particular, I draw the attention of the House to an episode of the ABC television program *Catalyst* that was presented on 24 April last year. I urge all honourable members to view this episode. During the program it was said that drugs are now responsible for more deaths on the road than is alcohol. I am very concerned about that issue, particularly given that the main drug referred to was marijuana. A great deal of research supported this view. Examinations at a morgue in Melbourne found that a high percentage of the bodies of people who had been involved in fatal car accidents had a reading of a drug other than alcohol in their blood. The Victorian Government has pledged to introduce the equivalent of an alcohol test to detect drugs in the blood. I understand that the technology involved in this saliva test is refined, although perhaps not perfect.

Earlier this year the Victorian Government announced that it will conduct trials of a roadside saliva test. I am very disappointed with the response of the New South Wales Minister for Roads to that initiative. He said that New South Wales would not conduct any tests and would await the outcome of the Victorian trials. I point out to the Minister that not only is New South Wales the largest State in Australia, but it has more cars, more accidents and more deaths than any other State in Australia. It is incumbent upon the Minister for Roads, who has the primary responsibility for road safety, to be more proactive in this regard than he has been in the past.

Researchers are currently trying to determine a reading for substances such as marijuana equivalent to the 0.05 reading for alcohol. In other words, how many joints does one have to smoke to reach a state of incapacity equivalent to that reached by drivers who have a prescribed concentration of alcohol of 0.05 grams per 100 millilitres of blood? That research is ongoing, and I will be interested to see what comes out of it. Research indicates that those who drive shortly after using cannabis are seven times more at risk of being involved in a fatal crash than those who are drug free. It is worth pointing out that cannabis is absorbed into the bloodstream at a faster rate than alcohol. Researchers suggest that a driver with a cannabis reading of five nanograms per millilitre of blood is as impaired as someone with an alcohol reading of 0.15 grams of alcohol per 100 millilitres of blood. The Victorian Government is leading the way trying to come to grips with this issue of drug ingestion and its impact on road fatalities. I call on the New South Wales Government to be much more proactive than it has been in regard to this obviously very important matter.

The penalties that apply under this legislation are the same as those that apply to special category drivers—that is, a maximum of 10 penalty points or \$1,100 in the case of a first offence, or, in the case of a second offence, 20 penalty points or \$2,200. The same disqualification period will apply that currently applies to special category drivers who exceed the special range prescribed concentration of alcohol [PCA]—that is, for a first offence a minimum disqualification period of three months and an automatic disqualification period of six months, and for a second or subsequent offence a minimum disqualification period of six months and an automatic disqualification period of 12 months.

The Opposition is concerned that as a consequence of this legislation New South Wales has more than 458,000 learner and P-plate drivers who potentially could become criminals after consuming one light beer. Governments, Oppositions and legislators generally, while passing laws designed to protect the safety of people on the road, must take care not to pass laws that will make criminals of many innocent people. Two of my children are in the 17 to 21 years age group, and I am constantly in dread—as would all parents of children of that age—of receiving a phone call in the middle of the night advising that they have been involved in an accident. However, generally speaking, those with whom my son and daughter socialise are very responsible. They usually decide on a designated driver for an evening, and the person so designated does not drink alcohol for the evening.

The Opposition will move an amendment in the upper House to introduce a sunset clause as a means of reviewing the effectiveness of the legislation, to ascertain whether the accident rate has declined as a result of it. A matter of concern is that a young driver who is detected driving with a reading of less than 0.01 grams of alcohol in his blood—but nevertheless some alcohol—could, under this legislation, be charged with a serious offence. I am concerned also about the potential for provisional and learner drivers moving away from the consumption of alcohol—which in itself would be a good outcome—to the consumption of drugs, knowing what we know about the impact of drug consumption on the human metabolism and the judgment of drivers.

I urge the New South Wales Government to be more proactive about drug testing. It is a significant issue. The Victorians are leading the way, as they often do in these matters, but our own Minister is sitting on his hands. The Opposition consulted with a number of interest groups about this bill: the NRMA, which strongly supports this legislation and made a submission to the Alcohol Summit supporting it; the Australian Driver

Trainers Association of New South Wales; the New South Wales Road Transport Association; the Highway Safety Action Group; the Pedestrian Council of Australia; and Natroad Ltd. We have not received any responses of a negative nature from any one of those groups, although some reservations have been expressed along the lines I have raised. Generally, there is support for the legislation, but we want to ensure that it will do the job it is intended to do and will not have the unintended consequence of causing P-plate and learner drivers to think that, whereas alcohol and driving do not mix, drugs and driving do mix. That would be the wrong message for us to send to young drivers.

Ms VIRGINIA JUDGE (Strathfield) [12.25 p.m.]: I support the Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill, which is being introduced with one aim: to improve the safety of vulnerable young drivers by imposing a zero prescribed concentration of alcohol [PCA] limit on drivers who are the holders of a learners licence or a provisional licence. Currently there are 464,000 learners licence and P-plate licence drivers in New South Wales. This new zero alcohol level will replace the existing special range PCA of 0.02 for all learners and provisional licence holders. Currently all learner drivers and the overwhelming majority of provisional drivers are included in the special category group of driver. Other drivers in this category are heavy and public passenger vehicle drivers, drivers of dangerous goods vehicles and drivers who are not licensed. All special category drivers must have less than 0.02 grams of alcohol in 100 millilitres of their blood. The bill targets the most vulnerable drivers in the special category group—novice drivers who hold a learners licence or provisional licence regardless of age and length of time with a licence. Therefore, the zero alcohol limit will apply to all novice drivers.

Last year the New South Wales Summit on Alcohol Abuse was a great success in identifying initiatives to deal with the problem of alcohol in our community. Acknowledging the extreme risk alcohol poses for novice drivers, a key recommendation of the summit was a reduction of the legal limit from 0.02 to zero blood alcohol for all holders of learners licences and provisional licences. However, the current legal limit of less than 0.02 blood alcohol will be retained for all other special category drivers, such as professional and public passenger vehicle drivers. The introduction of a zero blood alcohol level for learners and provisional licence holders will send a clear and strong message to new drivers that alcohol and driving simply do not mix.

Alcohol remains one of the major factors in the New South Wales road toll. Unfortunately it is involved one in every five of all fatalities. Tragically, some 12 per cent of drivers involved in drink driving fatal crashes in 2002 were novice drivers in their very first year of driving. All drivers who drink are at risk of crashing and injuring or killing themselves and others on the roads. However, novice drivers are much more vulnerable to the effects of alcohol because they have newly developing driving skills. Interestingly, medical research has shown that the effects of alcohol are more pronounced on skills that are not highly practised. Therefore, novice drivers with alcohol present in their blood are at much greater risk of crashing than are experienced drivers. There is now overwhelming evidence that any alcohol in the blood of novice drivers impairs some driving skills. Research has shown that young novice drivers aged 16 to 20 years with any blood alcohol content below 0.02 are eight times more likely to be involved in a fatal accident than are older drivers with the same blood alcohol content.

There are currently more than 450,000 learner and provisional licence holders in New South Wales. Last year provisional licence holders committed a total of 2,312 alcohol-related offences, despite the overwhelming majority having a blood alcohol limit of 0.02. Drivers aged 17 to 20 years are overrepresented in drink-driving crashes in New South Wales. This group comprises only 6 per cent of New South Wales license holders but, unfortunately, represents 17 per cent of all drink drivers who are involved in fatal crashes. The vast majority of learner and provisional licence holders fall into this 17-to-20-years age group. Therefore, by any standard a zero blood alcohol limit is the most appropriate level for novice drivers.

Many young families and young people in Strathfield would fall into that category. I believe that the residents of Strathfield will welcome this change, as there has been some concern about a perceived increase in drink-driving incidents in the inner west. I understand that police in the area record around 67 positive readings per month. It is certainly not the highest figure for positive readings in New South Wales, but it is, nevertheless, a worrying statistic for an area that is mostly residential.

By introducing this new zero alcohol limit the Government is protecting the most vulnerable drivers on our roads from the impairing effects of lower levels of alcohol and subsequent trauma associated with drink-driving crashes. The existing penalty provisions for special category drivers will apply to the new zero alcohol limit. The penalties are a maximum of 10 penalty units in the case of a first offence and 20 penalty units in the case of a second offence. Existing disqualification periods for special category drivers will also apply. The

disqualification period for a first offence includes a minimum disqualification period of three months and an automatic disqualification period of six months. The disqualification period for a second or subsequent offence includes a minimum disqualification period of 12 months. The recently introduced provisions dealing with interlock devices as an alternative disqualification will also be amended to include a reference to the new offence.

During the New South Wales Alcohol Summit last year young people were invited to contribute their views at the Young People and Alcohol Forum. The Committee on Children and Young People, a bipartisan parliamentary committee of which I am privileged to be a member, provided me with a copy of a report entitled "What young people said about young people and alcohol—Results of consultations by the Commission for Children and Young People in the lead-up to the NSW Alcohol Summit", dated August 2003. The report reads:

The Commission for Children and Young People has spent the last few weeks asking some young people in NSW what they would do to reduce alcohol-related harm.

Under the heading "Awareness and understanding, not only facts and figures", the report reads:

When asked for suggestions as to how to reduce the negative impact of alcohol on young people's lives, many young people said that they wished that when they were ten years old, they had known what they know now as teenagers.

I often say I wish I knew 30 years ago what I know now. The report continues:

One boy in juvenile detention said if he knew then what he knew now he would not have started drinking. Others said they wished they had known:

"the effects of alcohol and more about how to prevent people from being addicted.
(18 year old boy in out of home care)

"how easy it is to become addicted."
(18 year old boy in out of home care)

"what it is doing to your body and how it can affect you in the long run. What is alcohol, what makes alcohol, alcohol. Why does it make people high/funny."
(16 year old girl in out of home care)

"how I could help my mum and dad, and ask them to go to classes."
(16 year old girl in out of home care)

"what it can do on the physical effects as well as the emotional [and] how much damage it could have on pregnant women and the effects."
(16 year old girl in out of home care)

"I wish no one introduced it to me. It's a drug, an addictive drug."
(18 year old boy in out of home care)

"The effects of alcohol could have been reinforced more throughout school."
(16 year old girl)

"I didn't know why my dad was behaving the way he was. I wish I had known what alcohol did to people [when I was 10]."
(13 year old girl in out of home care)

These comments of young people of various ages demonstrate the misunderstandings and lack of information that young people have about alcohol. Of course, when one adds driving to that scenario, it becomes a much more complex issue. Alcohol consumption is deeply ingrained in our cultural practice, and the young people and other delegates at the forum rightly identified the need for a cultural change to reduce alcohol-related harm in the long term.

In reality, young people learn, through witnessing their parents' behaviour, that drinking is a normal and acceptable part of Australian social life. This legislation is an important circuit breaker, as it sends a clear message to young people that it is not acceptable to consume any alcohol whatsoever prior to driving. It also sends a clear social message. It eliminates the possibility of any confusion about how many drinks can safely be consumed before reaching the 0.02 limit. Young, inexperienced drivers need to learn from the outset to separate drinking and driving. A zero alcohol limit for novice drivers represents a commonsense approach to the problem of inexperienced drivers and drink-driving. An article by Stavro Sofios in the *Daily Telegraph* of 3 September 2003 was headed "New drink drivers drink ban—Zero tolerance laws by end of the year". It read in part:

All learner and P-plate drivers will be banned from drinking any alcohol before getting behind the wheel in a major reform of drink-driving laws.

New laws forcing a zero blood alcohol limit for learners and P-plate motorists of any age will be introduced by the end of the year ...

The new zero tolerance laws are the biggest drink-driving reforms in more than a decade.

Three cheers for the Government for taking the initiative!

[Interruption]

It is obvious that some members opposite think this is a laughing matter. For the benefit of the member opposite who interjected—and I will not name her because I do not want to embarrass her—this is a serious matter. It involves the future of our youth, their lives and their safety. Another portion of this important article in the *Daily Telegraph* read:

NRMA president Ross Turnbull said the move would see alcohol-related crashes involving young people reduced by 20 per cent a year.

An article by Sean Berry that appeared in the *Sun Herald* of 1 February 2004 read in part:

More than 25,000 people were caught drink-driving on NSW roads last year, new police figures show.

That's an average of 70 people caught for the offence everyday across the state.

"Unbelievable, isn't it?" said NSW police traffic commander Chief Superintendent John Hartley.

"We have just had the highest levels of traffic we get for the year, but we will continue to catch about 70 people each night on average."

Last year 185 police pursuits resulted when drivers tried to flee a random police breath test. And police believe alcohol was involved in 20 per cent of the state's road fatalities.

This profound legislation will do something to tackle the problem. The bill takes a timely and pragmatic approach, and I commend it to the House.

Mrs JILLIAN SKINNER (North Shore) [12.39 p.m.]: The Coalition has always supported measures aimed at reducing the road toll. When in government the Coalition took the lead in that regard, and for that reason we will support any legislation that encourages people to be more responsible, particularly in relation to drinking and driving. The honourable member for Ballina, who led for the Coalition on this bill, confirmed that. He outlined some arguments in favour of the bill, particularly those relating to the number of young people involved in road fatalities. He also expressed concerns about the possible unintended consequences of the bill and said that the Coalition will move appropriate amendments in the upper House.

Those amendments will require the Government to determine whether the bill will have the effect indicated by the honourable member for Strathfield. I fear those expectations are rather naive and I am sure the honourable member for Strathfield and others have not contemplated all the possible consequences of the bill. For example, will the bill result in drivers, particularly young drivers, deciding not to drink, because they know they may be caught out, and use other drugs instead? Before becoming a member of this place, I worked in youth affairs, particularly with vulnerable and disadvantaged young people and those involved in drug taking. I am enormously worried that the bill does not address the main issues. The addiction or involvement may well be moved from alcohol to other drugs, and it would be regrettable if that is a consequence of the bill.

One way of dealing with that would be to step up the measuring of other drugs in the driving public, as the honourable member for Ballina said. Government members spoke about vulnerable young drivers and referred to drivers aged 17 to 20 years. The honourable member for Strathfield said that last year 25,000 people were caught drink-driving. How many of those were aged between 17 and 20 years? How many were P-plate holders? The assumption has been made that all L-plate and P-plate holders are under the age of 20, and that is simply not the case. Many of my younger constituents catch public transport. They do not drive, they do not own vehicles until they are much older. Therefore, they do not become L-plate or P-plate holders until they are much older. Migrants to this State have to go through the L-plate and P-plate process, which takes 3½ years. The majority of migrants are well beyond the 17-to-20 age group. Are migrants included in the statistics?

Is it alcohol, inexperience, or a combination of the two, that contributes to accidents? As the honourable member for Ballina clearly stated, the Coalition is supportive of any measures aimed at reducing the road toll. However, I am concerned that sometimes we come up with simplistic ideas such as this and everyone thinks they will suddenly and dramatically reduce the road toll. I am concerned also that that expectation is based on incomplete information. I worry that L-plate and P-plate drivers of whatever age will, in effect, have to be teetotallers, because if they drive the day after having an alcoholic drink—to work or, God forbid, church on a Sunday—their blood alcohol level could be more than 0.02.

Are we saying that people cannot drink at all? That may be a good thing and perhaps that is what we should be telling people, but let us be realistic about what we are doing. Many people will say, "This is not for

me, I am going to do something else. I'm not going to drink alcohol, I'll get my kicks some other way." I am enormously concerned about that. The House has been told that there are 458,000 L-plate and P-plate drivers in New South Wales. I ask the Minister to identify in reply how many of those drivers are aged over 20 years, to advise the House how many accidents last year were caused by inexperienced young drivers rather than by drivers who had been drinking and to advise the House when the Government will come up with a procedure that measures the presence of drugs other than alcohol in the bloodstream.

Mr ALLAN SHEARAN (Londonderry) [12.45 p.m.]: I support the Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill, which will amend the Road Transport (Safety and Traffic Management) Act 1999 to impose a prescribed concentration of alcohol [PCA] requirement of zero on all drivers who are the holders of a learner licence or a provisional licence. Alcohol is a drug that affects the central nervous system. It impairs co-ordination and concentration, while at the same time increasing confidence and risk-taking behaviour. All drivers who drink are at risk of crashing and injuring or killing themselves and others on the roads. Their passengers are also at great risk. However, because of their newly developing driving skills, novice drivers are taking a far greater risk if any alcohol is present in their blood.

Currently there are 464,000 drivers in New South Wales who hold learner or provisional licences. While the overwhelming majority of those drivers are subject to a 0.02 blood alcohol limit, in 2002 more than 2,300 alcohol-related offences were committed by that group. When the special range PCA was introduced for novice drivers in 1985, it was recognised that the use of medicines and other substances with a small amount of alcohol could put the driver over a zero limit. Accordingly, the lower level of the special range PCA was set at 0.02 instead of zero. Comment has been made in the past from some members of the community, including some magistrates, that young people are confused by the 0.02 alcohol limit. They believe that they can drink small amounts of alcohol and that their driving skills will not be impaired. Many novice drivers are unsure about exactly how much alcohol they can consume safely and still stay under the limit.

Once the new zero alcohol limit for novice drivers becomes law, there will be no confusion about how much alcohol they can consume. Novice drivers need this clearer and stronger message that alcohol and driving do not mix. The introduction of a zero blood alcohol level for learner and provisional licence holders will send such a message to those vulnerable drivers. The new zero alcohol law will not affect other special category drivers, including those who drive public passenger vehicles such as buses, taxis or heavy vehicles. Those professional drivers will continue to have a 0.02 limit apply to their licence. There is an issue of the small amounts of alcohol contained in some medicines and other products such as mouthwash. However, as has been acknowledged, a limited defence has been introduced to deal with that. The defence will apply only to the new novice range of PCA. If a novice driver who has a blood alcohol level between zero and 0.02 can prove to the court that the alcohol present at the time the person was alleged to have committed the offence was not caused by the consumption of an alcoholic beverage, other than for the purposes of religious observance—for example, the taking of Holy Communion—or by the consumption of any other substance used for the purpose of consuming alcohol, for example, medications, the person will not be prosecuted.

However, any novice driver who presents to a court having recorded a blood alcohol level of 0.02 or more will not be able to use that as a defence. To ensure that the community, and particularly young drivers, are aware of the new law, the Roads and Traffic Authority will implement a communication strategy to inform New South Wales licence holders affected by the new law that they are now subject to a zero blood alcohol concentration limit. Alcohol derived from foodstuffs, medicines and mouthwashes will be addressed specifically within the public information resources. In partnership with the education sectors, the Roads and Traffic Authority is developing new, curriculum-based drink-driving resources for high schools to ensure that young people are fully informed about the law relating to alcohol and driving before they apply for a learner licence.

Clearly, there is widespread community support for a zero alcohol limit for novice drivers. The community expects the Government to act to reduce the incidence of young people drinking and driving. I note the comments that have been made about drug usage. From my past background in policing, at this stage I am not aware of any efficient machine that detects drugs. However, by introducing this new zero alcohol limit, the Government is protecting the most vulnerable drivers on our roads from the impairing effects of even lower levels of alcohol and subsequent trauma associated with drink-driving crashes. I commend the bill.

Mrs JUDY HOPWOOD (Hornsby) [12.50 p.m.]: The principal object of the Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill, is to amend the Road Transport (Safety and Traffic Management) Act 1999 to prohibit drivers who are the holders of learner licences or provisional licences from driving with any alcohol present in their blood. I speak not only as a concerned citizen and as a person who has

a lot to do with youth in my electorate but also as the parent of a young P-plate driver and an L-plate driver. So I have two of the nearly 500,000 P-plate and L-plate drivers in this State in my family. As the mother of a daughter who holds a provisional licence and who sometimes goes out and returns home late at night, I am concerned that one night I too will receive a telephone call.

My daughter has already had the experience of coming upon an accident involving a young driver who had slammed into a rock face. She had to drag the boy out of his car through a window, with the car steaming and still running. The experience of witnessing the aftermath of the accident taught her to be careful about not only her driving skills but also her intake of alcohol. Coalition members are traditional supporters of measures aimed at reducing the road toll. That aspect of the bill was a key recommendation from the 2003 Alcohol Summit. The interim report released in December 2003 stated that recent studies indicate that about 3,300 deaths per annum in Australia are attributed to alcohol use, which is second only to tobacco as a preventable cause of death and hospitalisation; that the main alcohol-related causes of death and hospitalisation are cirrhosis of the liver, cancer, stroke, falls and motor vehicle accidents; and that one-third of all driver and pedestrian deaths are alcohol related.

Young drivers are overrepresented in alcohol-related accidents. Drivers in the 17-to-20-year age group represent 6 per cent of drivers but are involved in 17 per cent of drink-driving fatal crashes. We need to send a strong message that alcohol and driving do not mix, particularly in this young age group, and this bill will go some way towards that. Medical research has shown that the effects of alcohol are more pronounced on skills that are not highly practised. That relates particularly to P-plate and L-plate drivers in our communities. It will be a defence if a learner driver or provisional driver can prove in court that the alcohol reading in the blood was not caused by the consumption of alcohol but by other things such as foodstuffs, medicines or mouthwash—I have even heard that toothpaste has an element of alcohol in it—or that it was related to a religious ceremony. Similar legislation is being implemented in Victoria, Queensland, South Australia, Tasmania and the Northern Territory.

I share the concerns of the honourable member for Ballina and the honourable member for North Shore in relation to an intake of drugs leading to an inability to manage a vehicle. Some thought must be given to introducing in this State trials similar to those in Victoria. I have been led to believe that a saliva test can detect some drugs in drivers and other vehicle users. Also, there is proof that drugs have been detected in the bodies of 80 per cent of road fatalities when they have been tested post mortem. So drugs are a significant problem. Obviously, this legislation does not touch on the use of alternative drugs to eliminate the possibility of young drivers testing positive for the presence of alcohol.

Some young people have approached me about this legislation, expressing concern that a zero percentage limit will be required so that they are not in breach of the law. Often it is difficult for young people to know how much they can drink before they reach the limit of 0.02. As young drivers have a provisional licence and a learner licence for such a short period, it is much safer for them to consider a zero intake of alcohol, even as passengers, as has already been said in terms of their blood alcohol level the next day. Recently I had occasion to try a designer drink. Out of curiosity I tried a chocolate mud shake. I wanted to know whether it tasted like a milkshake, and it did. I was shocked by how easy it was to drink. It was absolutely delicious but it had a high alcohol content. It would appeal to young females, which is obviously what it was designed to do. Other drinks are highly coloured and extremely attractive to young people, which can pose a problem in a social situation.

I am concerned about the onus of proof provisions. A young driver who may be detected with an alcohol reading will be expected to attend court to prove that no alcohol was ingested but the alcohol reading may have come from foodstuffs or medicines. Therefore, the onus of proof is reversed. I recommend that a sunset clause be inserted in the bill. As has been foreshadowed, an amendment will be moved in the Legislative Council to provide that the Government review the legislation in two years time to gauge its effectiveness and to find out whether accidents are caused by inexperience rather than alcohol. We need to find ways to assist young drivers to gain experience.

I am part of the community drug action team. Currently, the Odeon theatre in Hornsby is showing advertisements that send a strong message about driving and alcohol. I am also a big supporter of the Rotary initiative "U Turn the Wheel", which seeks to improve the skills of beginner drivers. I am aware that Hornsby library has a Drug Information At Your Local Library [DIAYLL] project, the implementation of which I strongly supported. I also strongly support initiatives in schools, particularly as I will have a schoolies week daughter at the end of the Higher School Certificate this year. Schools target lots of information to young people

about the dangers of drinking during schoolies week. On the whole, this legislation is a move in the right direction in terms of improving the safety of our young people. However, we have some reservations about the need to promote testing for drugs and perhaps to introduce trials similar to those in Victoria.

Debate adjourned on motion by Mr Russell Turner.

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

VAUCLUSE PUBLIC SCHOOL BUS ACCIDENT

Ministerial Statement

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [2.15 p.m.]: I am advised that an accident occurred this morning between a school bus and a car at Randwick. A State Transit Authority bus chartered by Vaocluse Public School was carrying approximately 60 children to the University of New South Wales pool for school sport. I am further advised that at the corner of Belmore and Alison roads, Randwick, a car did a U-turn in front of the bus without warning. The bus could not avoid the car and a collision occurred, causing injuries to a number of children and causing extensive damage to the nearside front of the bus.

Seven children were injured and they were conveyed by ambulance to the Prince of Wales Hospital, where they remain under observation. The most serious injury is a suspected broken wrist. The injuries included superficial abrasions and soft tissue damage of a minor nature. Another bus was immediately sent to the scene and the uninjured children were taken back to school. All parents have been notified. State Transit's Area General Manager East, Mr Bruce Eldridge, arrived quickly to supervise and ensure that the injured children were quickly taken to hospital. Police have charged the driver of the car with negligent driving.

Mr PETER DEBNAM (Vaocluse) [2.17 p.m.]: I share the Minister's concern about the incident. I would like to congratulate the emergency services personnel who responded to the crash. I have contacted the school and I have been assured that the children were taken to hospital and that parents are being contacted. I would like also to congratulate the staff of the school on the way they have handled this incident.

RAINE AND HORNE KOGARAH TRUST ACCOUNT IRREGULARITIES

Ministerial Statement

Ms REBA MEAGHER (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [2.17 p.m.]: I would like to update the House on a significant development under our new property reforms. Last Wednesday the Commissioner for Fair Trading appointed a manager to St George Property Pty Ltd, trading as Raine and Horne Kogarah, amid concerns about trust account irregularities. The agent manages rental property for approximately 300 landlords. The appointment was made following alleged failures by the licensee to account for trust money on behalf of its clients. An initial assessment indicates that the total shortfall is in the order of \$300,000. The manager has taken on the duties of the licensee, including carrying on any work on behalf of existing clients of the agency.

Clients, including landlords for whom the agency managed properties and tenants of those properties, should be confident now that the money will be accounted for properly. Those who have suffered a loss will be able to make a claim under the New South Wales Government's Property Services Compensation Fund. This action sends a clear warning to all agents to manage their businesses properly and to deal appropriately with consumers' funds.

Ms KATRINA HODGKINSON (Burrinjuck) [2.19 p.m.]: The Coalition joins the Government in expressing concern about this matter. Let the example of Raine and Horne Kogarah serve as a warning to others across the State in the same industry that shortfalls in funding will not be tolerated. Tenants will be relieved to learn that they will not suffer any shortfall as a result, but let this be a warning.

PETITIONS

Liquor Store Deregulation

Petition opposing the deregulation of liquor stores in New South Wales and urging the Federal Government to reverse its decision, received from **Ms Angela D'Amore**.

Autism Spectrum Disorder

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

Stamp Duty Reduction Legislation

Petitions supporting the Duties Amendment (Stamp Duty Reduction) Bill 2003, received from **Mr Greg Aplin** and **Mr Steven Pringle**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Ms Gladys Berejiklian**, **Mr Steve Cansdell**, **Mrs Judy Hopwood**, **Mr Daryl Maguire**, **Mr Donald Page**, **Mr Steven Pringle** and **Mr Andrew Tink**.

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 Daryl Maguire** and **Mr Russell Turner**.

Freedom of Religion

Petition praying that the House reject the Anti-Discrimination (Removal of Exemptions) Bill, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mr Paul Gibson**.

Marriage

Petition opposing any legislative changes that would violate the basic principles of marriage, received from **Mr Paul Lynch**.

Lansvale East Traffic Speed

Petition requesting legislative changes to provide quick and effective penalties to deter motorists speeding through Lansvale East, received from **Mr Paul Lynch**.

Tumbarumba to Jingellic Highway Upgrading

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

The Alpine Way Upgrade

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

Windsor Road Traffic Arrangements

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

Old Northern Road Upgrade

Petition requesting the construction of overtaking lanes on Old Northern Road between Glenmore and Wisemans Ferry, received from **Mr Steven Pringle**.

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**.

Belmont Community Midwifery Program

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

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 Steve Cansdell** and **Mr Daryl Maguire**.

Casino to Murwillumbah Branch Rail Line

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

Eurobodalla Shire Dam

Petition requesting that the dam in Eurobodalla Shire be completed in 2009, received from **Mr Andrew Constance**.

Social Program Policy Subsidy

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

BUSINESS OF THE HOUSE**Reordering of General Business**

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [2.30 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Rail Services] have precedence on Thursday 19 February 2004.

Today is the seventh working day in a row that 900,000 commuters have been inconvenienced by the Government's failure to deliver a proper rail system. The commuters have had to endure train cancellations, delays, overcrowding and massive inconvenience. The rail chaos that this city is undergoing is testimony to the Government's inability after nine years in office to run an efficient rail system. It is further evidence of the sheer incompetence of the former Minister for Transport Carl Scully and the blinding chaos that has been created by the current black hole, the Minister for Transport Services. After nine years the Government's credibility on rail issues is in tatters. As the honourable member for Blacktown said, under this Government, trains are a joke, they are a laughing-stock. He could not be more accurate. The honourable member sits behind the Premier. The Premier ought to listen to him because he has his finger on the pulse.

Despite the comments by the honourable member for Blacktown, commuters are not laughing. The commuters are the latest victims of this Government, which puts spin over substance, rearrangement above reform, and, most dangerously of all, political survival ahead of public safety. Notwithstanding two fatal train crashes—on the watch of the Minister for Roads—and 14 people dead, the Government refuses to endorse rail safety for the public. It was revealed today that the State's former transport safety body, which was established by the failed former Minister, authorised illegal levels of overtime to be worked by the State's rail drivers. Seven months after seven people died at Waterfall the rail safety body authorised drivers to work 13 out of 14 days. The rules provide that they work only 12 days but, disgracefully, CityRail was granted an exemption from the rules.

Such action is further evidence of the deceit, duplicity and downright dangerous policies that the Government is prepared to pursue when it comes to rail safety. It is further evidence of the Government's hypocrisy. The Government requires long-distance truck drivers and interstate coach drivers to have the equivalent of four days off every week. Yet the State's rail drivers, who transport 800,000 people per day throughout the city, are allowed to work 13 out of 14 days. It is a disgrace, it is the definition of hypocrisy and it is a condemnation of the Government. My motion ought to be given precedence to allow the honourable member for Blacktown to elaborate on his prescient remarks about the public's view of the administration of

transport. It should be given precedence to allow the Minister for Roads to try to explain his record as the former Minister for Transport. It should be given precedence to allow anyone to explain what the hell the Minister for Transport Services is doing and to allow the Premier to apologise for the mess he has made of the rail system after nine years in office.

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [2.34 p.m.]: The Government supports the motion to reorder business.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

CAMDEN DISTRICT HOSPITAL MATERNITY UNIT

Mr JOHN BROGDEN: My question without notice is directed to the Premier. Why did the Premier open the redeveloped Camden District Hospital in September 2002—at the time making "special reference to the maternity unit" and saying that "the people of this region deserve the best and with this facility they are getting it"—when the maternity unit was not safe and was rushed into service to deliver its first baby just prior to the March 2003 State election?

Mr BOB CARR: The unit was not opened until the appropriate staff were provided. That is a matter of record. On my recent visit to Camden and Campbelltown hospitals I spoke to nurses, doctors and administrators—

Mrs Jillian Skinner: No patients?

Mr BOB CARR: And patients. I also spoke to the new team of administrators that has been installed in the hospital. They are all proud of their record of excellence and professionalism. Yesterday I had the honour of announcing with Professor Barraclough a range of measures that are now in place as a result of the Barraclough review.

Mr Barry O'Farrell: Point of order: My point of order relates to relevance. The question was not about the excellence of the hospital today. It was about the excellence of the hospital when the Premier opened the maternity unit before the State election campaign and the consequences on patient care.

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

Mr BOB CARR: I repeat: the birthing component was not opened until the appropriate clinical staff were recruited. That is a matter of record. Professor Barraclough said yesterday at a press conference that if he had an accident on the highway yesterday afternoon he hoped he would be treated at Camden or Campbelltown hospitals.

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

Mr BOB CARR: That is the man who has been conducting a review of Camden and Campbelltown hospitals and has recommended to the Government step by step what is required to fix management problems and to protect patients.

Mrs Jillian Skinner: So you are admitting it.

Mr BOB CARR: Nobody has denied that for a moment. I said yesterday with Professor Barraclough that we are determined to set right all that has been exposed as wrong in the management of those two hospitals.

Mr JOHN BROGDEN: I ask a supplementary question. If, as the Premier says, the maternity ward was opened when the appropriate staff had been hired, how does he explain the mishandled birth at Camden on 25 March—three days after the State election—which included a failure to undertake an emergency caesarean, critical equipment failure, no paediatrician in attendance at the birth, an obstetrician in attendance who was not qualified to resuscitate the child, the discharge of the mother from Camden hospital less than six hours after giving birth and the death of baby Natalia Lalic just days later? Does the Premier accept personal responsibility for this child's death?

Mr BOB CARR: Let me review the outlandish allegations about our health system made by the Opposition and review what clinicians have said about the Opposition allegations.

Mr John Brogden: Point of order—

Mr SPEAKER: Order! I take it the point of order relates to relevance?

Mr John Brogden: It does.

Mr SPEAKER: Order! I will not hear further from the Leader of the Opposition.

[Interruption]

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

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition cannot possibly take a point of order in relation to relevance when the Premier has been speaking for barely 30 seconds. The Leader of the Opposition will resume his seat.

Mr BOB CARR: For two months, the Opposition has attempted to parade victims before the media, and when clinicians have had an opportunity to examine the cases, the Opposition claims have been dissolved. On 15 October 2003 the Leader of the Opposition said in respect of one recent case:

Here we have someone six months after an election being told you have to wait another 18 months. At this patient's age she should not have to have the concern about this operation hanging over her head day by day.

Mr John Brogden: Point of order: The Premier has now had an opportunity to address the supplementary question, which refers exclusively to the death of Natalia Lalic. He has failed to do so. Instead, he is reaching back into the file. He has had enough time to get the answer. Here it comes. He should answer the question.

Mr SPEAKER: Order! The Leader of the Opposition well knows that the Chair has no discretion to direct the Premier or any Minister how to answer a question. In any event, the Leader of the Opposition was interjecting in relation to matters the Premier was dealing with in his response.

Mr BOB CARR: Any such death in a hospital is subject to a coronial inquiry. I will seek advice on what the coronial inquiry in this case said. But I am entitled to remind the House of a case raised by the Opposition in October last year. That was what the Leader of the Opposition said about that case in October last year. The truth of the matter turned out—

Mr John Brogden: You ought to take responsibility.

Mr SPEAKER: Order! The Leader of the Opposition well knows that the purpose of questions is to seek answers.

[Interruption]

Mr SPEAKER: Order! I call the Leader of the Opposition to order. I warn him that repetition of that behaviour will result in urgent action being taken. His schoolboy debating tactics have no place in this Chamber; he should show leadership.

[Interruption]

Mr SPEAKER: Order! I call the Leader of the Opposition to order for the second time. If his aim is to provoke the Chamber with another tawdry tactic similar to many other tactics he has used, it will not work. The Premier has the call. The Leader of the Opposition and all other members will listen to the Premier in silence.

Mr BOB CARR: Of course an answer is required about any death in a hospital. That is why we have a coronial inquiry. It goes to a coronial inquiry, and that is where the family, clinicians and the community get

their answers. Let me put this in context. In October last year this case was raised. It was alleged the patient had waited 18 months for elective surgery. What turned out to be the case—

Mr John Brogden: Point of order: Can I yet again draw the Premier back to the question I asked?

Mr SPEAKER: Order! I again advise the Leader of the Opposition that the Premier is entitled to answer the question in any way he sees fit. The Leader of the Opposition will resume his seat.

Mr BOB CARR: In that case the clinicians came forward and said the patient had opted to defer her surgery. When the patient was interviewed, she said the reason she came forward was, "I have always supported the Liberal Party. I was a Young Liberal."

Mr SPEAKER: Order! I call the Leader of The Nationals to order

Mr BOB CARR: Then we had the near death of a five-month old baby. On 30 November 2003 the Opposition spoke about the story of a five-month old baby boy. This is what the Leader of the Opposition said:

We nearly had a dead baby boy because of bureaucratic stuff ups and malpractice at Sutherland hospital.

A review of the case found no medical malpractice.

Mrs Jillian Skinner: Point of order: I ask you to make a ruling on this. I believe it does Parliament great discredit for the Premier to make a mockery of the death of a baby and serious allegations about a family, and your behaviour too about a family that is suffering while the Premier tries to wriggle out of this. It is a disgrace. Shame on you!

Mr SPEAKER: Order! I place the honourable member for North Shore on three calls to order because of that disgraceful behaviour. She will resume her seat.

Mr BOB CARR: In this case the director of emergencies at Sydney Children's Hospital, Dr Matthew Omera, made no finding of malpractice.

Mr Ian Armstrong: Point of order: You have indicated that the rules of debate will be adhered to. Standing Rules and Orders No. 138 clearly says that an answer shall be relevant to the question asked.

Mr Carl Scully: To the point of order: It has been brought to our attention that the Leader of the Opposition has told the press gallery he would like to be thrown out of the House for a stunt. It is a disgraceful performance.

Mr John Brogden: When Carl Scully slunk back to his seat he smiled, because that is a lie. This family deserves an answer and it is not going to get one.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. The behaviour of the Chamber thus far in question time has been nothing less than disgraceful.

[*Interruption*]

Mr SPEAKER: Order! All members who have been called to order are now deemed to be on three calls. Members who are called to order will be automatically deemed to be on three calls. Government and Opposition members will listen to the Premier in silence.

Mr BOB CARR: The Opposition is trying to use the tragedy to inflate a political case. That was apparent with the two cases I have quoted, as it is with the death of a patient at Concord Hospital. It was then the Deputy Leader of the Liberal Party who made the outrageous allegation on 6 January this year.

Mr Andrew Stoner: Point of order: Standing Order No. 105, which deals with points of order, states:

When a Member rises on a point of order:

... The member who was speaking shall be seated.

On at least four occasions the Premier has ignored a member seeking the call to take a point of order and continued with his tirade. I ask you to direct him to take his seat when a point of order is taken.

Mr SPEAKER: Order! The Leader of The Nationals will resume his seat. The standing orders also provide that when the Chair directs a member to resume his seat, he shall do so.

Mr BOB CARR: The Deputy Leader of the Opposition said, "The patient died on 16 December as a result of what afflicts our health system. Essentially he was discharged early, apparently because the bed was required." This is what Dr Roger Wyndham, the senior renal specialist at Concord hospital said, and the patient's treating doctor advised:

There was no pressure on him to leave the hospital. The patient was admitted to hospital on 5 December 2003 suffering from irreversible chronic renal failure. He was treated intensively and appropriately. The decision to discharge him was based on a clinical assessment and was made in consultation with the patient and at his request.

Then there was the appalling and unforgivable allegation from the Leader of the Opposition that dedicated staff at Concord hospital had effectively euthanased a patient. This is what he said—

Mr SPEAKER: Order! The honourable member for Lane Cove is now on three calls to order. The Leader of the Opposition will resume his seat.

Mr BOB CARR: He said:

The patient died at Concord hospital. What is so disturbing about the death is the fact that doctors turned off the oxygen supply without the consent of the family.

That is tantamount to an allegation of murder. Advice from the senior clinicians involved in this case is that the patient was critically ill when she presented with severe respiratory failure. She was treated in the intensive care unit at Concord hospital for six weeks and, despite receiving the highest level of care, her emphysema and chronic airways limitation were so advanced she was unable to recover. Hospital staff worked closely with the family over the decision to cease active treatment, and in fact were involved in three attempts to wean her from the ventilator.

Mrs Jillian Skinner: Move on to the next one.

Mr BOB CARR: The honourable member for North Shore says, "Move on to the next one." I have said that a Coroner's report will give us the information we need and the family is entitled to. That is the position. This use of deaths in hospitals for political purposes is absolutely shameful. When the clinicians involved in this case explained the circumstances of it, the Leader of the Opposition attacked the clinicians. He said, "Why listen to these people?" They said they thought they knew a little more about clinical practice than the Leader of the Opposition.

BULK-BILLING

Mrs BARBARA PERRY: My question is addressed to the Minister for Health. What is the latest information on bulk-billing in New South Wales?

Mr MORRIS IEMMA: I thank the honourable member for Auburn for her question and her interest in maintaining bulk-billing in her electorate and across New South Wales. The release of the bulk-billing figures for the September 2003 quarter highlights some interesting trends. The first trend highlighted is that bulk-billing is continuing to be in freefall. The crisis in Medicare, as revealed in the December quarter figures, shows that bulk-billing of general practice currently stands at 66.5 per cent, a 1 per cent decrease on the previous quarter.

That trend as revealed by those figures has produced the following response. The Commonwealth has decided that as a result of the continuing crash in bulk-billing and the embarrassment that the release of the quarterly figures causes to the Commonwealth, it will no longer collect the figures and release them on a quarterly basis; they will now be released only on a yearly basis. The reason that the December figures are so interesting is that they will be the last figures for quite some time. As I said, bulk-billing for general practice currently stands at 66.5 per cent, a decrease of 1 per cent on the previous quarter, the lowest level of bulk-billing in 15 years.

Mr SPEAKER: Order! I call the honourable member for Swansea to order. I call the Leader of The Nationals to order.

Mr MORRIS IEMMA: Members opposite might have just one ounce of credibility if they were to once acknowledge that the Commonwealth has some role to play in the sorts of pressures and demands currently placed on our hospitals. Members opposite might have a little bit of credibility every time they opened their mouths about health—in Kempsey, on the North Coast, on the South Coast, or in Sydney—if they just once acknowledged that the Commonwealth has some role to play in this issue. We would argue about the Commonwealth's role, but they might earn themselves some credibility if they were to acknowledge that bulk-billing is in freefall, at 66.5 per cent when 15 years ago it was over 80 per cent.

It is not just the crash in bulk-billing that is of concern; it is also the fact that general practice is disappearing. People who live in the Blue Mountains wait up to three weeks to see a general practitioner. For people on the Central Coast, the waiting time can also be up to three weeks. As we all know, on the Central Coast some general practitioners have simply closed their books; not enough of them bulk bill. It is little wonder that John Gullotta—who was the Acting President of the Australian Medical Association; he is now back in his role as the Senior Vice President—has said that we are at the beginning of a very serious doctor crisis in this country. The figures I have referred to reveal just what a crisis we have.

Mr SPEAKER: Order! I call the honourable member for Willoughby to order. I call the honourable member for South Coast to order.

Mr MORRIS IEMMA: We will get to some very interesting figures about our own backyard, our public hospitals and emergency departments. In the Federal electorate of Dobell—remember Ken Ticehurst—bulk-billing is down from 86 per cent to just 57.8 per cent. In the electorate of Shortland, bulk-billing is down to just 51 per cent. What happens with such a crash in bulk-billing? In Bateman's Bay, where bulk-billing has virtually disappeared, there has been an 18 per cent increase in attendances at emergency departments. The crash in bulk-billing has resulted in Kempsey hospital, the local hospital of the Leader of The Nationals, having an 8 per cent increase in emergency department attendances. The best figure of all is the increase in the category 5's and category 4's, which have increased by 18 per cent because not too many doctors in Kempsey are bulk-billing.

In the electorate of the honourable member for Lismore, the Federal electorate of Page, bulk-billing is now at 41 per cent, down from 45 per cent. It is little wonder that that electorate has had a 12 per cent increase in emergency department attendances in the past seven months. Three years ago 26,000 people were admitted through the Tweed Heads hospital emergency department. Today the figure is 36,000—which is little wonder, given that bulk-billing in that Federal electorate has decreased from 65 per cent to 61 per cent.

The December figures revealed the crisis with Medicare and bulk-billing and the failure of the Commonwealth to accept its responsibility not only to assist general practices to be viable but to help families get access to affordable basic medical care. As a result of that failure, more people are turning to the emergency departments of our public hospitals. The response by the Commonwealth is to rip \$900 million out of the funding agreement for the next five years. It is little wonder that the figures revealed the crisis in bulk-billing and the increasing pressure and demands on our public hospitals.

TRAFFIC AND PARKING INFRINGEMENTS PENALTIES REVIEW

Mr TONY STEWART: My question without notice is directed to the Minister for Roads. Minister, what is the latest information on the Government's review of the penalties for traffic and parking infringements, including demerit points?

Mr CARL SCULLY: Honourable members may recall that late in 2002, in response to community concerns that penalties were too complex and inconsistent, I instigated a review of penalties for all traffic and parking infringements. An effective demerit point system is an important part of road safety, and has contributed to improved driver behaviour. Many honourable members would be unaware that in the past three years 75 per cent of motorists have not incurred a demerit point against their licences. Only 25 per cent of motorists do the wrong thing. A demerit point system that is coherent and effective is a good reminder to that 25 per cent of recalcitrant drivers of the importance of complying with the traffic laws and the consequences of breaching them.

The review was instigated to consider the relative penalties for different offences as well as the consistency of offences. In July 2003 the Roads and Traffic Authority [RTA] and the Road Safety Task Force placed advertisements in major Sydney newspapers calling for public comment, and 79 written submissions

were received. A reference group was formed consisting of representatives from NSW Police, the Ministry of Police, the Pedestrian Council of Australia, the NRMA, and the RTA, primarily to evaluate the submissions and to provide comment. Recently the reference group reported to me with the result of its work. I will release that report for public comment before making any determination on its recommendations. The report will be posted on the RTA web site and I invite honourable members to look at it. I invite members of the public to provide comment over the next five weeks on the proposed changes.

The reference group found a number of inconsistencies throughout all categories of offences. Currently there are 48 levels of fines, ranging from \$49 to \$2,341, with many either relating to an isolated offence category or inconsistent with offences in other categories. To achieve consistency in traffic and parking offences I advise that a new, simplified scheme with 15 levels of offences is proposed by the reference group. That scheme will provide a rational order of offences and commensurate penalties. Wherever possible, similar types of offences have been grouped together and in the future any new offences will be at one of those 15 levels.

For example, for level one offences involving bicycle or pedestrian offences, a fine of \$50 is proposed. Speeding at less than 15 kilometres per hour above the limit would be a category five offence, attracting a penalty of \$225. Driving with three unrestrained passengers would be a category 10 offence, attracting a fine of \$725. In response to the honourable member for Upper Hunter, increases are proposed for some offences and decreases are proposed for others. Increases in demerit points are also proposed.

The reference group has suggested that there should be greater coherence and consistency between offences, and that involves some fines increasing, some fines decreasing, and demerit points increasing or decreasing, depending on the category of the offence. I want to hear from the public, the Opposition and The Nationals. If a strong case is put to me that there should be changes, or that elements of the package should not be accepted, or that the proposed fines are exorbitant, I will very carefully consider it. I indicate that I probably will not accept certain parts of the proposal.

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

Mr CARL SCULLY: I do not want The Nationals to mislead the public and say that the Government has endorsed a raft of fine increases. As much as The Nationals would like to do that, I ask them to curtail their temptation for mischief. The review found inconsistency in the allocation of demerit points across all categories, so a number of changes to the allocation have been proposed. Currently, only driving offences attract demerit points. However, some parking offences have a safety-related impact. The reference group proposed that some parking offences should attract demerit points. Those offences relate to stopping on or near children's, pedestrian, or marked foot crossings.

Major concerns have also been raised about the increasing rate of injuries and fatalities around work sites. A speed limit of 40 kilometres per hour is normally in place around work sites. Unfortunately, a small number of recalcitrant motorists proceed through work sites at extreme speed. The reference group proposed that that be a similar offence to passing a school bus at more than 40 kilometres per hour. To avoid detection by police or, more particularly, by camera, some motorists illegally deface the numberplates of their vehicles. Currently that practice does not attract demerit points, and the reference group proposes that it should. If a person illegally defaces numberplates to avoid detection of non-compliance with the traffic laws, that offence will attract demerit points. The review group considered that a driver of a vehicle with illegal protrusions should also attract demerit points.

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

Mr CARL SCULLY: Some members of The Nationals own four-wheel drive vehicles with tubes to hold fishing rods. If a pedestrian is hit by the bullbar of such vehicle, there is a reasonable chance that the person will be killed. If a pedestrian is hit by tubes placed on bullbars there is almost a 100 per cent certainty of death. It is appropriate that if people insist on putting those devices on bullbars on their vehicles, a potential pedestrian trap, they ought to suffer the consequences of having their licence challenged. I am sympathetic to that view, but would rather hear the views of the community and those of members on both sides of the House.

The report proposes reductions in demerit points for many offences, including not stopping at hand-held stop signs; some roundabout offences; not keeping left of a dividing lane; and not driving within a marked lane. It is proposed to ensure that each traffic and parking penalty reflects the road safety and other serious

implications of the offence and to ensure consistency in all penalties. I invite all members of Parliament to look at the web site and forward to me their considered views.

The Staysafe committee consists of a number of members from both sides of the House. I have asked the chairman of Staysafe to facilitate discussion within that bipartisan committee and to forward to me its considered views on this matter. I seek a bipartisan view to whatever degree is possible. It is important that demerit points are seen as a means to achieving some element of road safety. Honourable members should bear in mind that in the past three years three-quarters of motorists have not attracted any demerit points; only one-quarter of motorists continue to breach traffic rules.

KEMPSEY DISTRICT HOSPITAL AIRCONDITIONING

Mr ANDREW STONER: My question is directed to the Minister for Health. Does the Minister agree with the statement of a Mid North Coast Area Health Service spokesman, following the failure of airconditioning at Kempsey District Hospital last Thursday, that sweat dripping off nurses onto patients was not a breach of infection control policy because, as stated, "perspiration did not classify as a body fluid"?

Mr MORRIS IEMMA: The issue of Kempsey hospital airconditioning has been resolved. The advice I have is that there were no clinical implications of the malfunctioning of the airconditioning at that hospital.

Mr SPEAKER: Order! The Opposition will allow the Minister to answer the question.

Mr MORRIS IEMMA: I can also advise the House that some \$500,000 was spent on upgrading the electrical system at the hospital to assist its airconditioning system to provide comfort for the patients.

Mr SPEAKER: Order! The Leader of The Nationals will listen to the Minister's reply in silence.

Mr MORRIS IEMMA: On this occasion an incident occurred in which the airconditioning was interrupted. I am advised that there were no clinical implications as a result of that.

Mr Andrew Stoner: You need to get better advice.

Mr MORRIS IEMMA: No, the person who needs to get better advice is the Leader of The Nationals. Last year he came in here and made outrageous assertions about the clinical services claim for that hospital, the review of the level of services for the hospital. Despite the fact that he received a six-page letter from the chief executive officer, he came into this place and attacked the chief executive officer for trying to keep the letter secret. The Leader of The Nationals was sitting on a letter from the chief executive officer in which he outlined the future plans for all departments, including the emergency department and maternity.

Mr Andrew Stoner: Point of order: My point of order relates to Standing Order 138. The question was specifically about nurses sweating onto patients and the infection control policy at Kempsey District Hospital.

Mr SPEAKER: Order! There is no point of order. The Leader of The Nationals cannot take a point of order merely because he does not like the Minister's answer.

Mr MORRIS IEMMA: Let me enlighten the House further in relation to getting proper advice—and this information comes from the acting administrator of the South Western Sydney Area Health Service. First, he provided preliminary advice, and I have received information that that advice can now be confirmed, and it relates to the death of baby Natalia Lalic. I am advised that the death of baby Natalia is under investigation by the acting head of the Health Care Complaints Commission, Mr Bill Grant. In attendance at Natalia's birth on 25 March 2003 were the following: an obstetrician, a specialist paediatrician and a midwife. The baby was born with the umbilical cord wrapped around its neck; it had been deprived of oxygen and was potentially brain damaged. Resuscitation was commenced by the specialist paediatrician and the baby was transferred by the Neonatal Emergency Transport Service to Liverpool neonatal intensive care unit. The mother was transferred to Liverpool Hospital to be with her baby. Unfortunately, despite appropriate high-level care, the baby died several days later. I am further advised that the Australian perinatal death rate is three babies per 1,000 born, and the perinatal death rate at Camden Hospital is two babies per 1,000 born. Those are the facts.

Mr Barry O'Farrell: Point of order: My point of order goes to relevance. Is the Minister claiming that all those specialists were there the whole time?

Mr SPEAKER: Order! There is no point of order. The Deputy Leader of the Opposition will resume his seat. Has the Minister concluded his response?

Mr MORRIS IEMMA: No. Those are the facts as conveyed to us by the administrator of the South Western Sydney Area Health Service. In conclusion, if any aspect of the care of that baby and what happened to her still concerns the Opposition or the family, the best thing the Opposition can do for the family is refer the matter to the Walker inquiry, because Mr Walker has a term of reference that would enable him to examine this matter. However, because members opposite want to exploit the tragedy for political reasons, they raise the matter in this place rather than take it through the appropriate channels.

STATE ENVIRONMENTAL PLANNING POLICY 5

Miss CHERIE BURTON: My question without notice is directed to the Minister for Infrastructure and Planning. What is the latest information on State environmental planning policy No. 5?

Mr CRAIG KNOWLES: The honourable member for Kogarah takes an active interest in these matters, given the impact of State environmental planning policy [SEPP] 5 on her electorate. Honourable members would be aware that more than 1.5 million people in this State are older than 55 years of age. However, honourable members may not be aware that in the next 17 years that figure is set to increase by another million—that is, by 2021 more than one-third of our population will be older than 55. The need to balance that increasing demand for housing against concerns about maintaining the character and integrity of local neighbourhoods lies at the heart of much of the conflict associated with urban renewal and redevelopment.

The bottom line will always be about better design and ensuring that housing for older people not only meets the needs of residents but also fits in with the local surroundings. As a consequence, we propose that the State environmental planning policy will be replaced by a new State plan, a plan for seniors living, which will be published in March. The new seniors living policy will set higher standards for independent living and will replace the current SEPP5. In simple terms, the SEPP will require greater compliance with occupancy restrictions to minimise abuses by developers who use SEPP5 as a way of introducing medium-density development into local neighbourhoods by stealth.

While departmental surveys demonstrate that compliance with the old SEPP5 is very high, it is also clear anecdotally—I think all members would have similar stories—that some developers take advantage of the system. In the future, therefore, it will be mandatory for notations to be contained on section 149 certificates as an early alert to purchasers, and increased monitoring will occur to ensure that developers comply with design standards. Because of that early warning, there can be no argument that purchasers were not aware of the SEPP5 restriction. So we will now consult with the Minister for Fair Trading regarding the possibility of further strengthening the rights of body corporates concerning such breaches.

More changes are proposed. The new seniors living policy will require minimum site areas for development of 1,000 square metres and a greater emphasis on design principles to achieve a better fit in existing neighbourhoods. What that means in simple terms is that at the small end of the market, the speculative end of the market where developers buy single blocks that are smaller than 1,000 square metres to build a SEPP5 development, will now be removed. In addition, design standards will require that dwellings to the rear of any property must be restricted to a single storey to avoid overlooking and overshadowing neighbours' homes and gardens.

These additional design controls and minimum lot size restrictions will go a long way to delivering better design developments that respect local streetscapes and neighbourhoods. We also propose changes to the retirement village end of the seniors housing market, especially for those sites located on the edge of or adjacent to zoned urban areas. These villages, for logical reasons of economic viability, usually require about 70 or more residential units to make them economically viable. The new policy will permit retirement villages that supply broader support services for residents. However, in an important strengthening of local government powers, councils will be allowed, through the exemption process, to prevent applications for villages in locations that are determined by that council as important areas of the local landscape, for example, locations that define an urban edge or a clear delineation between the town and country landscapes.

That change will be of particular value to those councils in regional areas that are facing an increase in the number of applications for retirement villages on the rural edge of their local town boundaries. Developments that occur in such areas will be required to provide community transport—most likely that will

manifest itself in the form of a village bus—as well as access to support services to underpin our minimum of 70 homes in any one development.

Local councils may continue to apply for exemption from State controls if they can demonstrate the area has a sufficient supply of housing for people over 55 years. The evidence is clear: some local government areas that do not have SEPP 5-type developments more than adequately cater for their share of the ageing population. The exemptions introduced by the former Minister for Planning will continue for those councils that can demonstrate this through their localised housing strategy.

In addition to those changes the Government is working with leading builders such as Masterton Homes to incorporate adaptable housing principles in new construction programs. Masterton Homes and other leading builders have recognised there is a market for a growing older population and are tailoring their construction programs to meet those demands. Most people would like to live and grow old in their homes but as they get older, and perhaps more frail, the mere presence of a step or an inadequately designed bathroom may force them out of their homes into some type of supported accommodation, despite their ailment perhaps being minor. With some forethought and acknowledgment that one-third of our population in the next 17 years will be over 55 years—that is everyone in this room—we need builders to build homes today that are more adaptable. Simple things such as the right design of bathroom, kitchen and door widths can extend the life of a home, thereby enabling people to stay at home longer and receive more value for their investment.

[Interruption]

I guess I should take an audit of my earlier statement about this applying to all members of this Chamber. In the context of the hyperbole of this joint, it has to be pretty accurate; as a generalisation, it is true. These changes will be welcomed by the community, that is, more adaptable buildings with a market push to recognise market demand, greater control by local councils over design and location, tougher rules for the small-scale end of the market and, of course, incentives for specialist housing to recognise the specific demands or specific age categories. I am sure that these initiatives will be well regarded as a good first step towards providing suitable housing as we grow older together.

CAMDEN DISTRICT HOSPITAL MATERNITY UNIT

Mr BARRY O'FARRELL: My question is directed to the Minister for Infrastructure and Planning. Why did the Minister allow the maternity unit at Camden District Hospital to be rushed into service before an election, given that the department had concerns about attracting suitably qualified staff?

Mr CRAIG KNOWLES: The big lies continue. The honourable member should get on the phone to Liz Kernohan, the former member for Camden, who attended the opening with the Premier and me. Those who attended the opening—it was well covered by the media and was televised on news programs that night—will recall that the Premier was actually picketed by midwives and, I think, the Nursing Mothers Association, or a branch of it, because we did not open the birthing services.

At that stage Camden was providing excellent antenatal and postnatal care, but my memory is that the two birthing suites were not opened because the clinical specialties were not in place. Despite demands from the community at that time they were not opened. They were opened when the specialties were in place. I note the explanation given earlier by the Minister for Health about an obstetrician, a specialist paediatrician and a midwife being present at a particular birth, as they should be. If we had opened the unit without the appropriate clinical specialties in place, the College of Obstetricians and, I suspect, the College of Anaesthetists would have downed tools in every public hospital in this State because, frankly, there is a demarcation position in this State and nation.

In New Zealand, babies are born with the presence of midwives only, without the presence of specialists such as obstetricians. We do not have that medical model in this country—and there is a former nurse in the Chamber who knows that is true. Despite the push by the midwives association to go to a medical model that precludes the presence of obstetric specialties, for example, that has not happened. I suspect that the College of Obstetricians would not have credentialled those birthing suites for operation without an obstetrician being present.

There was a strong and overt campaign to open the birthing facilities at Camden but they were not opened until those medical specialties were in place. I acknowledge that adverse events occur in hospital and

they are indeed tragic, especially when they involve little babies. However, as a parent I say to the House that if a child of mine were to die in a hospital—and I suspect that I speak for every parent—I would want all of the answers, but I would want them investigated properly, by people properly authorised to investigate them, not by some mug who comes into this Chamber trying to make political mileage out of the death of a child.

HOME BUILDING SERVICE

Ms ALISON MEGARRITY: My question without notice is directed to the Minister for Fair Trading. What is the latest information on the operation of the Home Building Service?

Ms REBA MEAGHER: I am pleased to inform the House of the improvements achieved by the Home Building Service in helping consumers and builders resolve disputes before they turn into costly legal battles. Before 1 July last year disputes were dealt with through a centralised system within the Consumer, Trader and Tenancy Tribunal [CTTT]. The new process is a regionally based system under which the Home Building Service has responsibility for preliminary dispute resolution, with the assistance from the network of fair trading centres located around the State. If further assistance is required, a Home Building Service building inspector is dispatched to the building site to mediate a solution or, if necessary, issue a rectification order. There are 26 trained and experienced building operators located throughout the State.

In the first six months of operation the Home Building Service dealt with more than 2,000 complaints. Of those, 30 per cent were resolved at the fair trading centres, a further 46 per cent were referred to the Home Building Service and the remainder were referred to either the tribunal or another appropriate agency. Compared to the corresponding period in 2002, there has been a reduction of almost 40 per cent in the number of home building matters coming before the CTTT. In the first six months inspectors have carried out 840 dispute resolutions and the results have been outstanding. Although building inspectors have been given the power to issue rectification orders, I am pleased to report that in 80 per cent of cases the disputes have been resolved by agreement. In one case a couple from Sydney's west engaged a contractor to supply and install a Tasmanian oak timber floor. The homeowners lodged a complaint with the Home Building Service alleging defective work. The inspector issued a rectification order. The owners notified the Home Building Service that the order had been complied with promptly and that they were satisfied with the outcome.

There are more than 160,000 licensed builders, trade and specialist contractors in New South Wales. Most are hardworking and skilled professionals. They want to protect the good name of the industry from a small minority of sharks who operate on its fringe. Those who operate without a licence will be detected, exposed and vigorously pursued through the courts. In 2002-03 the Home Building Service undertook 47 prosecutions, issued more than 240 penalty notices and conducted more than 700 investigations. Only this week the Office of Fair Trading was successful in the Supreme Court in banning an Illawarra man from the home building industry for the next 10 years.

Finally, we are continuing with the reform process following the Campbell inquiry. This includes the licensing of consultants involved in pre-purchase inspections and new contracts with cooling-off provisions for consumers. The Home Building Service has continued to consult industry stakeholders throughout the reform process. I am pleased to advise that the first six months has yielded successful results. We will continue to ensure that the service protects the rights of consumers whilst at the same time encourages a robust and strong industry.

MID NORTH COAST AREA HEALTH SERVICE FUNDING

Mr ROBERT OAKESHOTT: My question without notice is directed to the Minister for Health. Why does the Mid North Coast Area Health Service receive only 97 per cent of its full funding through the resource distribution formula [RDF], leaving it with a \$9 million shortfall? What is the Minister doing about getting his Treasurer to implement 100 per cent of funding under the RDF and his own and the Minister's own funding formula?

Mr Andrew Fraser: And fund bulk-billing.

Mr MORRIS IEMMA: Bulk-billing is a significant issue. I thank the honourable member for Port Macquarie for his question. He is correct: the distribution of money to the Mid North Coast Area Health Service is 3 per cent short of 100 per cent of the amount determined under the resource distribution formula [RDF]. In 1995 it was 27 per cent below what it should have been. One of the initiatives that this Government took was to

introduce the RDF so that electorates like that of the honourable member for Port Macquarie could get their fair share of the health budget. It is also interesting that in 1995 the actual allocation to the Mid North Coast was \$100 million and that today's allocation to it is \$250 million. We have gone from being 27 per cent out to 3 per cent out.

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

Mr MORRIS IEMMA: Our objective is of course to eliminate the variation. In line with the recommendations of the Parry report into the RDF and funding distributions to area health services, we are reviewing the RDF. We are taking on board recommendations that Parry has made. Our objective is to get to 100 per cent allocation, but it is important to place on the record that whereas in 1995 the funding shortfall was 27 per cent, it is now 3 per cent. That is to be seen in the context of taking the budget for that area health service from \$100 million to \$250 million—at the same time as the Government has been rebuilding the hospital in the electorate of the honourable member for Coffs Harbour in one stage, not two. That is an \$80 million redevelopment program, in addition to the Manning Base Hospital \$33 million redevelopment program. Of course, this was at a time of commitment to the publicly funded and operated radiotherapy centre. The honourable member for Port Macquarie is correct in his figures. The response of the Government and my position is that our objective is to eliminate the 3 per cent shortfall in funding. We have come a long way. There is more progress to be made and our objective is to eliminate the discrepancy. In that respect, Tom Parry and the Independent Pricing and Regulatory Tribunal report have made some very useful recommendations, which we are actively considering.

NYNGAN AND MUDGEES JOB CREATION

Mr PETER BLACK: My question without notice is directed to the Minister for Regional Development. What is the latest information on job creation in the Nyngan and Mudgee areas?

Mr DAVID CAMPBELL: I thank the Country Labor member for Murray-Darling for his question, and I acknowledge his ongoing interest in the economic strength of the western part of the State. The Carr Government supports regional communities in New South Wales and is providing the funds needed to create future regional growth. The Orana region is certainly benefiting from our support. The Tritton mining project in the State's Far West has received New South Wales Government support to create new jobs. The proposed copper mine near Nyngan has the potential to generate \$670 million in export revenue over its 12-year life. It is expected to inject \$8 million a year into the local economy during this period. I am advised that the company will create up to 110 local jobs when operations are in full swing. The Government is providing financial assistance to help the company obtain a reliable electricity supply and fibre optic cabling. I look forward to the start of the project later this year, and I welcome the new jobs and economic growth that this project will create.

In the Upper Hunter, the Mudgee community is also benefiting from New South Wales Government support. Last September I declared the region eligible for Regional Economic Transition Scheme funding. The Carr Government has supported local businesses through a number of regional programs. It has provided assistance to help with the future of Mudgee's wine industry. That is why we have provided funding to Mudgee Shire Council and the Mudgee Wine Grape Growers Association to undertake a major survey of the local industry. As part of the Regional Economic Transition Scheme, the New South Wales Government is helping a local company, Bevco, expand and target export markets. The company, which owns Macquarie Valley Fruit Juice, has been operating for more than 100 years. It is one of the region's major employers. With New South Wales Government support, the company has created 10 new jobs, bringing the local work force to 51. That is good news for the Mudgee community, Mudgee families and local businesses.

Three small local companies also have been helped by the New South Wales Government to expand their horizons—creating work for Mudgee residents. We are assisting The Grape Alternative in marketing its gourmet wine jellies and products using the Internet. We have helped boutique throw-rug manufacturer Missy Brown target its market expansion at United States of America and Canadian buyers. We have helped another business, Rural IT and Web, develop and market its Internet services. The New South Wales Government is helping Orana communities grow and survive, and it is helping their businesses and local entrepreneurs thrive.

TAMWORTH POLICING

Mr JOHN WATKINS: Yesterday the Leader of The Nationals asked me a question about an affray involving two Aboriginal families in Garden Street, Tamworth. I am advised by Oxley Local Area Command

that this incident related to an ongoing family dispute that dates back eight years. I am advised that local residents have been meeting with the honourable member for Tamworth to express their concerns about these matters. I am advised that after the arrival of police the fighting parties separated. However, officers were required to remain on the scene for some time as the offenders continued to verbally abuse each other. At this time seven people, from both families, have been charged with a range of incidents. This is another example of good police work in adverse conditions.

Mr Peter Debnam: Point of order: The Minister was talking about one of the questions asked yesterday and trying to rewrite history.

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

[Interruption]

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

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Federal Government University Funding

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [3.26 p.m.]: This motion is urgent because the Howard Government's so-called reforms to higher education are depriving tens of thousands of young people of a future in this State in their chosen profession. Some young people who have worked hard at school and have achieved the results to go to university cannot go to university because places are not available to them as a result of the Federal Government's failure to fund enough places for them. The motion is urgent because the Howard Government's reforms also mean mortgage-size debts for students who are lucky enough to win a place at university, and also for those who have to pay full fees. Those debts will take years for students and their families to pay off.

My motion is urgent because it puts a university degree out of the reach of low- to middle-income families, particularly families in Western Sydney, where the stage has just been reached that 50 per cent of students were the first in their families to get a degree. But that percentage will rapidly decrease because the Howard Government's reforms are unaffordable for people in Western Sydney and many other places. For those reasons, my urgent motion should be given priority by this House.

Death of Natalia Lalic

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.28 p.m.]: This matter is urgent because it relates to this Government's ongoing willingness to lie about—

[Interruption]

The people of Bathurst will read about this. It is urgent because documents presented to the Opposition by Mr and Mrs Lalic—including a faxed transmission from the Macarthur Area Health Service dated 4 June 2003, incorporating a transcript of a meeting conducted by the now discredited Jennifer Collins at which Mr and Mrs Lalic and doctors were present—indicate that there was a 17-minute gap between the arrival of the child and its resuscitation. The Minister for Health was keen to avoid giving specific facts on this matter. He was keen not to indicate the exact time of the arrival of the paediatrician. If a pregnant woman goes to a hospital in New South Wales having reported discharges beforehand, if it is clearly indicated that a child or mother is in distress, a paediatrician should be present. They are not my words. I quote from a transmission which states:

The guidelines state a paediatrician should have been present. When driving in I had not been told of no heart beat. I was told that the baby was flat.

That is all on the record. That statement, which is contained in the minutes of the convened meeting to try to deal with this matter, indicates that there were serious concerns. The Minister must tell the House exactly when the paediatrician was present, because the obstetrician was not qualified to resuscitate the child. Once again, that is not my assertion. It is stated in the minutes of the meeting. For 17 minutes, until the paediatrician arrived,

attempts were made to resuscitate the child, but they failed. According to the minutes and the account given to me by Vera Lalic, a paediatrician was not present when the child was being born, after it had already been identified that the cord was wrapped around the child's neck. In September 2002 the Premier happily went to Camden hospital and opened a maternity ward. The maternity ward started delivering children in February 2003 and this death occurred three days after the State election in March 2003.

Today the Premier arrogantly strode up and down the House and said that the family would get its chance in a coronial inquiry. According to Vera Lalic, she has not been contacted about a coronial inquiry. She knows nothing about it. If a coronial inquiry is to take place, it would be an extraordinary situation for the mother not to be interviewed. How are we to have any confidence in the Government? The Minister for Health says, "Don't worry, the Health Care Complaints Commission [HCCC] is handling it". The Government sacked the head of the HCCC in December last year and said to the people of New South Wales that the HCCC was a joke. In January the Acting Premier, on behalf of the Premier, who was absent, wrote to Mrs Lalic and referred the matter to the Minister for Health. He did not refer it to the Walker inquiry or the HCCC.

In December 2003 the Government had established an independent inquiry to investigate the matter, yet it did not send to that inquiry complaints of this nature about Camden hospital. The Opposition lays the blame at the feet of the Premier. He cannot continue to avoid responsibility. It is no use the Premier trying to move forward on this issue by hanging onto Professor Barraclough and arguing that the situation is getting better. People died who should not have died. A baby died who potentially would not have died if better service had been provided. It does not get any worse than this. If the best the Premier can do after nine years in office is to stride up and down the House like an arrogant emperor, it is time for him to go.

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

The House divided.

Ayes, 57

Ms Allan	Ms Hay	Mrs Paluzzano
Mr Amery	Mr Hickey	Mr Pearce
Ms Andrews	Mr Hunter	Mrs Perry
Mr Barr	Mr Iemma	Mr Price
Ms Beamer	Ms Judge	Dr Refshauge
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Knowles	Mr Scully
Ms Burney	Mr Lynch	Mr Shearan
Miss Burton	Mr McBride	Mr Stewart
Mr Campbell	Mr McGrane	Mr Torbay
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
Mr Draper	Mr Morris	
Ms Gadiel	Mr Newell	<i>Tellers,</i>
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Oakeshott	Mr Martin
Mr Greene	Mr Orkopoulos	

Noes, 30

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

Pairs

Mr Bartlett
Ms Saliba

Mr Hartcher
Mr Hazzard

Question resolved in the affirmative.

FEDERAL GOVERNMENT UNIVERSITY FUNDING**Urgent Motion**

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [3.52 p.m.]: I move:

That this House calls on the Federal Government to immediately provide additional places in New South Wales for university students, especially in the areas of nursing and teaching.

I thank the Independents for their support for giving the motion priority. One of the greatest gifts a government can give a young person is the gift of tertiary education and a pathway to a rewarding career. The Howard Government is robbing tens of thousands of young people in New South Wales of this opportunity. More than 21,000 students across the State—or more than 25 per cent of New South Wales applicants—have missed out on university places this year because of the Howard Government's refusal to fund positions. One in every four students has missed out. It is a disgrace. We are talking about students who have worked hard for 13 years to get to university, students with the marks to get into the course of their choice and students with the ability and commitment to do the course. These students are being denied the chance of getting a degree because the Federal Government is refusing to provide enough university places for them.

The Federal Government has failed to meet last year's needs. It has failed to meet this year's needs, it is failing to meet next year's needs, and it is failing to meet Australia's needs of the future. This lack of places is not only stopping bright young people from pursuing the career of their choice but it is having a critical impact on key areas of our work force. This lack of places is affecting nursing, teaching and medical students, and will exacerbate the shortage of skilled professionals in our hospitals and schools. Nearly 10,000 New South Wales students have missed out on positions in universities in nursing, teaching and medicine. That is 1,655 would-be nurses, 3,233 would-be teachers and more than 5,000 would-be doctors. These are young people who will miss out on pursuing the careers of their choice because the Federal Government is refusing to provide enough places at New South Wales universities.

New South Wales will be unable to train the nurses it needs to meet current demands, let alone future demands. The Federal Government is offering only 50 extra nursing places this year, an extra 574 extra places in the entire country—but not now, by the year 2007. This is clearly not enough to meet ever-increasing demand, not only in New South Wales but in every State in Australia. Sadly, nursing shortages will result directly from the Federal Government's underfunding of university places. This year there was a 7.6 per cent increase in the number of students wanting to study nursing. Nursing is a profession that they want to follow. That means there was a total of 3,760 people who wanted to study nursing.

There are also difficulties with teaching places. New South Wales universities will continue to turn away students who want to study teaching, even though they have the marks to get into the course of their choice. The Opposition often undermines the value and quality of the teaching we are delivering, but students are choosing teaching as their profession in greater and greater numbers. This year almost 3,233 students wanting to study teaching were turned away. The Federal Government has no new places this year for teaching and will offer only 272 national priority places across the entire country by 2005 in both teaching and nursing. Again, that is not enough to meet increasing demands. This year there was a 5 per cent increase in the number of students wanting to study teaching. That is an extra 495 or a total of 9,385. It gets worse. If students are lucky enough to secure university places many will be forced to take out mortgage-sized debts to pay for their degrees. Under the Federal education Minister's changes, up to 35 per cent of places will be for full-fee paying students. These university degrees will now be unaffordable to tens of thousands of young people.

Mrs Jillian Skinner: HECS was a Labor initiative, wasn't it?

Dr ANDREW REFSHAUGE: These are full-fee paying students. Unfortunately, the Opposition does not understand what the Federal Government has done. A four-year degree in arts, behavioural sciences, legal

studies, design, social work or agricultural economics could now cost almost \$60,000. If members of the Opposition support \$60,000 university degrees, they should go to their electorates and tell their constituents that courses in legal studies, design, social work or agricultural economics costing \$60,000 is a good thing. I am sure their constituents will tell them they are wrong. A four-year degree in mathematics, computing economics, business or agriculture could now cost \$84,000. A four-year degree in medicine or dentistry could now cost \$156,000. Students do not have that kind of money. The vast majority of students will have to borrow the money and that means their courses will cost even more. The cost of a degree in law, medicine, dentistry or veterinary science will now cost the same as a house in Dubbo, Wagga Wagga or Orange, or a unit at Coffs Harbour or Campbelltown. That means young people will either have to be bankrolled by their parents or face years of debt after they graduate.

The Federal Government's higher education policies are depriving thousands of young people across this nation of their basic right to education. These reforms will hit the most vulnerable. Students in Western Sydney in particular will be severely affected by the Federal Government's funding cuts. More than 1,400 students applied to study teaching at the University of Western Sydney [UWS], yet only 816 places were available. The situation has been mirrored at the University of Sydney, where more than 1,000 students applied for only 560 teaching places. Clearly, there are not enough university places in New South Wales for our young people, and the Federal Government is being urged to immediately improve the situation.

In Western Sydney, in 2004 51 per cent more school leavers nominated the University of Western Sydney as their first choice of study than in previous years. That is the largest increase in demand by students for any university in the Australian Capital Territory or New South Wales. Despite that, the University of Western Sydney had to cut its 2004 intake by 230 full-time places, from 5,796 to 5,567, because it had to reduce overenrolment. Last year 2,500 qualified students were turned away from the University of Western Sydney because the university did not have enough places, and that number is decreasing. The number of students turned away will increase because the number of places is decreasing. The Federal Government's funding for the UWS has been cut in real terms over the next three years. The university has to do more with less money, which is not fair to students, particularly those who are struggling so hard and have done so well at their Western Sydney schools.

Funding for the University of Western Sydney is being cut while other universities gain extra funding over the next three years. Figures produced by the Australian Bureau of Statistics predict that 25 per cent of Australia's population growth over the next 20 years will be in Western Sydney. So why is the Federal Government cutting funding to the University of Western Sydney? Only 10.5 per cent of adults in the Greater West have a university degree, compared with almost twice that percentage for the rest of Sydney. Tertiary education should be a right in this country, not a privilege. It should be available to those who achieve the academic results that get them into university—not to those who have a rich dad who can pay for it. I urge all members to support the motion, and to condemn the Federal Government for its inaction in ensuring that those who want to go to university and who have the capacity to do the courses in public sector areas in which there are shortages have the opportunity to do so.

Mrs JILLIAN SKINNER (North Shore) [4.02 p.m.]: As the Minister would be aware, the Federal Government has identified teaching and nursing, the subject of this motion, as areas of national priority and had made special provisions with regard to university places in those professions. Under its new allocations the Federal Government will increase its contributions to institutions offering teaching and nursing courses. The additional Federal funding for existing nursing places began in 2004 and will result in an increase of \$40.2 million over four years and \$50 million over five years. The increase in Federal funding for existing teaching places will begin in 2005, with an additional \$81.1 million being invested in teaching places over four years, amounting to \$109.2 million over five years. Under the Federal Government reforms, fees for students in Commonwealth-supported places in teaching and nursing are to be frozen at the current levels.

It is the State Government's responsibility to ensure that nursing and teaching graduates remain in the profession. As nurses and teachers have been saying for a long time, it is about recruitment and retention, particularly retention. As the Government's documents show, more of these professionals leave the profession than are required to be recruited. My colleague the shadow Minister for Health will speak about that aspect further. I therefore move:

That the motion be amended by deleting all words after "House" with a view to adding "calls on the New South Wales Government to immediately introduce measures to address the problem of nurses and teachers leaving the profession."

No less a person than Professor Alan Hayes, who has been appointed by the Minister to head the interim committee to establish the Institute of Teachers, has highlighted the problem of graduates remaining in the

profession of teaching for an average of only three to five years. People are graduating from university but when they reach the classroom they become so disenchanted that they leave, on average, after three to five years. The Teachers Federation has confirmed that figure. Unless the Government gets real about providing incentives to keep teachers in classrooms and nurses in hospitals, that will become a perennial problem.

The Federal Government has acknowledged the particular importance of nursing and teaching. That is why it is providing New South Wales universities with approximately \$2.7 million in additional funding for 4,523 nursing places in 2004 and an additional \$7.9 million for 13,092 teaching places. Regional universities will be provided with 50 nursing places, which will be increased to 137 places after four years. However, there is no point in recruiting school leavers to these professions if, once they graduate and hit the work force, they become so disenchanted that they do not stay. I have first-hand experience of people who are extremely committed to those professions but who become extremely disillusioned when they get into the school system and find that they are not supported by the Government. They become disillusioned when they find that the schools are falling apart, that they cannot even be airconditioned because the wiring is inadequate—

Mr Milton Orkopoulos: That's only for private schools.

Mrs JILLIAN SKINNER: I am talking about people in the public education system. I am referring to schools like Picton school, where the Minister told the students the other day, "Go and sit under a tree." What message does that send to teachers who are committed to teaching in the public education system? These teachers are receiving, on average, \$25 a year for professional development because they were sold out by the Government, which did not fund their pay rise four years ago. The Government has shown no real commitment, except lip-service, to teachers in our public schools. Unless the Government genuinely supports public school teachers, they will continue to leave the profession, on average, after three to five years.

Clearly the Minister must have a great deal of time for Professor Hayes, because the Minister promoted him to the committee he set up. Professor Hayes said that the absence of a clear road map for professional development, which at present is ad hoc and bitty and full of crazy assumptions, was a major factor in the State's attrition rate, along with the profession's poor status in the community. These are the matters that Professor Hayes, the Minister's appointee, has identified as problems for teachers. He said that the turnover is such that 20 per cent of government schoolteachers in New South Wales—

[*Interruption*]

I have moved an amendment to the motion, and I am addressing that amendment. I call on the Government to address the issues identified by Professor Hayes as causing teachers to leave the public school system. There are approximately 72,000 registered nurses in this State, and only 30,000 of them choose to work in our hospitals. A similar state of affairs applies to teachers. They are graduating as teachers but they are no longer working as teachers. Why? Because they are so disenchanted with what they find when they get into our schools. The infrastructure in our public schools is falling apart. Some schools do not have adequate wiring to run airconditioning and computers. Some schools have leaking roofs. There is one school in the Minister's electorate, in Newtown, he had not visited for 20 years. He first visited that school when he became the Minister for Education and Training. The president of the school's parents and citizens association confirmed that fact. At that visit the Minister discovered that the school roof was leaking, and the teachers had to put up with smelly carpets.

Mr Milton Orkopoulos: Point of order: The honourable member for North Shore is speaking neither to the motion nor her amendment. I ask you to bring her back to the leave of the motion and the amendment.

Mr DEPUTY-SPEAKER: Order! I ask the honourable member for North Shore to return to the subject matter of the debate. If there were fewer interjections and if members listened to her contribution quietly, she might be able to conclude her speech.

Mrs JILLIAN SKINNER: I remind the honourable member for Swansea that I have moved an amendment, to which I am speaking. One measure that needs to be addressed to keep teachers in our classrooms is the hideous state of some of our schools, including leaking roofs, smelly and rotten carpets, mouldy and damp books, and insufficient money to purchase books for the new syllabus that was rolled out at the beginning of this year.

[*Interruption*]

The honourable member for Swansea is focusing on non-government schools. He should worry about government schools; it is his Government that is responsible for the bad conditions in schools that are causing teachers to leave the profession in great numbers. For some time I have been a member of two school councils, both in my electorate. My children attended one of those schools and I was a member of its parents and citizens association for nine years. I have received correspondence from one school asking whether it should use the parents' money to upgrade the school toilet block, because it is so disgusting. In my office I have dozens of letters from schools relating to capital works. This House will hear more about that in future. The Government needs to be responsible and address the issues that have forced teachers to leave the profession.

Mrs KARYN PALUZZANO (Penrith) [4.12 p.m.]: As a member of Parliament who is proud and passionate about the educational opportunities in Western Sydney, I support the motion. It is critical that young people, especially those living in the greater Western Sydney region, are able to study at a university close to where they live. However, Jackie Kelly and the John Howard Government are denying large numbers of people that opportunity. Thousands of young, aspiring teachers and nurses are being turned away; they are being denied the chance to study the vocation of their choice because the Howard Government and the local Federal member, Jackie Kelly, are refusing to provide enough university places. Clearly there is a shortage of nurses in New South Wales and yet the Federal Government has provided just 50 extra places this year.

The Howard Government's policies will seriously affect universities such as the University of Western Sydney [UWS]. The UWS has six teaching campuses, stretching from Auburn to the Hawkesbury, and from Penrith to Campbelltown. That region houses nearly 10 per cent of Australia's total population and 43 per cent of Sydney's population. Greater Western Sydney is a major economic region and generates more than \$54 billion in economic output each year, making its economy the third largest in Australia behind those of the Sydney central business district and Melbourne. The greater Western Sydney population, already at 1.7 million, is one of the fastest growing in Australia. More than 150 of Australia's top 500 companies have chosen to locate in Western Sydney.

That rapidly growing and important part of Australia, served by the UWS, must provide affordable higher education. Currently, only 3 per cent of people in the greater Western Sydney region have the opportunity to go to university, compared with 5.2 per cent of people from the rest of Sydney. Only 10.5 per cent of adults in that region have a university degree, compared with 20.8 per cent of adults from the rest of Sydney. That is a sad situation, because the Howard Government continues to neglect the people of Western Sydney by refusing to provide them with an accessible and affordable university education. This year, 30 per cent more people applied for a place at UWS but the available places went down by 5 per cent.

With the Federal Government's higher education funding outcomes for 2005-07, UWS will suffer a net loss of \$7.2 million, compared with the University of Sydney, which will have a net gain of \$35 million, the University of Technology Sydney, which will gain \$16 million, and Wollongong university—an interesting case in point—which will gain \$9.7 million. Federal Coalition members demanded more money from the Federal Treasurer for the University of Wollongong. Where were the Federal member for Lindsay, the Federal member for Macquarie, the Federal member for Macarthur and the Federal member for Parramatta? Nowhere in sight. Demand for places from eligible school leavers whose university of first choice was the UWS increased by 51 per cent. Today I spoke to Louisa Gules and Blake Erickson. Louisa was unable to get into nursing, and Blake was unable to get into arts and has moved to Armidale. If students are lucky enough to find a university place, unlike Louisa and Blake, they are burdened with mortgage-size debts when they complete their degrees.

Another important point is that the majority of people wanting to study nursing and education are mature-age students; they do not enter university at 18 or 20 years of age, but at 35, 40 or 45. When they exit at age 45 as a new teacher or nurse, they will have a mortgage-size debt. And who is responsible for that? The only persons who can reduce their debt by increasing funding to UWS are John Howard and Jackie Kelly. But they do not address that question. What incentive is there for people to improve their lives? The people of Western Sydney are being treated with contempt by their local member, Jackie Kelly. She calls them her pram-pushing electorate. On 17 June 2003 the Federal Minister for Science, Education and Training is recorded in *Hansard* as calling them the "chippies and the boilermakers" out west. Only John Howard and Jackie Kelly can explain to mature-age students why they will have this debt. [*Time expired.*]

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [4.17 p.m.]: This is a Taliban tactic from the Carr Government, because we know the Premier is in more trouble than Osama bin Laden. The Deputy Premier is trying to divert attention from the problems the State Government is presiding over by trying to lay the blame for these issues at the feet of the Howard Government. The Government's

contribution is a lie from top to bottom. First, the reality is, indisputably, that this year the Howard Government will provide funding for nurses and teachers in New South Wales. That is a fact. Second, the current educational council comprises eight Labor education Ministers, State and Territory, and one Liberal education Minister. That council cannot agree on standardising the level of entry into university for nursing.

As a result, in Victoria a point score of only 44 is needed to get into university to study nursing. In New South Wales a score of 61 is needed. Unless the Government sorts out that anomaly it will never address the issue of demand in our public hospitals. The lie I highlight now is the so-called shortage of nurses in New South Wales. The annual report of the Department of Health, tabled by the Minister during the parliamentary recess, shows that there are 80,000 registered nurses in New South Wales.

Mr Gerard Martin: It was only 70,000 earlier.

Mr BARRY O'FARRELL: In New South Wales there are 80,000 registered nurses, and only 33,000 of them are employed in the public hospital system. We need to make clear in this dispute that there is not a shortage of nurses but a shortage of nurses who are prepared to work in the public hospital system in New South Wales. Why? It is because of the appalling morale and resource problems in our hospitals, which can be sheeted home to this Government—particularly to the failed former Minister for Health, the current Minister for Infrastructure and Planning, and Minister for Natural Resources—and which the new Minister for Health is yet to address.

The honourable member for North Shore is correct: if the Government fixes the retention rate we will not need additional places. The honourable member was also right when she said that it is cheaper to retain nurses in the system than to spend additional funds training new nurses. If the honourable member for wherever wants to talk about train services, I am happy to do so. I am happy to support the honourable member for Blacktown, who at least has his finger on the pulse. I do not know where the Government's finger is but it clearly does not understand the problem with nurses in New South Wales.

Mr Gerard Martin: Point of order: The motion is about university places. The Deputy Leader of the Opposition has strayed far from that issue and is now repeating the lies that Opposition members told during question time today. Mr Deputy-Speaker, I ask you to draw the Deputy Leader of the Opposition back to the substantive issue before the House.

Mr DEPUTY-SPEAKER: Order! I am sure the Deputy Leader of the Opposition will return to the substance of the motion.

Mr BARRY O'FARRELL: The honourable member for Bathurst at least demonstrates that there is no shortage of clowns in New South Wales. My point is simply that there is no shortage of nurses but there is a shortage of nurses who are prepared to work in the public hospital system—and who can blame them? At a time when we need to redirect additional resources to front-line nursing and medical staff this Government grows the bureaucracy. This Government is more interested in putting money in the pockets of administrators than in supporting nurses and doctors at the front line. We would not need additional nursing places in our tertiary institutions if we could retain in our public hospital system more of the 80,000 qualified nurses.

This year the Federal Government has allocated additional funds for more nursing places in New South Wales. But where is the additional money from the State Government for nursing education? This Government and this Minister for Education and Training are ripping tens of millions of dollars from New South Wales universities in payroll tax. If the Minister is so concerned about the number of nursing places in university why does he not turn payroll tax deductions into education places for our nurses? That is why I have called this motion the "Taliban tactic": divert attention from Osama bin Laden and give him a chance to escape from the angry commuters by seeking to blame the Federal Government for all this State's woes.

The honourable member for North Shore is correct to amend this motion. It is about time this Government began, as the honourable member for Blacktown urged, to take responsibility for the mess that it is making of State services. It is about time the Government solved the morale problems in our public hospitals in order to retain nurses in the system. It should do the same in our schools so that we have better outcomes for our students.

Mr GERARD MARTIN (Bathurst) [4.22 p.m.]: I shall endeavour to bring the debate back on track. The Minister for Education and Training spoke earlier about the shortage of university places in New South

Wales, the number of eligible students who have been denied a place in New South Wales universities, and the unaffordable fees that students are being forced to pay. I draw the attention of honourable members to the potential damage to our regional and rural universities—in which I have a particular interest—caused by the short-sighted and mean-spirited "reforms" of the Commonwealth Government.

All universities make significant contributions to the State's economic development. They play a major role in advancing knowledge, they conduct leading-edge research, and they provide professional training. Such contributions are especially important in regional areas, where universities not only play a critical role in enhancing local skills but give a major boost to regional economic development. No-one knows that better than I, because a Charles Sturt University [CSU] campus is situated in Bathurst in my electorate. Regional universities are especially affected by the Federal Government's policies because they do not have access to the funding sources available to their metropolitan cousins. Regional universities also face much higher cost structures. I serve on the council of a university that has six campuses located throughout New South Wales. Regional universities are major providers of professional education for students who will contribute to their local regions. They will train teachers, nurses, doctors and policemen.

Is important to note that if we give our regional universities the opportunity to train people in the regions we will retain skills in those areas. In recent years an average of three pharmacist graduates from the College of Pharmacy at Charles Sturt University have gone to work in the regions. The university established a school of pharmacy and 32 of the first 35 graduates opted to work in country areas. What more graphic illustration do we need of why Howard and the other little fellow should fund regional universities in particular? That is one way of overcoming the problem of attracting professionals to work in the regions. Honourable members have waxed lyrical about the shortage of nurses. If we train them in the country, they will stay there. Those opposite refuse to recognise that fact.

Charles Sturt University in my electorate received no places—not one extra place—in the recent allocation, despite its fantastic record in nurse training. Honourable members should have heard the scathing criticism of that from the vice-chancellor and the chancellor of Brendan Nelson and little John Howard. The CSU distance education course is important because it attracts largely enrolled nurses, who are usually employed in regional and rural areas, and allows them to upgrade their qualifications to that of a registered nurse. It is extremely important to attract registered nurses to the hospital system.

Students missing out on places is not only an issue for city universities. For example, the University of New England received 3,000 first-preference applications for 922 places in teaching courses. This means that more than 2,000 students—or 70 per cent—missed out on their first choice. Opposition members are trying to defend that result by seeking to amend the motion. They will not address this subject because they are embarrassed. They will not talk to their masters in Canberra—with whom they have no influence—where the dollars come from. Opposition members stand condemned for their inaction. They were inept in the health portfolio and they are showing exactly the same ineptness in education. The situation is similar at Southern Cross University. The university received 629 first-preference applications for only 260 teaching places, which means that 60 per cent of students missed out on their first choice.

As to nursing—a profession that is perhaps facing a more critical shortage in the bush—a large percentage of potential nursing students missed out on a place. For example, the University of New England had to reject 51 per cent of potential students because of a shortage of places. The Federal Government decided to dole out a few places but the University of Western Sydney and Charles Sturt University got zip. We are witnessing from the Opposition hypocrisy with a capital "H".

Those opposite supposedly have the ear of the Federal Government. Well, they had better make their move soon because John Howard does not have much longer in the Lodge—as they know very well. Perhaps when Mark Latham is there we will be able to address some of these important issues. The Government will have nothing to do with the amendment moved by the honourable member for North Shore. I suggest that Opposition members get behind the Minister and support our motion so that we get a positive result.

Dr ANDREW REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [4.27 p.m.], in reply: I thank all members who have contributed to this debate, which highlighted some important issues. It is apparent that Government members represent not only city interests but interests ranging across my entire portfolio. The honourable member for Penrith recognised the problems in Western Sydney and the Sydney regions and the honourable member for Bathurst represented the interests of country New South Wales.

It is significant to note that no member of The Nationals spoke in the debate, which makes me think that The Nationals must support our original motion. It will be interesting to see whether the Opposition is prepared to call a division on the original motion and see where The Nationals line up. Will they support their constituents who need those extra education places or will they again blindly follow the Liberals? It might be okay on the North Shore, where people can afford to pay their way through university.

Mrs Jillian Skinner: Point of order: The shadow Minister for Health and the shadow Minister for Education and Training contributed to the debate on behalf of the Coalition. The Minister for Education and Training is misleading the House by suggesting that a member of The Nationals should have represented the Coalition.

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

Dr ANDREW REFSHAUGE: The way to check that is to have a division on the original motion and see whether The Nationals support the call for more university places. If they do not support the motion, how will they face their electorates? No doubt this important issue is hurting the country, not only because these students have achieved the required level to enable them to do these courses and are turned away—that is a significant problem in itself—but also because the Federal Government has introduced a two-tier system. These students are bright enough to get into university but not rich enough to pay. However, students who are not so bright or did not work so hard but have a rich mother or father can buy their way in.

It is not Australian to say, "If you're rich, jump ahead of those who have the ability." This issue will be important at the next Federal election, because people in Australia will say, "We don't want that system. We want those with ability to go to university." We want those who have done the hard yards, those who have worked hard with the help of their teachers, those who have the ability and those who qualify under the university admission index to get into university. People do not want a system that allows the North Shore mates of members opposite, or others wherever they are, to pay their way by queue jumping. This debate is important because it deals with a fundamental change to the way in which we treat our school leavers.

I am surprised that the shadow Minister for Health and the shadow Minister for Education and Training said that those who want to get into the honourable professions of teaching and nursing should be denied entry to university. It is fascinating to hear the shadow Minister for Education and Training and the shadow Minister for Health say, "It may be a great profession but we do not really want you in it. Go away!" More and more people want to contribute to these professions but members opposite are saying, "Go away! We don't want you in it. We will find some fee-paying courses that you can get into." That is an outrageous position to take. I repeat: Let us have a division on the motion and see how The Nationals vote. I urge all members to oppose the amendment and to support the original motion.

Question—That the words stand—put.

The House divided.

Ayes, 56

Ms Allan	Mr Greene	Mr Orkopoulos
Mr Amery	Ms Hay	Mrs Paluzzano
Ms Andrews	Mr Hickey	Mr Pearce
Mr Barr	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 McGrane	Mr Torbay
Mr Corrigan	Mr McLeay	Mr Tripodi
Mr Crittenden	Ms Meagher	Mr Watkins
Ms D'Amore	Ms Megarrity	Mr West
Mr Debus	Mr Mills	Mr Whan
Mr Draper	Ms Moore	Mr Yeadon
Ms Gadiel	Mr Morris	<i>Tellers,</i>
Mr Gaudry	Mr Newell	Mr Ashton
Mr Gibson	Ms Nori	Mr Martin

Noes, 31

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

Pairs

Mr Bartlett	Mr Brogden
Ms Saliba	Mr Hazzard

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

WESTERN NEW SOUTH WALES MINERALS AND PETROLEUM EXPLORATION**Matter of Public Importance**

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [4.42 p.m.]: New South Wales is currently experiencing a mini exploration boom with substantial resurgence in the number of applications for mineral and petroleum exploration licences. Since 2001-02 exploration expenditure in New South Wales has increased by 22 per cent to \$58.8 million in the 2002-03 financial year. This was largely driven by the 27 per cent increase in gold exploration expenditure, which reached \$19.9 million. New South Wales has a range of new and potential metallic and industrial mineral projects at various stages of development, mostly in the State's west. These projects represent potential capital investment of about \$2.5 billion and possible employment for about 1,600 people. When coal is brought into the equation the numbers get better and better: 31 new or extended projects are currently at various stages of development. That is a potential investment of about \$2.4 billion, with possible employment for more than 2,800 people.

I am sure all honourable members, including those on the opposite side of the Chamber, will agree with me that this exploration boom is the fruit of this State Government's commitment to encouraging mineral exploration. That commitment is best demonstrated in western New South Wales. Not only does the State Government support mineral exploration; local government and communities are keen to see the benefits of exploration and development flow into their towns. As the Minister for Mineral Resources I am determined to foster this partnership.

The New South Wales Government has embraced the promotion of enhanced mineral and petroleum exploration in New South Wales through its Exploration NSW initiative, a \$30 million seven-year program that commenced in 2000. My department reports a substantial increase in mineral exploration licence applications in the latter half of 2003, reflecting a global resurgence in metals exploration. For instance, applications for exploration licences have increased considerably since 2001. In the 12 months from January to December 2001, 115 exploration licence applications were received. For the 12 months from January to December 2003 this figure leapt to 218 applications, a massive 90 per cent increase. Mineral exploration licences issued in 2003 indicate a 16 per cent increase over the number issued in 2002.

Furthermore, a well-respected Canadian report has supported what the Australian industry has known for some time: New South Wales is a very attractive destination for exploration investment. The Canadian-based Fraser Institute's annual global survey of 159 mineral exploration companies rated New South Wales third—after Nevada in the United States of America and Chile—out of 53 nations or regions in regard to the effect of

government policies. The scorecard assesses the effect of broad-based issues such as minerals policies, investment attraction, mineral potential, geoscience information, regulatory environment, taxation, land access, infrastructure, political stability and geological databases. Previously, the Fraser Institute rated Australia as a single investment destination.

The 53 international areas include Canadian provinces, some States of the United States, South America, Asia, Africa and Eastern Europe, and now Australian States and the Northern Territory. Australia has scored well in the past, but for the first time we see how the States are performing individually. The report highlights the need to continue to market internationally and to keep the industry informed. That is exactly what this Government is doing. A key feature of the Government's Exploration NSW initiative was a high-technology airborne gravity survey at Broken Hill, which has stimulated exploration in the immediate Broken Hill area. New exploration drilling has been a direct result of this survey.

A further geoscience information release to the industry last December highlighted new gold exploration opportunities in the Bourke region, in western New South Wales. The information release led to a "pegging rush" by mineral explorers in this previously unexplored region of the State. New South Wales offers excellent potential for major new discoveries of gold, silver, copper, zinc and mineral sands. Planned private-sector exploration programs over the coming months will show a significant recovery in exploration expenditure.

In the past, mergers and acquisitions over the past years in the mining industry have changed the exploration industry's profile in New South Wales with new explorers active throughout the State, including Broken Hill, Cobar and the Central West. Some successful exploration projects include: Alkane's Tomingley-Wyoming gold project, where there is an initial plan for production of one million tonnes a year—this will yield an anticipated output of 60,000 to 70,000 ounces of gold per year, with major drilling programs to recommence shortly; Cobar's CSA mine, in the State's far west, where about \$4 million is being spent on exploration during 2004 and a major exploration drilling program is ongoing; and the CBH Resources Rasp Mine Project, a zinc-rich lode, which has been the focus of a detailed evaluation program. The company plans to establish a modern low-cost operation at Broken Hill based on the unmined zinc lode systems within its Consolidated Mining Lease 7.

Recently Newcrest Mining Limited announced that because of high-quality drilling results it is now likely that the Cadia East project near Orange will remain in production until 2025. Mineral sands exploration in the New South Wales portion of the Murray Basin, in the south-west of the State, has been dominated recently by BeMaX Resources NL and Iluka Resources Limited. Discovery of resources in the basin have increased dramatically since intensive exploration in the early 1990s. Global estimates for total Murray Basin mineral sand resources have increased from 50 million tonnes in 1999 to at least 150 million tonnes, of which 75 million tonnes are in New South Wales.

Exploration is not limited to minerals. Petroleum is also of the highest priority. Developing our own reliable, cheap and accessible gas supply has become critical. This has been highlighted, of course, by the recent Moomba crisis. Petroleum industry exploration expenditure has increased over the past three years, with a total of \$18 million estimated for 2003-04. Since the commencement of the Government's original funding initiative, Discovery 2000, and its successor, Exploration NSW, the number of petroleum exploration titles has substantially increased. Over the past decade they have increased from 14 to 39. In addition, industry expenditure has increased from \$4.9 million to \$13.6 million over the same period.

Gas exploration began in the State's north-east in 1998 with the drilling of a series of wells near Narrabri. It is estimated that industry will spend approximately \$18 million on gas exploration in New South Wales during 2003-04. The current area under title of approximately 250,000 square kilometres represents about half the total area of the prospective sedimentary basins in New South Wales. Seismic surveys to test for potential gas-bearing structures were completed by an explorer, Eastern Star Gas Ltd, in 2002. I would like to stress that all exploration activities are subject to stringent environmental requirements by my department. I thank officers of the Department of Mineral Resources for their hard work and dedication in making available the necessary geoscience data.

The department held an exhibition of geoscience data in the theatre of Parliament House that was attended by major investors from around the State. The exhibition is a clear demonstration that New South Wales is leading not just Australia but the world. Departmental officers attend many conferences and I am sure honourable members opposite would join me in congratulating them on their dedication to ensuring not only

that the environment is protected but also that New South Wales enjoys the maximum benefits to be derived from mineral exploration. [*Time expired.*]

Mr ADRIAN PICCOLI (Murrumbidgee) [4.52 p.m.]: When I have travelled throughout western New South Wales as Opposition spokesman on mineral resources representatives of mining companies have expressed to me their appreciation of the New South Wales Government's support for mineral exploration. The Government has provided funding and made available a databank of information, core samples and geophysical surveys to the mining and exploration communities at Lake Cowal, near West Wyalong, and at Cobar and Broken Hill. It was pleasing for me to hear those comments because it is our role to encourage good outcomes for New South Wales. I will support any initiative, State or Federal, that provides responsible investment and creates jobs, particularly in western New South Wales. It was wonderful to hear such glowing testimonials from mining companies, particularly those in western New South Wales.

The New South Wales Department of Mineral Resources has played an integral part in facilitating exploration and in providing funding. However, the Commonwealth should also be congratulated on its efforts. On 21 August last year the Commonwealth Government released a report on mineral exploration entitled "Exploring Australia's Future", which examined the impediments to increasing investment in minerals and petroleum exploration in Australia. Both State and Federal governments acknowledge the importance of this industry, which injects billions of export dollars into the Australian economy. Governments are therefore keen to facilitate such vital investment. The Federal Government must also play a major role in addressing native title and environmental issues. I acknowledge that the Minerals Council of Australia and the Minerals Council of New South Wales also provide assistance to the mining industry.

The Australian Gold Council has prepared reports and undertaken research into the accessibility of geophysical data and core samples. Its research includes the effect the availability of exploration data has on that important sector of the mining industry. It is certainly one of the shining lights in the mining industry in New South Wales and, indeed, Australia. The Cadia Ridgeway project at Orange has provided enormous job opportunities for the area and it is expected that the Lake Cowal project at West Wyalong will do likewise. The former Greiner-Fahey governments implemented the enhanced exploration program Discovery 2000, which this Government has since expanded. I congratulate the Government on having expanded the program because mining exploration is important for the future of New South Wales, in particular, western New South Wales.

The Minister referred to additional exploration at Cadia East that has extended the life of that mine. That is terrific news for the private company involved, whose goal, naturally, is to make a profit, but it is also good news for the community. The Minister referred to the mineral sands BeMaX project, which sounds a promising development. I hope the project reaps the desired benefits for that company, the community and New South Wales. All the mining companies I visited at Cobar and Broken Hill expressed confidence in the future because of the exploration being undertaken, although I acknowledge that the price of gold would also be a factor. I refer to the Coalition's policy document entitled "Coalition Plan for the New South Wales Minerals Industry", which makes specific reference to Broken Hill. It states:

The importance of Broken Hill to the development of the minerals industry over the past century cannot be underestimated. The Coalition will ensure that exploration projects encompass the development of new resources in the Broken Hill region.

The Coalition will continue to support that view at the next election. Exploration is important, but other factors will continue to inhibit the mining industry. The most fundamental issue is the discovery and development of mineral resources. The Government has put in place impediments that restrict the development of mining projects. We might find large quantities of gold, nickel, tin, lead and coal but if we are not able to extract those minerals at commercially competitive rates, those mining projects will not go ahead and jobs will be lost.

The Carr Government has made much of the creation of national parks in western New South Wales. Earlier the Minister referred to gas exploration in and around Pilliga. This Government is always threatening to create national parks in that area and in other areas in New South Wales, and that will inhibit the exploration and development of mineral resources. I say to those Government members who have come into this Chamber and said that the Government has created a great many national parks that they should visit those communities and tell the residents of those communities about the hundreds of jobs that will subsequently be lost.

I refer to the environmental approval process. I am sure that all honourable members acknowledge that, over the past 10, 15, 20 or 50 years, this State and this country have come a long way with environmentally responsible development. I believe this Government has made far too many concessions in that regard. I evidence the problems that have been encountered by the Lake Cowal mining project, which offers great

opportunities for job creation. However, about 14 different proposals have to be obtained from 12 different departments in order to obtain approval for that mine, which has led to a delay in its development. Those issues will certainly inhibit the development of mineral resources in New South Wales. The Minister's job is far too easy. He comes into this Chamber and makes speeches about mineral exploration—speeches that have been prepared by his department.

Mr ACTING-SPEAKER (Mr John Mills): Order! The Minister will cease interjecting. He has a right of reply.

Mr ADRIAN PICCOLI: The Minister for Mineral Resources should debate these issues in the Cabinet room with the Minister for the Environment, the Minister for Planning, the Minister for Natural Resources (Lands), the Minister for Transport Services, and the Minister for Industrial Relations. He has failed to do that. If he wants to achieve success in the mining industry, he must do that immediately. [*Time expired.*]

Mr PETER BLACK (Murray-Darling) [5.02 p.m.]: I am delighted to support the matter of public importance introduced by my Country Labor colleague the Minister for Mineral Resources. The Minister and the honourable member for Murrumbidgee might both be members of the Royal Australian Chemical Institute, but I am the only member of the Australian Geological Society as I am the only graduate geologist in Australia. It seems that geologists are rarer than chemists.

Seventy per cent of New South Wales has now been surveyed using high-resolution geophysics. We now have a much clearer idea of what lies beneath the vast expanses of western New South Wales. We deliver information through online access in order to assist private companies. That means that our customers—be they in Broken Hill, Sydney or Canada—are able to look for opportunities in the west through open-file exploration reports via the department's Digital Imaging of Geological System. Spatial inquiries of statewide geology, boreholes and exploration titles are available on the MinView site. That includes geological mapping, airborne and ground geophysics, hyper spectral airborne surveys, regolith mapping, the Surat Basin data package, the Falcon airborne gravity survey, and the Darling Basin seismic study.

The Carr Government is delivering on public exploration because it knows that private exploration is stimulated by government investment. I draw the attention of honourable members to the dismal state of exploration across Australia in 2003-04. In the mid-1990s of the order of 5,200 active geologists were working in Exploration NSW. Last year that number fell to 2,600. We could argue about the value of the American dollar and why it is holding up certain exploration. There are other arguments, however, about what is holding up exploration in the private sector. Why are people more interested in exploration overseas?

This Government is doing its utmost to reverse that trend but it needs the support of the Federal Government. The Australian Geological Survey Organisation [AGSO] must not continue to sack geologists. At the last conference that I attended at Cobar, AGSO announced that 70 geologists in North Ryde had been sacked. What a blow to the intellect of geologists in Australia. The Federal Government should take more of an interest in this matter and encourage private exploration companies not to sack geologists. New South Wales lays the foundation for pre-competitive work. Junior explorers take over at the grassroots stage, with major mining houses backing their findings with major investment in advanced exploration.

The final steps are carried out by the exploration departments of operating mines on brownfield sites leading to the expansion of current operations. Reference was made earlier to exploration in Broken Hill, which is the richest silver, lead and zinc ore body in the world. I thank the honourable member for Murrumbidgee for the kind words that he had to say earlier about Broken Hill. Effectively, the Broken Hill exploration initiative commenced in 1990. I was involved in early mapping work on "Benbowrie" and "Calamity"—two properties in South Australia. In 1993 a minor miracle occurred. The South Australian, New South Wales and Commonwealth government departments became involved in and funded that work, something that is unique in the history of government in this nation.

I said earlier that Broken Hill has long been recognised for its silver, lead and zinc. More recently it has been recognised for its gold and copper prospects in Mundi Mundi and in its north-eastern area. The Proterozoic region in Australia is well known for its good quality copper and gold deposits. Reference was made earlier to the Triffin project just outside Hermidale, so members would be aware that the legwork has been done in Broken Hill. I do not think that the Silver City will become a ghost town. On 3 October 2003 the exploration company PlatSearch announced that its rock chip sampling at Euriewie, which is north of Broken Hill, revealed high yields of gold, silver, copper and lead. That company told the Australian Stock Exchange that those results confirmed the work that had been done by New South Wales.

The company has defined at least 21 prospect areas that are worthy of further work to develop drilling targets. I commend Consolidated Broken Hill Ltd for the work that it has done. It will be reopening central blocks in Broken Hill. That company took over the Elura mine at Cobar and renamed it the Explorer mine. I refer also to Black Range Minerals Ltd, a nickel and cobalt mine that is located just outside Fifield. I hope that work on that mine will commence this year. If it does it will be a major source of revenue for Condobolin. I reiterate my support for the matter of public importance introduced by the Minister for Mineral Resources. [*Time expired.*]

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [5.07 p.m.], in reply: The Opposition spokesman, the honourable member for Murrumbidgee, acknowledged that the Carr Labor Government is doing a good job in the mineral exploration area. It supports mineral exploration in western New South Wales. The Carr Labor Government and the Country Labor team are working hard for New South Wales—a matter conceded earlier by the honourable member for Murrumbidgee. The Government is working closely with all the organisations to which the honourable member referred. With my department, ministry and staff I am working with all industry sectors to remedy many of the problems that have been experienced. I proudly state that my department, under the guidance of the Carr Labor Government, has done extremely well with mineral exploration. For instance, 8 per cent of the State was surveyed under the Coalition Government. Today, 70 per cent of the State is surveyed. It is interesting that many of the companies that come into New South Wales commend the department's maps and have nothing but praise for the geophysical surveys that it puts in place.

The Opposition spokesman claimed that in the 2003 State election the Coalition had a policy on mineral resources. Nobody saw it, and it was not released. Somehow, the Opposition spokesman has captured a copy of the policy. We and the industry would like to have known about it at that time. Quite frankly, I think it is, like much of the policy information released by the Coalition, a figment of someone's imagination. It is quite sad. The policy must have been put together after the election; it certainly was not a public document. The Opposition spokesperson referred to restrictions on the development of goldmining. New South Wales is now the second largest producer of gold. We have overtaken Queensland and are continuing development of the gold resources of this State. Those developments are bringing great growth in the Central West along the Lachlan fold belt.

The Coalition spoke about restrictions placed on the Lake Cowal project. The biggest restriction on that project is native title and associated problems. Opposition members should recognise that that is a Commonwealth matter, rather than attempt to blame somebody who has no control over the issues. I met with representatives of Barrick Gold, who were impressed with the policies and attitude of the Government towards development in the Central West. Approval processes include environmental protection. That is one reason New South Wales came third. I repeat, our regulatory environmental policies encourage companies. They know the benchmarks they have to meet.

Mr Adrian Piccoli: Came third in what?

Mr KERRY HICKEY: New South Wales was ranked third in the list of 53 countries surveyed regarding mineral exploration. Clearly, the honourable member did not understand what the matter of public importance was about. It seems he regarded it as a filibuster, a waste of time. It is about time he did some homework, rather than swan around the countryside. I know that he was active in the parliamentary recess; he showed up at two places. But he needs to get out of his office, go to regional areas and learn about the issues so that he may become more proactive, rather than reactive. It is good to know that the Opposition supports the Government's projects and initiatives and its being on the front foot as far as exploration across New South Wales is concerned. That is great news for my department.

Discussion concluded.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

KU-RING-GAI ELECTORATE BUILDING DEVELOPMENTS

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.15 p.m.]: I again raise the issue of the State Government's attempts to foist inappropriate development upon the Ku-ring-gai municipality. Not content with the damage that unplanned, infill State Environmental Planning Policy No. 5

[SEPP5] developments have done to streets and neighbourhoods across Ku-ring-gai, the Government is pressing ahead with proposals to impose five-storey, intensive medium-density developments on the area. Following the announcement by the assistant planning Minister late last year, the State Government has determined that it will decide the content of the local environmental plan [LEP] that will decide where developments occur. In rejecting council's draft LEP, the assistant Minister claimed it did not fulfil the commitment of providing residents with a better supply and choice of housing. The State Government has at least stopped claiming it is seeking to provide affordable housing choice. That lie was belled by the experience of infill SEPP5 developments. The lie of so-called better supply and choice can also be exposed. As Ku-ring-gai mayor, Ian Cross, said in relation to the Minister's decision:

The plan that Council put forward did provide that choice by proposing townhouses and villas as well as units. The Minister's plan only provided for units, which certainly does not amount to much of a choice.

Remarkably, the assistant Minister continues to wage a disinformation campaign. She told the *North Shore Times* on 6 February that fears that five-storey unit blocks would be built next to single-storey homes were unfounded. The reality is the plan the assistant Minister rejected—because it did not propose enough additional units—proposed just such unacceptable interfaces at, for instance, Warrangi Street, Turramurra. The residents of Marshall Avenue, Warrawee, know that the same unacceptable situation is proposed for their street. This development, over which the Minister has assumed direct control, is worsened by road safety concerns and the proposed demolition of a heritage property.

When I last spoke on this issue I noted the Minister's insistence that council's four-stage, multi-unit zoning be combined into a single medium-density housing zone known as 2D(a). It is an appalling and irresponsible proposal. It would result in the situation she claims is unfounded: five-storey medium-density developments towering over single-storey homes. Their impact upon the privacy and amenity of adjoining residents would be devastating. The Minister also insists on a reduction in the setbacks between multi-unit developments and adjoining residences. Combined with her suggestion to add a fifth storey to council's proposals—a top floor that does not, as put forward by council, have to be confined to the roof space—the change would further worsen the useability of adjoining backyards and lead to pressure for development creep.

I again appeal to the Minister to desist in pressing these proposals. I urge her to uphold her newspaper claim that residents in single-storey houses will not adjoin five-storey unit blocks. I urge her to take a reality check, step back, and to have her planning bureaucrats work with council planning staff to develop proposals that, while providing for Ku-ring-gai to share its burden of the city's ever-increasing population, do so in a way that enhances and does not detract from Ku-ring-gai's prevailing garden suburb character.

While urging reality checks, I also ask the same of some councillors. Nothing could be clearer in my community than its overwhelming rejection of the State Government's attempts to impose inappropriate development on our suburbs. There have been countless packed meetings over the past six years, including two held at Ravenswood School for Girls last year. Yet, for political reasons, at council's first meeting of the year a bare majority of councillors passed a resolution proposing a poll on the issue be held in conjunction with the upcoming council elections. It is a costly political stunt. It will demonstrate nothing that is not already known.

The same councillors rejected a less costly proposal put forward by Councillor Malicki that would have achieved the same ends by using petitions to again give residents a voice. Coincidentally, those councillors rejected a proposal to poll residents on local government reform. They appear determined to hear back from residents what is already known but refuse to allow residents a voice on an issue on which there is no known community view. But I should not be surprised by the politics that continue to be played. The resolution was moved by Councillor Bennett who, as mayor, was responsible for the "delay, delay, delay" policy that not only worsened council's position with the State Government's planning bureaucrats, not only visited the unacceptable intensive development proposals upon Special Area 1, but also gave the State Government the excuse to justify its assumption of direct planning control over six sites across Ku-ring-gai, including Marshall Avenue, Warrawee, and Avon Road, Pymble.

I cannot work out Councillor Bennett's objectives. During last year's deliberations on council's draft LEP she exhibited the type of backflips and gymnastic manoeuvres that would do an Athens-bound athlete proud. I am equally appalled that, at the same meeting, Councillor Bennett, alone amongst all councillors, voted against a resolution expressing appreciation to a local minister of religion. It was an appallingly ungracious act that is out of step with the values and manners of the Ku-ring-gai community. I urge councillors like Councillor Bennett to take a reality check and understand that continuing to play politics, to put self-interest ahead of public interest, to refuse to support efforts by the mayor, general manager and other councillors to get the best possible deal for Ku-ring-gai, can only worsen the ultimate outcome for the local residents.

But I finish where I started. I implore the assistant Minister to deal openly and honestly with Ku-ring-gai. I urge her to demonstrate her bona fides by withdrawing her interface proposals and ending the threat of adjoining five-storey unit blocks. I encourage her to work with those on council who want to progress the issue in a way that will deliver a win/win by providing additional housing choice in a manner that complements the existing character of our suburbs. I take this opportunity to request a response to my letter seeking a meeting between the Minister, her advisers, the mayor and general manager to advance the issue along these lines. I am very much aware that Ku-ring-gai's planning fate is in the hands of the assistant Minister. I urge her to take a sensible approach. I urge her not to impose upon our electorate developments that she would not want to see in her own electorate. We are happy to take our fair share, but we do not want to end up destroying the character of our suburbs.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.19 p.m.]: Parliament must be back: it is Wednesday, it is a little after 5.15 p.m. and I am responding to a private member's statement delivered by the Deputy Leader of the Opposition, the honourable member for Ku-ring-gai. Draft local environmental plan [LEP] 194 of Ku-ring-gai council was rejected on the basis that it failed to fulfil the Government's commitment to provide a better supply of choice of housing for Ku-ring-gai. The draft LEP is stage one of council's residential development strategy aimed at providing medium-density housing close to the North Shore rail line and the Pacific Highway transport corridor.

Despite years of negotiation and major concessions to council, the plan did not include the provisions as suggested by the Government. Key changes made by council included down zonings along with the transport corridor, removing one of the seven special areas selected to make important contributions to housing yield and greatly reducing another. The Department of Infrastructure, Planning and Natural Resources is assessing draft LEP 194, and will make recommendations about an appropriate LEP for Ku-ring-gai. The Deputy Leader of the Opposition is right when he says that dealing with Ku-ring-gai council is not always the easiest thing to do. Its antics and its failure at one stage to adopt not one LEP have made things quite difficult.

Ku-ring-gai is part of Sydney. Ku-ring-gai needs housing choice. The Deputy Leader of the Opposition quite rightly comes into this House to defend the vision of its residents. We are asking for the same thing: that they take their fair share. This is only stage one. We have not yet come to the larger areas of Ku-ring-gai, which are unique. I remind Ku-ring-gai council that we have dealt with them fairly and openly in the past and I assure the council that we will continue to do so in the future.

ROAD TOLL

Mr PAUL GIBSON (Blacktown) [5.21 p.m.]: I draw to the attention of honourable members the fact that for the past three or four years the road toll in New South Wales has plateaued, which means that education about road safety is effective. Unfortunately, more people are being killed on our roads than were killed in all the wars in which we participated. Sometimes the death of a person on our roads may be reported in two or three lines in the middle of a newspaper, but at other times it is not even reported. Some 20 years ago 1,400 or 1,500 people died on New South Wales roads each year. Today, when one million more people are driving on our roads than there were 20 years ago, that number is 500 or 600. But if one person is killed on our roads, it is one too many.

The running sheet for fatal accidents for 2004 shows that 68 people have died, which is equivalent to one and a half people each day, 18 more than for the same period last year and 13 more than the three-year average. For the 12-month period ending 17 February the running sheet shows that 571 people have died on our roads, which is 20 more than the previous 12 months and 15 more than the average for the past three years. Many families have been devastated. It must be distressing to answer a knock on the door and have a policeman tell you that one of your loved ones has been badly injured or killed in a motor vehicle accident. I have been trying to determine how dealing with that hurt could be made easier.

Often one will see markers on the side of a road where someone has been killed. Recently, I saw such a spot with eight wreaths. Eventually councils will have to codify what is and what is not allowed. I have spoken publicly about a national day of mourning on the Sunday before Christmas, but I would like it noted in this Chamber. It would be cost neutral because families who had lost loved ones in motor vehicle accidents would place white crosses on the side of the road where the deaths occurred. The crosses would stay in place until New Year's Day because more people are killed on our roads during the Christmas period than at any other time. It would not only show respect for those who had died, but it would also turn a tragedy into a positive.

We have tried everything and we have spent millions of dollars in enforcement, advertising and education and we have changed the law. Legislation was debated in this place today about the impact of alcohol on drivers, particularly young drivers. All of that helps, but the road toll continues to plateau. If thousands of white crosses on the roadside do not influence people to slow down and drive according to the road rules, I do not know of anything that will work. It is devastating to lose 600 people a year on our roads. If we were to lose 600 people a year in a war zone our population would jump up and down, and demand that the Government do something to stop such a terrible loss of life. A national day of mourning would be one way of impressing on drivers and everyone in the community that if they do not drive carefully and abide by the rules of the road, next year they could be represented by a little white cross on the side of the road.

NOWRA PUBLIC SCHOOL READING ACTION PROGRAM

Mrs SHELLEY HANCOCK (South Coast) [5.26 p.m.]: I draw honourable members' attention to the Reading Action Program [RAP] currently being delivered by the Support Teacher (Learning Difficulties) and a group of dedicated, trained group of parents and volunteers at the Nowra Public School in my electorate. Late last year I visited the school and spent a couple of hours as one of the reading tutors assisting students from years 1 and 2 with their reading and literacy programs. It was a wonderful experience, and I hope to return regularly to the school to assist. Earlier I had held a number of meetings with parents, teachers and the school principal to listen to how the program runs and the success story of the program.

When the program began a couple of years ago, about 20 students from the school were given one-on-one tutoring to help with literacy problems. This year the school has more than 90 students taking part in RAP, and its success has attracted the attention of the National Awards for Quality Schooling. The success of the program is well known throughout the area and now attracts the services of a number of volunteers and parents who have been given in-service training to assist them in tutoring students. There is no doubt that the children are benefiting from the program, and their withdrawal from the classroom to undertake smaller group work has raised their confidence and self-esteem, as well as dealing with some behavioural problems that resulted from their reading and learning difficulties.

Previously, the program operated in a demountable classroom, but with the unexpected growth of the school the room was allocated to a new teacher and class. The program is currently run from the multipurpose room, which is, as the name suggests, used for a number of other purposes. It does not offer a stable learning environment for the students in this program, who need dedicated learning spaces that are quiet and where there are no distractions to the important programs. The teachers and volunteers fear that this incredible program will not be able to proceed unless a dedicated classroom space is provided.

The principal is attempting to recruit local support and has outlined the problems if the classroom space is not provided. He has pointed out that the Nowra Public School services students from a wide social background with an equally wide drawing area who arrive at school with an equally wide ability level. Some can write their names and tie their shoelaces, whilst others are completely devoid of any ability to recognise letters or even control hand movements. About one-quarter of the incoming students to the school are already far behind this State average in reading and writing ability, but the program has improved the results of literacy and numeracy by the time the students reach year 3.

Programs such as RAP at Nowra Public School must be allowed to continue. The program is established, the volunteers have undertaken training and the results are encouraging. But a dedicated learning space is needed for the program to continue in an effective way. The Government must assist the school by providing such a classroom. The benefits are obvious, not only in the students' growing confidence and reading recovery but also in their ability to return to the mainstream classroom and work more co-operatively and with growing self-esteem. Early intervention programs like this avoid problems later in life.

I pay tribute to Sharon Matheson, a parent volunteer and stalwart of RAP. About two years ago Sharon began working one day per week, but now she is there most days organising and leading others whilst studying at TAFE to enhance her own skills. She is even thinking of a future teaching career. Throughout her time at Nowra Public School, Sharon and her band of volunteers have watched children come to the program as non-readers and emerge as more confident and sometimes avid bookworms. The program must be encouraged to continue. I call on the Minister for Education and Training to visit Nowra Public School to witness the program in action, as I did, and to take part in the tutoring program. I am sure he would enjoy the experience as much as I did.

The Minister must listen to the concerns of the principal, the teachers and the volunteers about the current rooming arrangements for the program. They simply cannot be allowed to continue. Yesterday the Minister spoke about improvements in literacy levels throughout the State. A number of schools in my electorate run these programs with the assistance of volunteers. We must support our volunteer parents, tutors and mentors who help our kids in trouble. Nowra Public School is only one of a number of schools in my electorate that deals with socioeconomic problems and, obviously, reading, literacy and numeracy problems as well. I ask the Minister to support Nowra Public School in its endeavours.

MR RODNEY SAYED AND TELSTRA

Mr PAUL LYNCH (Liverpool) [5.31 p.m.]: I draw the attention of the House to a serious situation affecting a constituent of mine, Mr Rodney Sayed, and his family. Mr Sayed lives in the comparatively new suburb of Cecil Hills in a new house that was meant to be his dream home. He and his family moved into the house two years ago next June. However, one major problem has blighted his dream home. A Telstra pit protrudes significantly above ground level and is easily observable to visitors to the site. Not only is the pit unsightly, its location prevents the construction of a driveway to the house. Mr Sayed's attempts to resolve the problem have been rebuffed.

The Sayed family first discovered the problem several weeks before they moved in, but well after they had purchased the land and certainly after the pit had been installed. The top of the pit is about 7½ inches above the surrounding ground. It is in front of the house's garage, precisely where a driveway should be built. The top of the pit is made of concrete, although the rest of the pit is made of plastic. In an attempt to resolve the problem, Mr Sayed contacted Telstra. Its response was not to fix the problem, but, recognising the seriousness of the matter, it immediately sent out a technician to put a barrier around the pit to prevent people tripping over it. While that is all well and good, it did not solve the problem for Mr Sayed. Telstra has refused to comply with his request to resolve the problem; it has refused to take any remedial action.

Mr Sayed, through contact with a contractor who works for Telstra, has discovered that to lower the pit would cost from \$3,000 to \$5,000 and to relocate the pit would cost from \$5,000 to \$7,000. Mr Sayed does not believe it is fair that he should have to pay such an amount—and, for what it is worth, neither do I. Moreover, having completed the building of a new house, with one builder going bankrupt in the process, he does not have vast amounts of cash lying around to fix up someone-else's mistake. The practical consequences of the location of the pit are serious. It is impossible for Mr Sayed to build a driveway from the street to the garage in his house. Further, Liverpool City Council has told Mr Sayed it will not approve a driveway in that position given the location of the pit.

On an aesthetic level, the pit looks odd. People would ask why would the Sayed family go to the trouble and expense of building a new multi-storey house at Cecil Hills and not build a driveway. The practical consequences are that when it rains the driveway and surrounds turn into a sea of mud. Getting out of the car when it is raining leads to mud being trampled through the house. I add that the house is on the arc of a cul de sac, which limits the parking options. As I said, Mr Sayed has tried to resolve the problem with Telstra, but his attempts have been monumentally unsuccessful. Recently, the Sayed family changed from Telstra to Optus for its Internet options. Optus says that it is not its problem as it is a Telstra pit, and that makes perfect sense. When the family changed its account to Optus, Telstra's already limited interest in the problem decreased even further.

Telstra's contractors installed the pit the wrong way in the wrong place. Mr Sayed suspects that the contractors no longer remain working for Telstra. Regardless of whether that is true, the problem remains Telstra's. Telstra has delayed far too long already and has rendered Mr Sayed's dream home a nightmare. It should fix the pit without further delay. This problem should have been resolved a long time ago. Telstra should stop worrying about buying Fairfax and get the basics right. It should resolve the problem, fix the mistake and let Mr Sayed and his family get on with the rest of their lives.

EPHING ELECTORATE ILLEGAL BROTHELS

Mr ANDREW TINK (Epping) [5.35 p.m.]: I want to talk about illegal brothels in the Hornsby shire, particularly those in my electorate. Today it has been confirmed that an illegal brothel has been operating at 56 Keeler Street, Carlingford. It is the latest of a number of illegal brothels in the shire. An illegal brothel has been operating from time to time in Blaxland Road, Eastwood, in the Hornsby shire. It opened for business and was closed down, opened up again and was closed down again. There have also been problems with illegal brothels on Beecroft Road, Beecroft, and in Pennant Hills. I give Hornsby council credit for doing the best it can to deal with this problem within the law. The council has an excellent team which works assiduously to close down these illegal brothels as quickly as it can.

That is not the approach taken by all councils. I noted with great interest an article in the *Daily Telegraph* on 16 February, which indicates that Waverley Council has taken its eye off the ball. Unfortunately, a number of brothels are operating from a block of units in Bondi Junction. The current law is not working and it has to be changed so that councils are able to close down brothels that are not operating within the law. One of the problems councils have is identifying the people involved, who in many cases are the lessees. The owner may or may not know what is occurring on the premises. Councils have great difficulty identifying the appropriate person to take legal action against.

I believe that the law on this issue has to be simplified. Ratepayers' money cannot and should not be spent on complicated investigations and legal proceedings. The policing of these premises was taken away from the Police Force as a result of recommendations of the police royal commission. Now the power lies with councils. All honourable members know that councils are stretched for funds because they have been given an unfunded mandate to deal with many issues, not the least of which is this one. Only a small amount of ratepayers' money should be spent on cracking down on this type of activity and ensuring that people act within the law.

The number one priority should be to enable councils to act successfully against these premises. They should not have to spend days, weeks and months trying to identify the persons involved. The council should be able to make an order against the premises. It should be able to move in with or without police help and lock, bolt and secure the premises and evict the people from them. The public expects that the council should take firm and quick action when illegal brothels crop up in their area. The illegal brothel in Keeler Street, Carlingford, is a matter of major concern. It is located across the road from the playground of a public school. The location of a brothel near a school is illegal. Yet these illegal premises crop up and councils have to go through the rigmarole of closing them down.

The onus of proof, if and when people are found to be involved, should be on the individual rather than on the council. Council ought to be able to recover costs. State Environmental Planning Policy 1 should not apply in relation to brothel applications and there ought to be an order available that can operate very quickly, within no more than 48 hours. The complexities of planning law are breaking in favour of illegal brothel owners instead of in favour of councils and ratepayers. Councils should find it easier, not harder, to enforce these laws. I conclude where I began by congratulating Hornsby council on its efforts, but all councils in this State should be able to operate much more easily against these brothel owners.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.40 p.m.]: The department is well aware of the specific problems relating to brothels and that those problems are greater in some areas. A working party has been looking at this issue and I expect from it a report that considers the concerns raised by the honourable member as well as available options for councils. I look forward to reading that report and entering the controversial world of brothels.

PENRITH ELECTORATE CITIZENS AWARDS

Mrs KARYN PALUZZANO (Penrith) [5.41 p.m.]: I want to tell honourable members about some of Penrith's outstanding citizens whose achievements were recently recognised. Warren Pinfold was one of 552 Australians who were awarded with the Order of Australia Medal [OAM] on Australia Day. Mr Pinfold was recognised for his tireless efforts to promote environmental rehabilitation in the Penrith region. Warren Pinfold was the proponent of the Penrith Lakes scheme some 30 years ago. At the time, when community opinion was divided over the Penrith Lakes scheme, Mr Pinfold organised a number of community events such as picnics and barbeques on the site. Warren's vision for that site led to Penrith Lakes becoming one of Penrith's proudest local areas. The Whitewater Stadium, the Penrith Lakes and the Sydney International Regatta Centre are now home to some of Australia's best water recreation facilities. Mr Pinfold is still donating a great deal of his time to the Penrith community. Each week Mr Pinfold works to restore St Stephens, Penrith's local Anglican church.

Another recipient of an OAM, Dr Ian Tait, was recognised for his service to medicine in his role as a general practitioner. Dr Tait has provided the residents of Penrith with nearly 40 years of service. As well as giving high quality health care to the people of Penrith, Dr Tait is ensuring continued high levels of medical care by providing on-the-job training in his role as a teacher of medical students with the University of New South Wales. Barney Allam, the founder and managing director of Allam Homes, was honoured for his commitment to the local community, particularly his work with the Wesley Mission. Mr Allam has raised more than \$500,000 through the company's Home and Hope program, and is currently aiming to raise more than \$300,000 for the Central Coast's Youth Drug Initiative.

Many other Penrith citizens were also acknowledged recently. Senior Sergeant Jim Prendergast was awarded the Australian Police Medal for his 31 years of service, in particular with the highway patrol of the Penrith Local Area Command, protecting the people of New South Wales. Penrith City Council also acknowledges and rewards citizens of the city of Penrith each year on Australia Day. As a councillor I am proud of this initiative. This year Ben Felton won the Penrith Australia Day Sports Achievement Award. Mr Felton, a blind athlete, is credited with setting up rowing for people with disabilities, a sport in which he has been hugely successful. In 1995, Mr Felton won a gold medal in the single scull event. During the next seven years Ben has been the national single scull champion five times. In 2002, Ben travelled to Spain to take part in the Australian team that won a gold medal, and in 2003 the team retained its title in Milan. Away from the lake Mr Felton works with the Blind Sports Club in Penrith.

This year's winner of the Penrith Council Young Achievement Award is the Chrysalettes synchronised ice-skating team. The team is made up of 8- to 14-year-olds and is coached by Josephine Tesauro. The squad won a third New South Wales gold medal last year. The members of the Chrysalettes are: Samantha and Mitchell Oke, Nakita Crighton, Michelle Kirk, Sarah Huby, Sally Spears, Michelle Christopher, Cara Kennett-Tribe, Cameron Hemmert, Ellen McDermott, Taylor Gracie, Emily Teale, Rochelle McCook, Erin Greentree, Madushi Wickram, Laura Edge, Haylee Solomons and Tania Fortunato. I have been fortunate to witness their performance at Penrith's Ice Place.

I also want to congratulate the Blue Mountains Citizen of the Year, Mr Brian McKay, who was honoured at the Australia Day celebrations at Glenbrook. Brian is a local businessperson who has supported many community groups, more recently the Glenbrook Chamber of Commerce. A number of local students were fortunate to receive the Premier's Award for Excellence for their recent results in the Higher School Certificate exams. They should be commended and acknowledged for their results. Those students from Penrith High School are: Angus McFarland, Kieran Colreavy, Daniel Kennedy, Adele Dumont and Karen Vinaik. The principal, Ms Wendy DePaoli, and staff of Penrith High School also deserve to be congratulated on their efforts in their profession.

I also recognise the efforts of students at St Paul's Grammar School who sit for the International Baccalaureate instead of the Higher School Certificate. The International Baccalaureate marks of many students were equivalent to higher school certificate marks in the very high 90's. I also congratulate the Glenbrook community fire unit that was aided by a grant of \$15,000 from the Government. This unit of people in Brook Road, Glenbrook get together and assist the local fire units and the rural fire units during the bushfire season, and they should be commended.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.46 p.m.]: I congratulate the honourable member for Penrith for bringing to the attention of the House some of the fine citizens of Penrith. The Mulgoa and Penrith electorates adjoin one another and I know many of the people to whom she referred. Ben Felton, a blind cricketer, was named Sportsman of the Year. On one occasion Ben bowled me out and later hit a six from one of my balls. I was amazed at Ben's sporting prowess. I support the honourable member for Penrith and congratulate all those people who received awards. This year's Australia Day activities at Penrith were attended by more visitors than ever. The crowds at the Penrith Lakes rowing centre were the largest since the Olympics and showed great community spirit in celebrating that great day.

OFFICE OF THE PROTECTIVE COMMISSIONER AND MR AND MRS McGILVRAY

Mr ANDREW FRASER (Coffs Harbour) [5.48 p.m.]: The easiest way to put the case of Mr and Mrs Roy McGilvray is to read their letter to me which states:

Mr **Fraser** our son Mark was involved in a Motor Vehicle Accident in October 1985 where he suffered head injuries. Written off by the Doctors and every one else my Wife and I took our Son home and sold our business so as we could look after Son full time. No one wanted to know us. We had no money but we still had our Son. When in 1993 Mark was awarded \$500,000 they came out of the woodwork. Mainly the Office of the Protective Commissioner a Department we had never heard of. They took our Son and we want out and our Son back. Listed below are the reasons why.

- (1) We were blackmailed into accepting The Office of the Protective Commissioner to look after our Sons affairs, because if we didn't agree there would be no settlement.
- (2) I was an Officer in the New South Police Force for a period of 14 years. We raised three Sons. At the time of Mark's accident we owned a Motel at Tuncurry run by my Wife June and myself. Whilst I was in the Police Force in Taree I

used to run all Police Charity days for the disabled, raising about \$20,000 over the years, so I consider that we are very responsible people.

- (3) Before the Office of the Protective Commissioner had banked Mark's cheque they took \$11,000.00 out. When I asked them what was the money taken out for Joanna King said that is an up front fee and Mark will not have pay any more fees while he is alive. Well Mr Carr's Government in their wisdom have moved the goal posts. They are now going to charge our Son extra fees to administer his affairs. In other words they are going to bleed our Sons account when we have been looking after our Son for the past 18 years for no pay at all and we would have it no other way. We do not need this stress Mr Carr.
- (4) Court Costs were to be re-imbursed back to our sons account by the GIO Insurance it took over three years costing our Son about \$20,000 in interest. Firstly the Protective Office tried to get us to accept \$30,000 for Court Costs. I said no only for me Mark would have nothing we accepted \$93,000.00. So much for the Protective Office only for me chasing the GIO Insurance we most probably wouldn't be paid yet
- (5) My Wife and I found and bought Mark a House in Coffs Harbour for \$200,000 it is now worth about \$500,000. But for us to sell this house the Protective Office wants \$11,000.00 fee so we can give our Son a better quality of life letter attached. They pay accounts before the work is done and don't tell us because it is not their money they do not care.
- (6) We have had about 17 Estate Managers they know all our business each time we get a new one we have to explain ourselves again, they don't even ring and introduce themselves, they could be just anybody off the street. We would like to bring to the Governments attention that over the past 18 years we have saved the Taxpayers about 3 millions dollars.
- (7) Well Mr. Carr your Government has hit an all time low changing the goal posts, your Government is now going to charge all your clients a new and extra fee for your services something that should not be happening especially when the fee was paid up front \$11,000.00, and it is a fee that Mark can ill afford, especially when we will do it for nothing we don't require your services, your Department has caused us nothing but stress and now your Department, is going bleed his account dry. We make this plea after all we are his parents to your Government we can't take much more of this stress. If you people are desperate for money we are prepared to sign all Mark's money over to the Government, all we want is the Deeds for Mark's House and my power of attorney re-instated in other words all we want is our son back no strings attached, no Protective Commissioner. I have read your act and you or the Protective Commissioner have the power to hand our son back to us, why I say this that if we have to take you to Court it is going cost Thousands of Dollars to prove nothing. Please remember, we were tricked into this situation with the stroke of a pen so you can reverse same with the stroke of a pen, as I said before My wife and I can't take this much longer, having your Government running our lives, I have been on the Current Affairs before and have been invited back.

These people are desperate to handle their son's affairs in his best interests. They have been advised that it will cost them \$2,200 a year for the Office of the Protective Commissioner to manage the remaining money in his account. As they said, they offered to pay a tradesman who turned up to undertake work on the house but were told that the account had been paid months ago. Officers of the Office of the Protective Commissioner do not communicate with them about what is going on. However, when they tried to improve their son's life by managing it under a power of attorney they were told that that would not be allowed. If they wished to object they would have to take the office to court. That is a disgrace. The honourable member for Swansea conducted an inquiry into the Office of the Protective Commissioner, but the situation has not improved. I demand that these people be entrusted with the care of their son. Their lives have been turned upside down and the Office of the Protective Commissioner is making the situation worse.

LUCAS HEIGHTS TIP

Mr PAUL McLEAY (Heathcote) [5.53 p.m.]: When I was elected in March last year many people in the Engadine area contacted me about foul odours emanating from the Lucas Heights tip. It was reported in June last year that the odours could be smelt as far away as Miranda. I spoke to my colleagues the honourable member for Miranda and the honourable member for Menai, who were also concerned about the issue, and we made representations to have the matter investigated. The winter weather conditions cause unfavourable conditions at the tip and I undertook an inspection last year to establish what progress had been made to reduce the odour.

Waste Service NSW is installing a \$2.5 million landfill gas extraction system to remove gas from the waste and to convert it to electricity. That work involves drilling 80 wells in the old, smelly waste. That process has created increased odour in the short term, but it is hoped that it will reduce the problem in the long term. Waste Service NSW told me that the work would be completed this summer and that it would resolve the odour problem. I also had discussions with the Environment Protection Authority, which investigates every odour complaint it receives and conducts odour surveys and unannounced site visits in its role as regulator of the Lucas Heights facility.

In response to community concerns about odours at Lucas Heights tip, Waste Service NSW has undertaken a major reorganisation of its capital works budget to bring forward the Lucas Heights odour management program. That has led to the postponement of other capital works, but it is good news for the residents of Engadine. The primary odour management system at the facility involves the collection of landfill gas that forms as the waste decomposes. Wells allow scouring or scavenging into the landfill to extract gas, which is then transferred to pumping stations and converted to electricity. The gas is collected under vacuum and used to generate green electricity, which is then fed back into the local power grid. This financial year, \$2.5 million has been budgeted for gas management and almost half has already been spent.

The gas is an intimate mixture of 50 per cent to 60 per cent methane, 40 per cent to 50 per cent carbon dioxide and small concentrations of odorous vapours, including hydrogen sulphide, or rotten egg gas, and minor quantities of sulphur-bearing compound vapours, which include mercaptans, dimethyl sulphides and carbon disulphide, or rotten cabbage gas. The upper layers of the landfill have other non-methane organic compounds, including odorous ketones, esters, volatile fatty acids, acetic acids and acetone. That is why I returned to Lucas Heights tip last week to check progress. I inspected all aspects of the tip, including the tip face, the green liquor, the gas extraction rites and installation and the EDL Power Station. Although EnergyAustralia has responded positively, I again emphasise the importance of facilitating the rapid upgrade of the electricity grid so that the captured gas can be used.

As part of Waste Service NSW's standard operating procedures, landfill gas is tapped, captured and converted by EDL Developments Ltd for use in the local electricity grid. EDL has prepared a development application for the expansion of its power generation from 12-megawatt capacity to 25-megawatt capacity based on the additional gas that will be extracted. If the application is approved, Lucas Heights landfill gas will eventually power the equivalent of approximately 25,000 households a year. I am pleased to see that the proposal is progressing and that the project will be completed for next summer.

DEPARTMENT OF COMMUNITY SERVICES AND MS DEANA DARGIN

Mr IAN ARMSTRONG (Lachlan) [5.58 p.m.]: On 3 September 2003 representations were made on behalf of Mr Kevin Griffiths of the Central West Family Support Group Inc. in Condobolin about a 16-year-old female, Deana Dargin, who gave birth to her child, Dale Dargin, on 22 May 2002. Dale was removed from Deana's care on 23 August 2002 by the Lakemba office of the Department of Community Services [DOCS]. The complaint made by Mr Griffiths relates to Deana's access to her child following his removal to Brisbane by a carer with DOCS permission.

On 9 September 2003 I made representations to the Minister and they were acknowledged. The issue was again raised with the Minister's office on 30 September and on 31 October. A staff member responded on 12 January that she had spoken to the officer co-ordinating the case and asked for a priority response. If no advice was received within two weeks my staff were to phone again. On 29 January we contacted the Minister's office again and were told that the department would be contacted to establish what progress had been made. We once again contacted the Minister's office on 2 February and were told that the Minister's staff were still awaiting advice from the department and that the issue would be followed up that day.

We contacted the Minister's office again on 9 February and an officer undertook to contact the department to establish a time frame for a response. The matter was then in the hands of one of the department's senior managers and had been given absolute priority. On 10 February the Minister's office phoned back to say that the necessary information in relation to the matter had been received to enable the preparation of a response, and we could expect a response in the next couple of weeks. In the meantime, this 16-year-old mother—no angel, but basically a good kid—has returned to school in Condobolin. Her baby is in Brisbane. The court made certain orders, including:

That the child have reasonable contact to the mother, to be exercised in the geographical location where the child is located being a minimum of monthly contact for 4 hours.

Every month she is entitled to see her child for four hours! Other orders were:

That contact may be exercised over 2 successive days by agreement between the parties.

That contact may be supervised by a person agreed on by the Minister ... and the supervisor is not to be [the carer] Lisa Stewart.

That the contact is to be organised subject to child and the carers other commitments ...

That contact is conditional on the mother not to be affected by alcohol or drugs and not denigrating the carer ... in the presence of the child.

Of concern to the mother, Deana, is that she must travel from Condobolin to Brisbane once a month. To do that she leaves on a Wednesday on a bus to Parkes, where she has a four-hour wait to catch another bus that arrives in Brisbane at 7.00 a.m. the next day. She then has access to the carer's house for four hours—9 o'clock to 1 o'clock. Then she catches a return bus from Brisbane to Parkes, arriving in Parkes on a Friday morning. She then gets a taxi from Parkes back to Condobolin. The cost is picked up by the department but it is an extremely long trip for Deana, and it is important to highlight that she is only 16. She has to travel for three days, and she is going to high school.

One of the orders stipulates that the carer is not to supervise the contact. Deana has continually asked that an independent third party, not a family member, supervise access. To date, access has been supervised by the carer's partner. Deana does not feel comfortable with this arrangement but agreed to it because she believed it was the only way she could see her baby, Dale. The child was allowed to leave the State, impacting on her ability to have fair and equitable access. Deana was given no say in this and was not asked for her input into it.

Deana believes that other placement options could be explored as there is a large extended family in Condobolin and the surrounding region. There certainly is. I know these people like the back of my hand. The Dargin family is a very big family. From Lake Cargelligo to Parkes and back down to Cowra there are umpteen people who I am quite sure could have looked after this baby for the department so this young mother could have had fair access to him.

One hears talk about the stolen generation. I put it to honourable members that this girl's baby has been effectively stolen from her. Sure, the baby is in the control of the department until it is 18 years of age unless the court reverses that decision. In the meantime, the girl has gone back to school and is trying to do the right thing to get her life back on track, and the department has separated her from her baby. I feel very strongly about this—it is wrong. It lacks compassion, basic decency and commonsense. It is ridiculous. The department expects a kid of 16 to go backwards and forwards to Brisbane. If that is not an example of a stolen generation, I do not know what is.

HUNTER RIVER SUPER SHOW

Mr JOHN PRICE (Maitland) [6.03 p.m.]: I wish to tell the House of the success of the Maitland Show. Last year was the first time free entry was available at the Maitland show, and it was so successful, with dramatically increased numbers, that it was decided to have it again this year. A number of things are worth mentioning about the Maitland show. Mrs Margaret Sivyer, the city's art director, is a director on the show committee and organises the Maitland art prize, which is sponsored by the chartered accounting firm Farrow Wyatt. It has the best purse of any regional art show in Australia. The first prize is \$10,000. The second prize, or section B, is \$1,000, and for the miniatures the prize is \$250. The Maitland council purchases the principal prize, section A, for the city's art collection.

Farrow Wyatt really puts back into the community in a positive way and promotes the arts at the same time. The art show will carry over until next weekend, when the Maitland Show will be held. It commences on Friday 20 February and runs through until Sunday 22 February. There will be free entry but there will be a parking fee for those who want to park inside the showground. There will be rides for young and old, along with the usual events one would expect at any rural show.

Another important event associated with the show is Miss Maitland and Miss Maitland Showgirl. The winner of the Miss Maitland Showgirl competition becomes Miss Maitland and attends all official council functions for 12 months, as the city's ambassador. The competition is open to young ladies between 18 and 25 years of age and has a significant list of prizes associated with it. The first prize is a purse of some \$1,000 worth of travel, with spending money of \$250 and a gift voucher of \$100. Likewise, second place has an essential array of prizes, and third prize carries a gift voucher and some jewellery. The encouragement award also has a gift voucher and some other prizes. These young ladies are a real credit to the city. It is great to see them come forward as they do. This time there were 11 candidates. They all performed extremely well at the official dinner last Sunday night, and they will be involved heavily in the show activities. Miss Maitland Showgirl will participate as a judge in the junior showgirl event to be held over the show weekend.

The Hunter River Super Show, as it is titled, has been a tradition in New South Wales for 140-odd years. It is the longest single running show of its kind in the State and one that I am proud to be associated with as the local member. I encourage anyone who is in the Hunter region next weekend to attend the show and see what a provincial city can do to entertain itself, provide entertainment for others, allow the hard-pressed rural

community to display its wares, and undertake a number of other functions associated with agricultural shows. These shows are held throughout the State from time to time but this one has provided a real resurgence for Maitland. The Hunter River Super Show is a credit to the President of the Hunter River Agricultural and Horticultural Association, Mr Bernie Sarroff. He and his committee have worked extremely hard and will continue to do so to make sure the show is successful not only in 2004 but in the years to come.

REDFERN SOCIAL PROGRAMS

Ms CLOVER MOORE (Bligh) [6.08 p.m.]: Tonight I again call on all levels of government and the Australian community to do all we can to ensure that the tragedy of "TJ" Hickey's death in Redfern means that the Redfern Aboriginal community gets help to fight its way out of grief, despair and poverty, and drug-related crime and violence on the Block. The riot following the death shows the volatility of the situation. I visited the Block on Monday to express my support for a community that was in shock and mourning. I took its concerns to the Premier that day, calling on him to make a continuing commitment to tackle the human degradation, the urban blight and the criminal activities centred on the Eveleigh Street area.

When this area was included in my electorate in 1999 I asked the Premier to respond to the ravages of drugs, crime and violence. A partnership project was set up in March 2002 and funded until June this year. It is vital that that funding continues, because it could take 10 years to break the cycle. I support the project because it involves all New South Wales government agencies and council. However, I am frustrated that it has taken so long for the social programs to be implemented. The community is concerned that the human services review will reduce funding to social services, rather than the Government seriously tackling the problems.

Redfern police, under Local Area Commander Dennis Smith, have built better relationships with young people through street retreat camps away from the Block, taking nippers to surfing programs at Maroubra Beach, and regular sport and recreation programs. Redfern's two police youth liaison officers meet young people in the street, travel on the school bus with them, and act as mentors to keep them out of trouble. I commend Redfern police for their work, notwithstanding the concerns raised by some Aboriginal residents who told me that they and their youth feel victimised by police. I believe that much of that sentiment could be historically based rather than based on what is happening in the command today. Many of the people I spoke to on Monday feel that they are victims of racism. Breaking the cycle of intolerance and mistrust is our ongoing responsibility.

The anti-drug strategy has already reduced drug dealing and the incidence of drug users coming to the area to sell drugs; indeed, crime is at the lowest level for five years. Alcohol and drug programs are sorely needed for those who are addicted, and the recently established Alcohol and Drug Task Force must call on new resources to expand services. Since mid-2003 Barnardos, Mudgin-Gal and Centacare have been supporting families who need extra help, and street team patrols have been set up to get to know young people and their problems. New programs are operating from the Police and Community Youth Club, and youth services have responded with new programs to engage young people. Such programs must continue.

Alexandria Park Community School has developed sports programs and employed workers to encourage kids to stay at school. I am pushing for Darlington Public School to keep its current staffing, and I call upon the Government to reopen Redfern Public School. These are small schools that can work effectively with Aboriginal students who need programs that suit their culture and background. Redevelopment of Aboriginal Housing Company land is essential in improving conditions at the Block, but a series of plans has yet to be turned into action. With support from the Government Architect, initial designs for a master plan should now be on public display within weeks for community consultation. The Government must ensure that redevelopment goes ahead as soon as possible, that appropriate housing is built for Aboriginal families, and that it is financially viable and sustainable in the long term.

Under the RED Strategy, which has been implemented to redevelop the physical infrastructure for Redfern, Eveleigh and Darlington, options for Redfern railway station, open space, a shopping precinct and housing will be released in April. Residents are concerned that the plans will result in overdevelopment and the sale of public assets, rather than improve the urban environment. The plans must focus on safer streets, better public transport, reduced traffic impacts, increased open space, and better community facilities. The upgrade of Redfern railway station must be brought forward. These infrastructure projects provide vitally important training and employment programs, to ensure a future for the Aboriginal people of the Block. What they need is long-term hope and opportunity. The Eveleigh railway yards redevelopment should protect their heritage, with a focus on jobs for local people.

Much of what we have seen in the media in recent days has not covered the positive work that is being done. I call on the Premier to extend the Redfern Waterloo Partnership Project for at least 10 years so that real change can occur and hope will be given to the next generation. In 1999 I saw 10-year-old girls with needles in their arms in Caroline Lane, Redfern, and this week I spoke with a number of mothers who had three-week-old babies in their arms. It is our responsibility to ensure that those children do not end up in Caroline Lane with heroin needles stuck in their arms, leading to a hopeless situation. I call on the Government to keep the support going, to ensure that deaths such as that of "TJ" Hickey and riots such as the one that occurred last Saturday are not repeated.

Private members' statements noted.

[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 6.13 p.m. The House resumed at 7.30 p.m.]

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Motion by Mr Carl Scully agreed to:

That:

- (1) standing and sessional orders be suspended to provide that at this sitting, until the rising of the House, no divisions or quorums be called;
- (2) the House at its rising this day do adjourn until Thursday 19 February 2004 at 10.00 a.m.;
- (3) the House adjourn without question at the conclusion of the motion of condolence.

DEATH OF BARRY WILLIAM (BILL) RIXON, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [7.33 p.m.], on behalf of Mr Bob Carr: I move:

That this House extends to Mrs Rixon and family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 12 November 2003 of Barry William Rixon, a former member of the Legislative Assembly.

I convey to Mrs Rixon and family deep condolences on behalf of the Government and the Parliament. I did not know Bill Rixon very well, but we were members of this House at the same time for a period of about nine years: I was elected in 1990 and he was a member of this House from 1988 to 1999. He certainly was not a combative member of this House. If Bill had an aggressive trait, I did not experience it. I always found Bill to be a kind and gentle individual, and a man of great sincerity, integrity and honesty. Although I am one of the members on the other side of the political fence, I always noticed that whenever Bill spoke everybody listened to him. He certainly was a strong advocate for the interests of his constituents. He will be missed. I convey to his family my very best wishes at a very difficult time.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [7.35 p.m.]: I express my sorrow and that of The Nationals at the passing of a former member of the National Party for the electorate of Lismore, Bill Rixon, and extend my condolences to his family, his wife, Merrilyn, and their children. I acknowledge the presence in the gallery tonight of Mrs Rixon and daughter Serenity, and other members of the Rixon family, including Bill's brother, Jim, and his sister, Joy. Tragically, Bill passed away on 12 November last year at the age of 62. His death came far too early. He deserved a much longer retirement with his beloved family on his beloved farm.

Bill held the seat of Lismore for The Nationals between 1988 and 1999. He was a family man, a gentle man and an extremely hardworking local member of Parliament. While I did not have the privilege of serving in this Parliament at the same time as Bill, I knew him personally and had the privilege of working with him on the 1996 Port Macquarie by-election, when he gave unstintingly of his time and experience. He travelled to Port Macquarie to assist an aspiring young candidate and he showed the way to knock on doors and connect with the local community. He gave of himself and his time, and for that he won my respect and admiration.

There are two notable facets of Bill's life that were very important to him, and they are also very important to me—a strong Christian faith and strong family values. For all the reasons I have stated, I had, and still have, enormous respect for Bill Rixon. He was a good man, an honest man and a wonderful husband and father. No matter whom one speaks to about Bill, including colleagues from both sides of the Parliament, one hears unqualified praise and respect for him. He was a man of compassion, determination and energy. Barry William Rixon was born in 1941. Bill could trace his ancestry back to the fledgling beginnings of Lismore. He was educated at Upper Eden Creek primary school, Lismore High School and Armidale Teachers College and also undertook external studies through the University of New England.

Bill commenced teaching at the age of 18 and instructed 33 students in a small one-teacher school. He taught in primary schools and taught remedial students in high schools. He taught high school mathematics between 1960 and 1987. He was a former teacher at Milvale, Glen Innes, Tenterfield and Kyogle, and I know that he was extremely proud of his achievements in the Lismore electorate, including the evolution of the stand-alone Southern Cross University from the former Northern Rivers College of Advanced Education, construction of the regional college of technical and further education [TAFE], a new school at Nimbin, a new library for the Lismore High School and many improvements to school facilities in the area. Those issues were always near and dear to Bill Rixon's heart.

During Bill's term as the local parliamentary representative there were improvements to the Summerland Way and the Bruxner Highway, the Lismore Base Hospital was extended, Nimbin received a new police station, and Lismore received new courtrooms and a cell block. The current member for Lismore, Thomas George, has his work cut out for him and a great deal to live up to. Under Bill's stewardship there were many other improvements that are too numerous to mention. His experience as shire president and councillor underlined his concern for local government and local people. Bill had an affinity with farmers and rural industries, having managed his own grain, small crop and beef production since 1968. Bill's beloved farm helped balance the pressure of parliamentary life. I am sure he appreciated the fact that mobile telephone coverage on his farm was limited.

Mr Andrew Fraser: He enjoyed that.

Mr ANDREW STONER: As the honourable member for Coffs Harbour said, Bill enjoyed that. Bill had a long record of community service, including membership of Glen Innes Jaycees, a member of Tenterfield and Kyogle Apex clubs, a member of Rotary, chairman of the Richmond Ratepayers Association, and a Kyogle shire councillor and president. He prepared submissions and led delegations in relation to roads and bridges, planning, finance, soldier settlement blocks, library, national parks, tourism and sporting facilities, among other issues. Bill was a well-respected and loyal member of the then National Party and had served in various positions since 1975. His parliamentary service included membership of the Regulation Review Committee, the Standing Committee on Public Works, the Joint Select Committee on the Constitution Bills, and as a member of various legislation committees and ministerial advisory committees.

One of Bill's former staff members, Bernadette Ensby—currently a staff member of the Federal member for Page—recalls that Bill was a man of simple and practical tastes. On one occasion he was asked to represent a Minister at a function in Coffs Harbour. His accommodation had been arranged by the Minister's office. Upon arrival Bill discovered that he had been allocated a suite, which he declared too big for one man and promptly organised to be moved to a single room. And then there was the day that Bill was faced with a noisy Greens protest in front of his electorate office. As dissimilar as the views held by Bill and the protesters were, he fronted the crowd and quickly diffused the emotion by individually shaking each protester's hand.

Bernadette told me that there was hardly a day in the electorate that Bill did not run across someone who turned out to be one of his relatives somewhere along the line. In Bill's maiden speech he stated that he was humbled and proud to have his name added to the list of men who had been elected to serve the Lismore electorate: men such as Sir John Robertson, Raymond Perdriau, William Frith, Jack Easter, Keith Compton and Bruce Duncan. Bill clearly matched his predecessors' records of loyal service to the people of the Lismore electorate and enriched his community through untiring service and hard work. Bill was a local champion who worked assiduously on behalf of the people of the Lismore electorate. All those who knew him and benefited from his work will fondly remember him. He was also a great team man who more than pulled his weight as part of The Nationals team. A condolence motion moved at a recent Lismore City Council meeting illustrated the respect in which Bill was held locally. It stated:

Bill Rixon was a man you could always approach; he was a man who tried very hard to help everyone who did approach him. I think he was generally recognised as being a very good member for our particular area.

That was probably an understatement. I conclude on that note and again express my condolences to Bill's family.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [7.43 p.m.]: Respect for Bill Rixon was amply shown by the packed public memorial service held at Kyogle. In fitting country style, those attending were crammed in or overflowed to stand outside. I am pleased to report that attendance crossed the political divide, with members of the Labor Party also present to show and pay their respects, including Janelle Saffin, a former member of the Legislative Council, and Mrs Sandra Woods, the wife of the former Federal member for Page and State member for Clarence, Harry Woods. Their attendance highlights the fact that Bill could work across the political divide very successfully to get things done—things that he saw as necessary for his local area. I will give some examples of this in a moment. Bill was a good country bloke and he remained that way. He was a wonderful husband and wonderful father to his six children, and he was well known for that throughout the community.

When Bill was appointed to Kyogle High School as a maths teacher he was single. Another young female, who was single at the time, was also on the staff. I am told that to this day the students of the time claim credit for matchmaking Bill and Merrilyn. To this day Kyogle is a close-knit, wonderful community. The former Kyogle High School students claim credit for manipulating events so that Bill and Merrilyn got together. Bill had an impact in his school community and began to have an impact in the local community. This continued with his election to council prior to entering State politics. With his election to the State seat, Bill remained Bill. Despite the honour and privilege of being a State member, Bill did not change—he did not seek the flash and did not chase the limelight. When he left State politics he was more than happy to return to Merrilyn, the kids and, importantly, the farm at Eden Creek, west of Kyogle.

Bill was passionate about his area. To achieve things he saw as vital he was prepared to put aside political differences and work for them. To that end, he worked closely and successfully with Janelle Saffin from the Labor Party. It would be fair to say that a close friendship and working relationship developed between them. In some ways they were a most successful tag team. That tag team can boast some success, particularly in health and education services throughout the Richmond Valley to this day. That co-operation can be further illustrated by events leading to the sealing of the Kyogle to Murwillumbah road. Seen as a potential tourist and major link road, it was unsealed from Kunghur in Tweed shire to well into Kyogle shire. Many former State and Federal members had not been able to raise the necessary funding to achieve that sealing.

In 1991 I was the member for Richmond, as that area was then known. With the help of the Federal transport Minister, Bob Brown, I obtained \$1 million to seal about half the unsealed section—all of the unsealed section in Tweed shire, in the seat of Richmond, and from the Nimbin turn-off to Blue Knob, on the Lismore side. It was a mighty start. From then on Bill and Janelle Saffin tackled successive road Ministers on a regular basis. That is why, when the last section was sealed and officially opened in 2002, Bill departed from his vow not to attend official functions. In attending the official opening, he joined the Federal member for Page, the Kyogle mayor, Janelle Saffin and me to acknowledge that achievement. While everyone was taking credit, Bill and Merrilyn remained quiet. Janelle appropriately acknowledged the long years of lobbying by both of them. She knew how much that meant to Bill.

It was similar co-operation between Bill and Janelle that successfully obtained funds for the Summerland Way, a major link from Kyogle into Queensland and onto Brisbane which, again, brought immense benefit to the Kyogle area. Bill also worked fervently for flood mitigation work in the often flooding Richmond River and its tributaries, a fervour no doubt fuelled by a family tragedy in the devastating 1954 flood. Bill was passionate about his electorate and it remained his priority while he was on watch. Well done, Bill. I extend my sympathies to Merrilyn, Serenity, Ben, Victor, Luke, Jordan and Laura, and the extended Rixon family. My condolences to you all.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [7.48 p.m.]: It is an honour to join members of the House, particularly the Leader of The Nationals, Andrew Stoner, and his party colleagues, in speaking to the condolence motion for Bill Rixon. I had the pleasure of serving with Bill Rixon for a brief period at the beginning of my parliamentary career and the end of his, between 1996 and 1999. I acknowledge the presence in the gallery this evening of his wife, Merrilyn, his daughter, Serenity, his brother, Jim, his sister, Joy, and other family members. As my country colleagues would agree, we acknowledge Merrilyn not just as a wonderful wife but as a great de facto local member from time to time. Members who represent country electorates know the incredible role their spouses play in keeping the home fires burning when they are working in Parliament House, Macquarie Street.

Bill Rixon joined the class of 1988. In Coalition folklore that is one of the great classes that delivered government to the Liberal-National Coalition after 12 years in opposition. That class has many members still

serving, and many who think and speak very highly of Bill. Bill is remembered first and foremost for being a good local member, an honest man who diligently secured wins for his local community. As the record states, he secured funding for an upgrade of the Summerland Way, detoxification and rehabilitation services for the Riverlands, and a new police station at Nimbin. Before entering Parliament I was an adviser to the then Minister for Police, the Hon. Ted Pickering, MLC. I do not think I am giving away a secret when I tell honourable members that Bill and Ted did not get along too well. As a young adviser I accompanied Ted when he opened the Nimbin police station. As one can imagine, we in Sydney thought it was hilarious that Nimbin had a police station, given the view of Nimbin by people outside the area.

Capping off the opening of the police station was the tour by the Minister. Bill was there as a good local member, and I was the young bloke tagging behind. Ted Pickering had a strong view on the shocking failure of the then Police Service to properly undertake capital works. He always used to say, "Another Taj Mahal is being built." During the tour we visited the two cells in the station—there are probably still only two cells at Nimbin police station—and we noted that the locks were on the inside of the cells. At that point we thought the new police station was well suited to Nimbin. I do not know how any of us kept a straight face.

Bill Rixon will probably not be remembered for being a good politician. He will be remembered for being a good local member and, above and beyond all things, a good man. He was proud and open with his own Christian faith and he lived his faith, both as a member of Parliament and with his family. He was a gentleman who served on local councils and then in Parliament for more than 10 years. He retired from Parliament in 1999. As we know, he suffered a major health incident on the day of the 1999 State election. We all heard about that when we returned in 1999, and many of us thought that Bill would not survive much beyond that. To know that he spent a few more years with his family, friends and community brought joy to all of us here.

It was a great pleasure to know Bill Rixon. I asked—and I will leave this point hanging for the honourable member for Lismore to confirm—the honourable member for Lismore, Thomas George, for his views about Bill Rixon. I am happy to tell Marilyn that Thomas said mostly charitable things. However, he did tell me that Bill was a lousy driver. I shall leave it to the honourable member for Lismore to enunciate Bill's driving skills. The people of the electorate of Lismore and of New South Wales were well served by Bill Rixon. We remember him fondly. We offer his family best wishes as they move forward and we offer our condolences.

Mr PAUL CRITTENDEN (Wyang) [7.53 p.m.]: Bill Rixon was one of those rarest of blokes, especially in National Party terms, because he was a good bloke. I first met Bill on 5 January 1985 at about 6.00 p.m. at my sister's wedding. As luck would have it, Bill and Marilyn were there. They were good friends of the groom's family, which came from Casino. Thomas George was there as well. I could cope with the fact that my sister was marrying a Protestant but I thought she would have drawn a line at marrying a supporter of the National Party! I spoke to Bill that night; he was a pleasant enough bloke. I note that he was elected to Parliament in 1988 and I came here in 1991.

Bill and I were both previously employed as mathematics teachers. Bill was kind and charitable to me from my inception here. Having said that, Bill always thought that I was a bit of a cop-out as a mathematics teacher because I lasted only three years while he taught for considerably longer than that. Talking to Bill, one knew that he was a great educator. He did not tell people what to think; he taught them how to think. As the Leader of the Opposition said, sometimes in politics and spin that is not always a respected trait. But like all good mathematics teachers, Bill followed the Herbartian theory of education. He took children from the known to the unknown, from the real to the imaginary, from the concrete to the abstract. He had a first-class mind.

Bill did one great thing for me. Shortly after the 1995 State election, when the Government came to power, he sought me out and said he had heard that I might be appointed chairman of a committee. He asked me which committee and I told him the Public Works Committee. As the Leader of The Nationals said, Bill served on the Public Works Committee, as did the honourable member for Upper Hunter. During the time I chaired that committee I appreciated Bill's support. Both the honourable member for Upper Hunter and Bill were very kind, fair and honourable in all their dealings with me. The then Independent member for Manly, Dr Macdonald, was also a member of the Standing Committee on Public Works. One of his staff members had a predilection for running to the *Sydney Morning Herald* on any pretext. Whenever I got a call from the *Sydney Morning Herald* I suggested they contact Bill Rixon to get his version of events; I sometimes suggested that they also contact the honourable member for Upper Hunter.

Bill was dedicated to his family. I know he was good friends with Peter Cochran. He often spoke about the importance of Australian tradition. I know that he and his sons went to the Snowy Mountains and retraced

the steps of one of the people known as the Man from Snowy River, Jack Riley. His family and his deep Christian faith sustained him throughout his life. His happy marriage to, and the family he enjoyed with, Merrilyn brought great joy to him. I will fondly remember Bill for the rest of my life. I extend my sincere condolences to Merrilyn, Serenity, the other children of the marriage, and Jim and Joy.

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [7.58 p.m.]: I join with the Leader of The Nationals, the Leader of the Opposition and other members in expressing my condolences to Merrilyn and the Rixon family this evening. In the gallery tonight are members of the Rixon family and I acknowledge their presence: Bill's wife, Merrilyn; their daughter, Serenity; Bill's sister, Joy, and her husband, Don Walsh; his brother, Jim, and his wife, Jill; Merrilyn's sister, Heather; and Bill's two nephews, Isaac and Rhys Murphy. It is good to have the family here. We appreciate that this is an important occasion for the family, as it is for us in officially saying goodbye to one of our colleagues.

I was honoured when the Rixon family asked me to speak about Bill Rixon the politician at his memorial service, which was held on 17 November last year at Kyogle Memorial Hall. The service was very moving. The hall was packed with a huge crowd, which I think was a wonderful tribute to the high regard in which Bill Rixon is held. Having spoken on that day I feel somewhat guilty about repeating the things I said then. However, we are speaking in the Parliament of New South Wales and someone who has made a contribution such as Bill Rixon deserves to have put on the parliamentary record those things that I said about him on that day. I ask the family to bear with me because they have heard it before; I hope they will forgive me.

Bill and I were elected to represent our respective electorates on the same day, 19 March 1988. It is pleasing to see two other members from the class of 1988 in the House—George Souris, the honourable member for Upper Hunter, and John Turner, the honourable member for Myall Lakes. As the Leader of the Liberal Party indicated, that was a fairly significant class because it delivered government to Wal Murray and Nick Greiner at that time. Having now been in Opposition for nine long years I look back on those days in government as the halcyon days. One of the things that Bill probably appreciated is that he went out of politics having had one term in Opposition and that he was fairly fortunate to have been in government for the seven years we were in office.

When he started his political career Bill was stepping into big shoes. Bruce Duncan was the popular member for Lismore at the time. I shared that experience with Bill because in those days Bruce Duncan represented what became the Lismore electorate as well as most of the Ballina electorate. Everyone loved Bruce Duncan; he got something like 75 per cent of the primary vote in his electorate. Bill and I both knew that these were huge shoes we were stepping into. Bill won a tight preselection battle against the then mayor of Lismore. That was a fairly good indication of the way in which Bill could organise things if things needed to be organised. He did not win the preselection by much but he turned it around, having won the preselection, and then proceeded to win the seat of Lismore in a comfortable fashion. In fact it is a great tribute to Bill that in the whole of the time he was a member for Lismore—and he was re-elected on three occasions—he never even looked like going to preferences. In this day and age anyone who can win more votes than the rest of the field put together knows what he is doing.

I used to joke with Bill about the fact that the reason he got such a big majority was that he was related to just about everybody in his electorate and they all voted for him. The truth was that he was a hardworking local member who genuinely cared deeply about his constituents. Prior to entering State Parliament, Bill had been the president of Kyogle shire from 1977 to 1980 and a councillor from 1977 to 1983. During that time he was particularly keen to have rates kept under control and not become an unreasonable burden on struggling ratepayers. He was also instrumental in ensuring new homes were not built on the flood plain. Prior to that time there had been a flood in Kyogle and I understand that many people had lost their homes, including members of the Rixon family. As shire president Bill was adamant that there would be no more homes built on the flood plain. It was a visionary position to take.

I would describe Bill as a grassroots politician. His dedication to the needs of his electorate, especially the battlers, and his straight talking no-nonsense approach to issues was such that he evolved into something of a conscience within our parliamentary party. Other members who served with Bill will recall that often he would have an alternate view and expressed it strongly, particularly if it was a view that represented the battlers. He cared about people who did not have as much as others. He was a person who had a pragmatic approach to things. Despite that pragmatism he was a man of compassion who tried to deliver practical outcomes that would improve people's lives.

Bill could be feisty if the occasion demanded. He was not afraid to be the only person on one side of the argument. He had political courage. He was prepared to take a stand if a stand needed to be taken. He had

strong views on job creation, drug policy, opportunities for young people, upgrading roads, flood protection, primary production and, of course, cattle ticks. Cattle ticks were a big issue for Bill. Some of the arguments about cattle ticks between Ian Armstrong when he was Minister for Agriculture and Bill Rixon were legendary in our party room. We do not normally talk about what happens in our party room but I think we can make an exception on this occasion. In his maiden speech to Parliament in 1988 Bill declared:

These social problems of employment, drugs, broken homes and the hand-out mentality will no longer be ignored.

In that speech he went on to outline his vision for the electorate and the region, which essentially involved the intelligent utilisation of our resources, including our timber resources, to improve employment opportunities and lift incomes. Bill's strong interest in employment opportunities should not lead us to assume that he was anti-environment. To the contrary, he was pro-environment, but he took the practical rather than ideological approach. He often told me that there were more koalas around the Kyogle area than there had been when he was a boy. I have had that confirmed by a number of people.

Some people underestimated Bill Rixon to their cost. Bill was an intelligent, able and wily politician. He was a shrewd politician who was all about getting good practical results. He was the sort of politician who would firstly try the handle on the door rather than kicking it down, but if he found that the handle on the door was locked and he did not have the key he would work out some other practical way of getting inside. It was that quality of tenacity, mixed with his undoubted sincerity, which made him such an effective local member.

The fight to save Bonalbo hospital and his successful efforts to upgrade Lismore Base Hospital are only two examples of his tenacity. During his period as the local member Bill was fortunate to have the total support of his wife, Merrilyn, and their six children. Merrilyn supported Bill in a variety of ways, including being an excellent guest speaker. Over the years I have spoken to many people who have heard Merrilyn speak and they were moved by what she had to say. With Bill and Merrilyn the people of the Lismore electorate got two for the price of one. Not only did Bill serve the people of the Lismore electorate with energy and dedication, he made a valuable contribution within the New South Wales Parliament itself. He served on parliamentary committees dealing with regulation review, health care complaints and public works.

As a former teacher his views on education were highly respected. He chaired the Education Advisory Committee during the years of the Greiner-Murray government. Those were tumultuous years. Terry Metherell burnt up so much political capital in the first few years of government it was not funny, and many of us looked to Bill Rixon as a person who had been teaching all those years and who could provide some practical interpretation of what the academic Terry Metherell was trying to do, which most of us did not understand. In that practical way Bill Rixon, being a supporter in most ways of the general direction being taken, was able to interpret the Metherell doctrine, if I can be allowed to use that description. At the time we appreciated that.

As a former councillor and shire president he made a significant contribution to the writing of the Local Government Act under which we now operate. Bill always used his knowledge and experience to good effect. As we have heard, he used to be a mathematics teacher. I recall one occasion when he used his mathematical skills to highlight that under a proposal to give both upper and lower House members a vote for the party leadership it would be mathematically possible for an elected leader not to enjoy majority support from his lower House colleagues. On another occasion I recall Bill deflating a bureaucrat's argument by pointing out that what the bureaucrat was saying simply did not add up. The bureaucrat had made a mathematical calculation about something being 10 per cent, something else being 15 per cent and something else being 30 per cent. Bill wrote all this down and in the end it did not add up to 100 per cent. Bill made the observation and the bureaucrat was so flustered he lost the thread of his argument and his credibility.

In his third term Bill also became the National Party's Deputy Whip. He had to make sure that other members of Parliament were in the right place at the right time, which, as Thomas George will attest, is no easy task. He was an active parliamentary performer who had a good grasp of a wide range of public policy issues from agriculture and forestry through to health, education and drug policy. He spoke on 130 occasions during his time in Parliament. Whatever he talked about he invariably brought back to its impact on the individual. At a personal level Bill had a few distinctive characteristics. He had a quick wit. As an illustration of that I will read a section from *Hansard* when Bill was speaking on education. He said:

As a teacher with 28 years experience ... the number of teachers has nothing to do with quality, but the standard of the professional training of those teachers. I taught in high schools from 1968 to 1988.

Then Mr Bowman interjected:

You did not learn much while you were there.

Bill replied:

I learned how to keep under control slow learners like the member interjecting.

He had a sense of humour and a quick wit. I would put Bill in the scary category as a driver, and other members who travelled with him did so only once. We felt it was safer to take our own cars. Bill never spent money on things that could not be justified. When Parliament was sitting Bill would stay in a shoe-box sized room at the leagues club that had shared bathroom facilities. He also knew the meals were cheap at the club and we shared a few meals there over the years. However, his overwhelming characteristic was that he was a dedicated family man. He loved his family and they loved him.

As a politician Bill Rixon was not a headline seeker; he was there to make a difference. He was an honest politician and he enjoyed respect from all sides. He was a gentleman in the hurly-burly of political life but he was also a good operator, who fought hard for the people he represented. He had high moral principles, a calm manner and twinkle in his eye that indicated he always knew what was going on. Bill also served the National Party organisation with enthusiasm before and during his time as a member of Parliament. In short, he served the people of the Lismore electorate and the people of New South Wales with dedication, decency and determination.

Merrilyn and the Rixon family should be proud of Bill's contribution to our community. In a world where many politicians are regarded with cynicism, Bill Rixon will be remembered as a quiet achiever who was genuinely dedicated to those he represented. On behalf of those who served with Bill in his public life and who benefited from his efforts as a local member—and there are many—we thank Merrilyn and the family for allowing us to take so much of Bill's and your time. A number of speeches were made at the memorial service dealing with different perspectives of Bill's life. When Bill retired he said to me, "Don, I've had a phase in my life when I was a teacher, I've been a politician and now I want to be a full-time farmer." Unfortunately, his time as a full-time farmer was cut tragically short. However, his contribution as a teacher, parent, councillor and member of this Chamber was significant. Bill may be gone physically but he will always be remembered and appreciated with respect by those of us who were fortunate enough to have known him.

Mr GEORGE SOURIS (Upper Hunter) [8.12 p.m.]: I support the comments of previous speakers. I was also one of the class of 1988. I am privileged to speak about Bill as a friend and colleague and to reflect upon his many achievements. I convey my sincere sympathy to the family—Merrilyn, Serenity, Don and Joy Walsh, Jim and Jill Rixon, Heather Murphy, Isaac and Rhys Murphy—and those of the extended family who are not present but who we had the honour of meeting at the memorial service. The huge hall was packed for Bill's memorial service. I first met Bill at media training prior to the 1988 election. We were hoping to be National Party candidates and the three-finger test differentiated those who won their seats from those who lost: if three fingers could be placed between the forehead and the hairline without touching hair, that person was given the okay by the media. Bill passed the test and John Turner, the honourable member for Myall Lakes, easily passed the test. Don Page struggled, but he made it. One person from the south did not pass the test and did not get elected.

Bill had many friends and it does not surprise me that, as well as the class of 1988 and other members of the Coalition, Labor Party members have also spoken to this condolence motion. That is because Bill's associations, friendships and professional dealings crossed the political divide; he did not have one enemy in this place. He was never vitriolic, nor did he denigrate an opponent. He offered the strongest argument on the policy matter at hand. Most of us try to follow to that practice but we often fail. Bill was a gentleman. I am sure that statement will be reiterated many times tonight. Bill had the respect of everyone. He was strong in his convictions and was a man of Christian principles. When I needed advice I knew exactly who to ask, and Bill was always willing to assist. I will always remember with fondness that he was a loyal supporter who never wavered. I put on record my appreciation to him for that.

I am not surprised that Don Page spoke about cattle ticks. I know all I need to know about cattle ticks because Bill was here for many years, and although we may not have resolved the issue, we have covered it. I take issue with the comments of previous speakers about Bill's driving. The former member for Murrumbidgee was by far the worst driver in this Parliament. Indeed, the member for Myall Lakes has terrorised me to the point where I do not drive if he is in the car. I give him the keys, and let him drive the car; it is easier. I am prepared to defend Bill Rixon. Members of Parliament are notoriously bad drivers because they are occupied with various issues or they are driving visitors around the electorate. Electorate staff may ring us on our mobile phones. It would be fair to say that few of us enjoy the ordeal of being driven by our colleagues around their electorates.

Bill spent many nights in this Chamber or in his office preparing speeches. I am pleased that the family is present to experience Parliament sitting into the night. When Bill was a member the then Leader of the House,

John Dowd—now His Honour John Dowd—had a policy of upholding democracy and those who wanted to speak could do so for as long as they wished. Parliamentary sittings went until 3.00 a.m., 4.00 a.m., 5.00 a.m. and beyond, with a quick break for breakfast, and the sitting would then continue. If that happens, the *Hansard* record shows that the previous day continues. On one occasion the sittings went into Saturday morning and The Nationals were scheduled to go to Tweed Heads. The parliamentary record shows that we sat for only one day until Saturday morning. We then flew to Tweed Heads and put on a performance for the locals.

Hopefully, those days have gone. We leave this place at about 10 or 10.30 on a typical sitting night—although the sittings often extend to 11.00 p.m. even now. The family well knows that parliamentary life in the days that Bill was here was an endurance test. Bill would be in his office hammering away at the computer keyboard, studying, researching or writing—although I must admit that he was not very good on email. He was generally always available to offer firm advice to any one of us. We thank Bill for his contribution to the National party team. He never wavered in his loyalty and he boosted the position of the National party in the community. He was a person of such good principles and moral fibre that he was an adornment to the party and contributed to the party's good standing in the community, which is one of the National party's enduring attributes.

We all feel that Bill was lost prematurely. That bites close to the bone. We were all about the same age and we all came to Parliament together in the Coalition landslide of 1988. Yet Bill, who still had so much to contribute and yet another career to fulfil, is no longer among us. Bill departed this life too young. I can only imagine how Bill's family feels about his loss. But very few in the community have the chance to make the contribution that Bill made in his first profession as a member of local government and a shire president—they are now called "mayors"—and then as a member of Parliament. I am not sure but I would guess that there have probably been only about 4,500 members of Parliament in this State—

Mr John Turner: There have been 1,500 in New South Wales.

Mr GEORGE SOURIS: The honourable member for Myall Lakes says that New South Wales has had only about 1,500 members of Parliament, and that is quite a small number. Bill was not with us for long enough. We are sad and regretful that he is no longer here, but he made a mighty contribution. I only hope—as do we all—that similar things will be said about us when we are gone. It is a great pleasure and privilege to say these few words in the Chamber tonight, knowing that Bill's family are in the public gallery. Those are my memories of Bill Rixon, and I am certainly pleased and privileged to have had this opportunity to pay my respects to him this evening.

Mr JOHN TURNER (Myall Lakes) [8.23 p.m.]: I offer my condolences to Merrilyn and her family. I met my friend and colleague Bill Rixon—he was a friend before we became colleagues—in March 1988. I did not know much about Bill; I had not done the media training that the honourable member for Upper Hunter had done because I was trying to be elected to Federal Parliament. I did more media than one could jump over but it did not do me any good! However, I clearly recall the first day in Parliament House following our election. We were the new boys in town—the honourable member for Upper Hunter and I caught the same plane to Sydney. They would not let us into Parliament because they did not know who we were. Bill was already here and Don Beck was the Whip-elect at the time. Don took all the new boys for a guided tour of Parliament. I remember that Bill had a shopping list—I think he had inherited the duties of electorate secretaries—to get the stamps, the aeroplane warrants and various other things. No matter what Becky did—he used to go at 200 miles an hour—Bill would say, "Stop. I have to get my stamps here and my plane tickets here." That was a measure of Bill's resolve and his orderly mind. I thank him for that because we were going at 200 miles an hour and we did not know what was going on so it gave us all an opportunity to have a bit of a look-see.

Bill was resolute. There is no question about that. He had one matter on his mind: the electorate of Lismore. That was why he was here and what he focused on. He never took a step back from it. Other honourable members have said that some people come to this place as politicians. Bill was a parliamentarian, elected to represent a particular area. He certainly spoke about broader issues but his main focus was always the Lismore electorate. The Leader of the Government and Minister for Roads said that Bill was not combative. That is true but when Bill was in the party room he could express his views and opinions very strongly. If he believed in something he would not take a step back: He would argue his point until he probably won all his battles.

Bill did not suffer fools well. The former Leader of the National Party, the honourable member for Upper Hunter, talked about the time when Parliament used to sit ridiculous hours, until 4, 5 or 6 o'clock in the

morning. That was the only time when I saw Bill become aggressive. We had to pull him aside. Bill believed we were not functioning properly at 4.00 a.m. or 5.00 a.m. and that we should go home. However, the Hon. John Dowd, now Mr Justice Dowd, had a different view. That night Bill put his views very forcefully to the Hon. John Dowd, and I think Parliament adjourned a short time later.

The honourable member for Upper Hunter referred to Bill's computer skills. In those days there were outside and inside offices. All members received computers but we knew nothing about them—as usual, they were thrown at us and we had to find our own way. As I walked up and down the corridor I remember seeing Bill sitting at his computer in the corner. After a few days I popped my head into his office and asked, "Bill, what's the problem, mate?" He said, "I can't get it to work. I've pushed every button but I can't get it to work." It was a classic. I looked down at his computer and said, "Well, just turn on the power and it will make it a lot easier." Sure enough, Bill had not turned on the power. I must comment on Bill's driving—with apologies to his family. I was a passenger with Bill only twice and then I offered to take my own car on trips.

Mr George Souris: Panic passenger.

Mr JOHN TURNER: Yes, I am. Bill also had a voracious appetite. We went to the leagues club to have a meal one day. We ordered huge T-bone steaks and sat down with our meals. I said to Bill, "I'm going to get a beer. Do you want anything to drink?"—I knew that he would not have a beer. He replied, "No, I'm right." There were only two people ahead of me at the bar—I was not gone long—but when I returned Bill stood up and said, "Well, see you later, I'm going to bed now." His steak had disappeared, along with half the bone. He was certainly a character.

Bill Rixon was a solid friend to me and to the National party for his entire time in this place. I missed him when he left. I missed his straight shooting, his directness and his sensible approach to life. I know that Bill had three strong f's in his life: family, farm and faith. We would often catch a cab to the airport after a parliamentary sitting and Bill would be salivating about the prospect of returning home to his family and his farm. We heard about that at Bill's memorial service. I know that Bill loved his family, his faith and his farm. He is a friend who is lost but is well remembered not only because we served in Parliament together but because he was a man whom I respected and trusted.

Mr CHRIS HARTCHER (Gosford) [8.29 p.m.]: When I was a Liberal Party member in the class of 88 I had never actually heard of Bill Rixon. I knew that the National Party had chosen a new candidate in place of Mr Duncan, an Independent at that stage, and that the new candidate had come from Kyogle. Kyogle, of course, was the birthplace of my wife, Elizabeth Reid, the daughter of a doctor, David Reid, who had been at Kyogle for many years, and after whom the park in Kyogle is named. When I was presented to the Governor of New South Wales, this tall figure came up to me and said, "You are Chris Hartcher." I said, "Yes." He said, "I am Bill Rixon. You and I have a connection." I said, "Yes, I know. You are from Kyogle." He said, "No, it is a much bigger connection than that." I was puzzled and wondered what connection I could have had to someone that I had never really heard of. He said, "Your wife's father brought me into the world. He was the doctor who delivered me in Kyogle in 1941." After that my father-in-law served in the Middle East.

Bill always remembered that connection. When Bill and I had some arguments in later years he reminded me of that fact and said, "I bet you are sorry that your father-in-law brought me into the world." He had a wicked sense of humour. To me, Bill was the old-fashioned Country Party member who had come to Parliament. He was a farmer from a small country town and he upheld the rural values of Australian society. Bill had a sense of duty, a sense of faith and a strong commitment to his country, his family and the people that he served. Bill was old-fashioned in that sense but he was proud to be old-fashioned. He was proud of the values that he upheld and he was proud of the party that he represented. Even though the party was called the National Party in 1988, Bill would have fitted well into the Country Party prior to 1988.

Earlier the honourable member for Ballina recounted the terrible debates we had in 1988 when the education crisis was forced upon us. When we were elected in March 1988 we were anxious to be popular in our electorates. Within three months we were going to public meeting after public meeting with angry schoolteachers and parents, all furious about the way in which education was being presented in New South Wales by the new Government and wondering why they had voted for us only three months earlier. I sat down with Bill—as did the honourable member for Ballina, though I was not aware that he had done this—and Bill explained to me in clear and straightforward terms what the reforms meant to education and how those reforms should be most appropriately presented to an audience, which I found enormously helpful. Bill was a highly intelligent person. He knew his subject, he was straightforward and he was down to earth.

When I had a conversation with Bill I walked away knowing that what I had been told was something that he understood and in which he believed. Bill was quite impressive, as I discovered six years later, in 1994, when I was Minister for the Environment and the wilderness debates were taking place. I am sure some of my colleagues remember that well. Bill and I were on opposite sides in that debate. Bill had strong feelings about wilderness declarations in his electorate in northern New South Wales. He came to me in that same straightforward manner and in the same down-to-earth way. He did not want to argue the philosophy; he wanted to get out and go through the maps to show what impact a wilderness declaration would have on the national parks and forests in his area. He was a person who mastered his subject, who understood what he was talking about and who did not digress from his area of knowledge.

Bill presented his argument with fairness and integrity—the watchwords that we will always associate with him. He was a person of fairness and integrity. All those from the class of 88 who knew him and all those who had the pleasure to serve with him in the Parliament from 1988 to 1999 remember him with respect and admiration. We might not have been his close personal friends, but that was not important. What was important was the knowledge that we were dealing with a person of honesty and integrity. Much has appropriately been said about Bill's deep commitment to his family. We are honoured that members of his family are with us tonight. Much has been said also about Bill's deep religious faith. One of my colleagues once remarked about him, quite kindly, that if ever there were a man who struck one as a sort of religious patriarch, an Old Testament type figure, it was Bill Rixon. Bill could have walked straight from the pages of the Old Testament.

He was a person of clear and strong values and he pronounced views that everybody could respect. He upheld those views in his private and public life and did not shy away from them. Everybody knew that the foundations of Bill Rixon's life were his faith and his family. Everybody knew that he would uphold those foundations forever, and under any circumstances. We are all proud to have known Bill. We honour his memory tonight. We regret his premature passing and we hope that his wife, his sister and his children take consolation in the fact that he was a fine and wonderful man. We hope and pray that he rests in peace.

Mr ANDREW FRASER (Coffs Harbour) [8.36 p.m.]: It is a sad fact of life that we often say things about people who have died that we would have liked to have said to them while they were alive. Tonight the things that have been said in this House about Bill Rixon will be recorded forever in *Hansard*. Although I met Bill on a number of occasions I had no real recollection of him until 1990 when he worked with the National Party team on my by-election. My first recollection of him was at Nambucca Heads. We hired a bus and Wal Murray and the team were introducing me as the candidate for that electorate. As is often the case in politics, Labor Party members knew that we were going to Nambucca Heads. A red-ragger, a schoolteacher at the back of the audience, decided that Wal Murray's speech and presentation, which were basically delivered from a soap box in the street—something that we in the National Party tended to do—would be interrupted at all costs.

That schoolteacher was determined to ensure that the only story of the day would be Dr Metherell's educational reforms and that Wal Murray would not be heard. Bill Rixon slipped away from the group, cornered the schoolteacher, engaged him in a conversation and took him into a shopfront. That was the last that we heard of the schoolteacher. Bill decided to challenge his arguments and to quieten him down. That solitary demonstration was neutralised by Bill. Bill's great lesson in politics was to isolate his enemy and to give them a reasoned argument that they could not refute. Over the years I worked with Bill on a number of by-elections. I remember the attitude that he adopted—not a bad attitude to adopt when one is on the campaign trail.

I thank Bill for his counsel and his friendship in this place. I am known for being passionate about many things. On many occasions, when I was ready to bite someone in the party room, the joint party room or in the Parliament, Bill would take me to one side and say, "There is more than one way to win an argument. Have you thought about doing it another way?" Even though Bill did not always win me over to his point of view he quite often had me counting to 10. His wise counsel in those days often made me sit back and think.

I smiled when Chris Hartcher mentioned the little Christmas present for our grandchildren that he, as Minister for the Environment, decided to give to us. Quite a few National Party members said some unkind things about you, Chris—none of which I retract, mind you! Whilst Bill was straightforward in his manner, what Chris did not realise was that behind his back Bill had a bit of 3 x 2 and I think that if he had not listened and been pulled into line by then Premier John Fahey, Chris might have worn the 3 x 2. The argument was not on principle: it was what mattered in Bill's electorate. Tonight, John Brogden said that Bill was a far better local member than he was a politician. I disagree with that. Politics is the art of dealing with people, and Bill Rixon had that knack. That showed in his election results, in his counsel in this place, and in the contributions he made that few know about.

For my sins, Ian Armstrong put me in charge of the drug policy committee. Around that time Bill had been to Israel to look at Naltrexone treatment regimes. One of Bill's constituents was a heroin addict, and Bill made sure I spoke to the family. Bill came to me and said, "If you are going to write this policy, show me what you've got." I showed him. On the back of an envelope Bill and I fleshed out ideas, and I finished writing it. Bill Rixon was my counsel on formulating that policy. I maintain that that National Party drug policy was, and still is, the best policy on drug misuse and abuse that this State has had. It was accepted in part by the Government. If it had been accepted in full, I think we would have had much more success in addressing drug misuse and abuse than occurs these days.

Bill was a member of the Regulation Review Committee. We could not have had a more fastidious person serving on that committee. Many New South Wales people would not realise that it is not necessarily the legislation that passes through this House that creates problems for them, but the regulations that attach to it. I know that on many occasions Bill returned to the party room with concerns that the Regulation Review Committee had about how certain regulations would affect the everyday life of New South Wales people. Bill's fastidious attitude to discharging his duties on that committee resulted in many regulations that would have been detrimental to many in the wider community of New South Wales being modified, altered, improved or strengthened in the best interests of the people of this State.

These days, because I have the shadow portfolio of Minister for Local Government, I think of the amount of work that Bill did in the Parliament and party room with Gerry Peacocke and John Turner to structure the Local Government Bill of 1993—a massive piece of legislation. I think Bill's experience in local government made that bill better legislation, giving the people of New South Wales a local government structure that is democratic. If Bill were here at the moment, I could imagine what he would have to say about the undemocratic process that is affecting local government across New South Wales at the moment.

This evening I spoke to Joe Andrade, the Speaker's Personal Assistant. Joe said that Bill was a very "matter of fact" person. When Bill was a Chairman of Committees he instructed Joe, "If I am to be in the House at a certain time, I do not want to be late. And anyone who is late should be chastised by you." Bill maintained that Joe should—though he did not—chastise members who were late. Joe told me this evening that Bill always reminded members who were late for their Chair duty of their responsibility. That was part of Bill's character. He was a very well organised person.

On a lighter note, I recall often wandering into Bill's room. Some of us, who would have a quiet drink on those long sitting nights, would wander into his room, where he would have his shoes off—he rarely wore shoes in his office—and his feet on the desk and he would be reading. He loved to read. I never really inquired what he read. But, if you went in to ask him something or discuss an issue, the book would go down. Bill loved to take his boots off. I think it was part of Bill the farm boy.

Someone mentioned Bill's eating habits. One of the dining room staff could not quite remember Bill. We reminded her of the rib steak and Bill's mechanical attitude to food. I say "mechanical" because, although he loved his food, he could make a steak disappear in double quick time. As John Turner, the honourable member for Myall Lakes, said, Bill seemed to regard eating as a function that was necessary to sustain you. Whilst you enjoyed your food, you did not dally at the dinner table; you had your meal and you went back to get your work done.

Don Page related a number of anecdotes about the number of relatives Bill had. Bill used to tell us all about that. It seemed he held his majority because just about everyone in the electorate was related to him. If I recall correctly, one of his relatives actually stood for the Labor Party against him. However, he still maintained his massive majority. That was reflective of the great personal attitude he had to his electorate. I too drove with him, and, yes, I must admit I have been with better drivers. But he never killed anyone. Normally, his less than perfect driving habits were the result of his telling you about his electorate or pointing out something as he drove along. Roundabouts seemed to cause a problem, as did sharp left-hand corners at times.

Now to Bill's mathematical ability. Earlier this evening there was mention of discussions about votes in the party room and how Bill worked them out. I support those comments. But one of my fond memories of Bill relates to his mathematical ability and to a time when the Lotto prize had grown to about \$17 million—a fairly large amount. Bill reckoned that if we took a multiple pick, selected so many numbers and put in \$10, we had a fair chance of knocking off the \$17 million. So we all put our money in.

Mr Wayne Merton: We are still here!

Mr ANDREW FRASER: Yes, we are still here. I don't think we got a prize—not even \$2! So whilst, in theory, his mathematics were good, the fact is that none of us are any the richer for that, apart from the memory of having that bit of fun. One of my great joys was the time Bill invited Kerrie and me to Upper Eden Creek. That is when I came to appreciate first hand Bill's love of his family and farm. We all knew of his love for his family and for the old farm that his parents had. When he showed us round that farm up on the ridge—Merrilyn was on the back of the tractor that day—we talked about those blessed greenies living in Canberra, the bushfire that came through there, how the greenies deserved it and the fact that it was the good community members who actually put the fire out. I did suggest to Bill that maybe he should put the red steer through their camp, but Bill was not like that; he was not into the destruction of their property. But to some it was perhaps a little sad that the fire did not spread through their camp and get them out of there, because of the problems they created for him.

I remember when Ben went off and got an apprenticeship to become a dairy farmer, and the great pride that Bill demonstrated when he advised us, his colleagues, that Ben was going into dairying. I tend to think that it was at that moment that Bill really started to plan his exit from politics; that it was then that he decided he wanted to get back to the land and back to his family. I know how sad it must be for Serenity, Ben, Victor, Luke, Jordan, Laura, and especially Merrilyn, not to have Bill there. I know how sad it was when I first learned that Bill had a brain tumour.

I know when I rang you, Merrilyn, I said, "Kerrie and I will pray for you," and we did, and we continue to. For all his great faith he is not with us now, but I suppose that Bill was wanted for other things, and that is where he is. Bill was a great friend and, Merrilyn, you were and still are a great friend to Kerrie and me. We have appreciated your friendship. I have a habit of whistling, I do not know why, but on Monday morning I started to whistle as I was walking to the airport. I realised that the tune I was whistling was *How Great Thou Art* and I thought that the words to the hymn encompassed Bill Rixon's attitude to life and why he was here. I would like to read those verses into *Hansard*:

Oh Lord my God, when I in awesome wonder
Consider all the works Thy hands have made,
I see the stars, I hear the mighty thunder
Thy power throughout the universe displayed.

When through the woods, and forest glades I wander
And hear the birds sing sweetly in the trees,
When I look down from lofty mountain grandeur,
And hear the brook and feel the gentle breeze.

And when I think that God His Son not sparing,
Sent him to die, I scarce can take it in.
That on that cross my burden gladly bearing,
He bled and died to take away my sin.

When Christ shall come with shout of acclamation
And take me home, what joy shall fill my heart!
Then I shall bow with humble adoration,
and there proclaim My God, how great Thou art!

That is my memory of Bill Rixon. To you, Merrilyn, and your family, our condolences. Bill will live on in our hearts.

Mr IAN SLACK-SMITH (Barwon) [8.51 p.m.]: I join with my colleagues in paying tribute to my former colleague Bill Rixon, the honourable member for Lismore. By the same token I also express my condolences to you, Merrilyn, and your family in your loss. But, then again, it was our gain to have Bill among us. I was one of the latecomers: I came to Parliament in 1995 and had only one term with Bill. But I have learned so much tonight about Bill and I can honestly say that I cannot disagree with anything that has been said about him. I do not know about his driving, but I do know that he was a decent man, a very honest man, and a good man. He was a man with a great sense of humour.

When I first came here—I am sure my colleagues who came here at the same time would echo my thoughts—Bill was always there to give good advice. He was never malicious. I think it was George Souris who said that no-one on either side of this House had a bad word to say about Bill Rixon. As a new boy on the block there were a lot of things I did not know when I first came here, and Bill was always the first to give good, sound advice irrespective of what side of the House you were on. I was glad to hear the honourable member for Wyong speak on behalf of the Government about Bill: he was a very fine man, a credit to his family and his

electorate. He was a man who contributed so much. He was born in 1941, which made him five years older than me, but some people leave early because their time has come, and others stay a while longer. It is what they do in their time here that is important. Bill contributed so much not only to his family and the electorate of Lismore but also to New South Wales and Australia generally. My condolences to you, Merrilyn, and the family. It was a pleasure knowing Bill.

Mr IAN ARMSTRONG (Lachlan) [8.54 p.m.]: One afternoon the week before last I was driving from Young to Temora at about two o'clock. The car had one of those buttons you press to show the temperature on the windscreen, and it showed 44 to 46 degrees. It was one of those very hot days we have had recently. About halfway between Young and Temora is the main north-south railway line, which is basically a freight line. At the intersection of that line and the Temora-Young Road there are about 10 older houses and an old store adjacent to the railway line. There is quite a major receiving point for grain, a little old church, a farm homestead about one kilometre away on the western side, and the remains of a school, which consists of two adjacent buildings, one of which is brick and the other is corrugated iron.

At the best I would say that the population of this town, which is called Milvale, was no more than 40 to 50 in its heyday—which would have been back in the 1930s, 1940s and 1960s. On a January day in about 1960 a new schoolteacher was sent to Milvale. He was from the North Coast and he was 18 when he arrived. Milvale is a very dry environment. It is one of those places where the sun shimmers and you see little mirages dancing across it on most summer days, let alone in a very hot year. I remember 1960 very well because I was the stock and station agent in Young. I knew that area throughout. Imagine this lanky kid—because that is all he would have been—sent out to a hot little western town to stay with a family whom he had never met. In those days there was no public housing, and teachers were billeted with families. They might have stayed three or four months with one before moving on to another.

Forget about airconditioning in schools, which we have heard a lot about lately. In a corrugated iron shed and a little brick building about 30 feet by 22 or 24 feet the teacher not only had to teach from kindergarten through to year 6 but probably had to unsaddle a couple of ponies in the morning and resaddle them in the afternoon. He probably had to pump up the odd tyre on a bicycle in the summertime. In the wintertime he had to cut the wood to light a fire to keep those unlined buildings warm—and at the same time he had to make his own life. It was a real challenge. Many did it, but in this case that long, lanky kid from the North Coast was one Bill Rixon. That was his start in professional life.

Bill told me that story not long after he came into this place, and he told it with so much excitement that one knew it was a very exciting and warm, glowing part of his life. It was his big step from being a teenager to going into the big world. He learned many of his communication skills in that environment into which he was catapulted as a long, lanky teenager. Today when I go to schools and see that the average Higher School Certificate student is 18 and still at school I think, "Not bad." I was never surprised when Bill Rixon came in here, having known that story and his early history. He had the strength and the courage that has been spoken about by previous speakers tonight. It was evident in his contribution to this Parliament. Knowing that story and Bill's early history, I was not surprised when he became a member of Parliament. Bill's strength and courage that has been spoken about by previous speakers tonight were evident in his contribution to the Parliament.

I say to Merrilyn and her family: Everyone who is elected to Parliament manages to do one thing—persuade 50 per cent of the electorate, plus one, to vote for them. Everyone makes a contribution in some way, but some make a greater contribution than others. Some are remembered, not often for the great things they did but sometimes for their input as a person. Bill Rixon was a different character. He had enormous inner strength and a great capacity to communicate with others in his own quiet way. That is why he is remembered so fondly in this Parliament. He had the capacity to bond to people, whether they be staff, dining room waiters, members on both sides of the Parliament or visitors. Bill Rixon was a natural communicator who had strength of character.

Bill also had some winning ways. In the early 1990s I was Leader of the National Party when we were in Government. In those days Bill had the farm, and his family were young; I think most of the children were still at school. At the time he had Charolais cattle. On occasions he would come to me and say, "Ian, there's a Charolais sale on just up near the border and one of the boys wants to buy a heifer." I would say, "Good luck. Is it a nice heifer?" and he would say, "Yes, I think so. But the sale is on a sitting day and I'd like to go with him." Members are bound to be in Parliament on sitting days; they do not leave. But to Bill Rixon I would say, "Bill, do you have to go?" He would answer, "Yes, I've got to go," and I would say, "Right, Bill, go."

Then when Casino Beef Week came around Bill would say, "Casino Beef Week's on, Ian. The boys have got some cows" or "the boys have got a bull in." Again I would say, "Bill, go." I knew that it would be the best thing for his family if Bill went—and he did a hell of a good job in promoting the party while he was there. It did not matter where he went, Bill was a party person, and I knew he would give us good value. I might have had to cover a few tracks in Parliament as to where Bill Rixon was that day, but I knew darned well he would be doing a great job. Bill did everything with a passion and a belief. He understood what he was doing. He understood Charolais cattle, the field days and the culture of the industry. That is why he was a successful farmer.

I visited Bill and Merrilyn's home on the farm on a couple of occasions when their children were small. In the kitchen there was a long bench table with a couple of forms either side, and there seemed to be kids everywhere. They were a happy and lively family. The environment was electric, with everyone talking and no-one sulking. It was a lovely, warm home. That is worth a fortune. They did not need counselling—which we hear about so much these days—because they were a whole family. I am not at all surprised that with a man of Bill's character and his delightful wife, Merrilyn, their family has turned out to be so successful. I extend my sympathy and that of my wife, Jenny, to the family on the loss of a great father, a great husband, a great brother and a great friend to all of us here. Bill Rixon contributed far more to this Parliament and to life in general than he ever expected to receive. May he rest in peace.

Mr BRAD HAZZARD (Wakehurst) [9.03 p.m.]: I want to add my words of sympathy and condolence to Merrilyn and other members of Bill's family who are here tonight. Bill was an old-timer to me in that he had been a member of Parliament for three years when I became a member in 1991. Not many people came to Parliament in 1991 on our side; it was not a good year for us. At the time Bill offered me quiet support and friendship. Bill sat right in front of where you are sitting now, Merrilyn. I remember that because we used to sit next to each other and he would give me quiet counsel. I enjoyed my first year as a member of Parliament, but I did not enjoy my second year. The Coalition was facing difficulties in the Parliament and I, bruised and battered, slipped up into the corner chair. It seemed to me to be the place furthest from the action on the floor, and allowed me to be as remote as possible from what was going on.

Bill would speak to me and give me comfort and counsel. Over time I saw that he was not only a decent human being, he was a very caring person. He cared about a lot of people, but he cared in particular about his family. We would often sit there, ignore the fire and brimstone of the Parliament and talk about our families. I had a three-month old baby and a three-year-old child at the time. I have never been to your farm, Merrilyn, but I have a vision that your house is up high. That is the impression I got from the discussions I had with Bill. I also have the impression that there are a lot of trees situated higher again. I do not whether I am right, but that is how I remember Bill's description. Bill used to talk about his cattle. My colleagues from The Nationals know that a wussy Liberal does not understand anything about cattle.

Mr Thomas George: They're good to eat.

Mr BRAD HAZZARD: That is right; they are good to eat. From my discussions with Bill I sensed that he had a great love not only for his family but for everything that happened on his farm. I sensed the beauty of the place and that he escaped to it. Perhaps I am wrong, but I also had the impression that he and I had a similar view about Parliament: that it was good place to get out of at the end of each week. He was particularly keen to get home to his family. As I came to know him better I realised he had a great strength of character and a quiet faith. He took a Christian approach to life.

Bill and I also shared a bond in that I had been a science teacher and he had been a mathematics teacher, and we talked about education issues. Bill was a quiet pillar of support. If he did that for me, I can only imagine what he did for his family. In the sessions of Parliament before Bill left I sensed that he was tired of this place and wanted to get home to the family and the farm. Merrilyn would know far better than I about that. Every now and then Bill and I would talk about what he was going to do. I was not surprised when I was told he was finally leaving. I congratulated him on making the right decision to head back to what he really loved: his family and his farm.

I say to Merrilyn and her family, it is a great sense of loss for all of us that this wonderful man—your husband, father, brother, uncle—is no longer here. When I walk into the Chamber I regularly look up at the chair in front of where you are sitting, Merrilyn, and I think of those days, months and years when I sat next to Bill and took comfort, solace and strength from him during my troubled times. Merrilyn, think about all the things Bill did with you over the years and take strength and solace from it. In that sense he will not have left you. I extend my condolences to all of you.

Mr STEVE CANSDELL (Clarence) [9.07 p.m.]: Merrilyn, Serenity and family, I am the oldest new kid on the block in the House. One of the joys and benefits of joining the National Party in 1996 was to meet Bill Rixon. He knew of my aspirations to become a member of Parliament, and when I ran into Bill at electorate council meetings I always welcomed his encouraging words of advice. I had the opportunity to share Bill's famous wry smile and dry sense of humour. I tasted what he called his famous honey—I think it was called "Upper Eden Creek". I won some of the honey at a raffle that was held at a National Party electorate meeting. At the time my wife was running a corner store and she told me to get some of the honey for her to sell. I believe I spoke to Merrilyn about buying some honey but negotiations fell through and the big business deal did not go ahead. By the way, the honey was not bad. How do you describe a good bloke? Bill was more than a good bloke. He was a lovely man, he married a lovely lady, Merrilyn, and they had six lovely children. He must have been a great manager in order to be a committed family man, a farmer and a hardworking and highly respected politician.

Part of the north of my electorate used to be in the seat of Lismore, which Bill represented. When I visit areas such as Coraki, Ellangowan and Bunglewalgan I receive comments about Bill that are full of respect for his high standards and honest and sincere representation. It is a hard act to follow, but the bar has been lifted and the honourable member for Lismore and I have to work hard to try to fill his shoes. For the short time I knew Bill, I can say thank you. God bless Bill Rixon, Merrilyn, Serenity and all the family.

Mr WAYNE MERTON (Baulkham Hills) [9.10 p.m.]: I am privileged to speak on this condolence motion for my friend the late Barry William Rixon, known most affectionately and sincerely as Bill Rixon. In 1988, like two students at a boarding school, we came into Parliament House. We were both from different backgrounds: Bill came from the land and I came from the law. Bill Rixon derived his strength from the soil. He was truly a real Australian who believed in Australia, in rural New South Wales and in making the Australian nation the great nation that it is today. He dedicated his whole life to his family, the community, the Parliament and the land, and no-one could aspire to a higher calling.

I am privileged to say that I knew Bill Rixon in those great halcyon days of 1988 with Nick Greiner. I can assure honourable members that it was entirely different then. When we had a division we won. We were confident and gung-ho and we thought it would never end. But, of course, politics change. We were there at that moment of victory in 1988. Bill was a great member of Parliament. He was never going to be Prime Minister or Premier but he was always a dedicated father and member of Parliament.

We served on many committees together, including the Regulation Review Committee. Bill was a maths teacher and put all matters into perspective. He had a view. He did a great job in everything that he did. He was quiet and unassuming. I do not believe he was boisterous but he always had a point of view. He was a person of high principle and compassion. In 1992 when I was Minister for Emergency Services, Bill asked me to come to his electorate to open a Rural Fire Service station, then known as a station for the Bush Fire Brigade. The cost of the project was \$5,000—which would not have delivered much of a station. But I did not realise the Rixon initiative in the way he organised the community. The massive fire station probably cost in the region of \$50,000 in those days. Bill raised \$5,000 for the cost of some of the material, and I do not know where the rest of the money came from, but Bill organised it. I was impressed and thought of the savings to the taxpayers of New South Wales because of such industrious and hardworking people who harnessed the efforts of the community. Bill introduced me to the people who were responsible. He related to, and was part of, his community, and we must never forget that.

Mr Thomas George: Did you give him any more money?

Mr WAYNE MERTON: Whether we gave him any more money is a different story. The fire station was built and it was a great effort. My wife, Olwyn, was involved with the wives of politicians, including Merrilyn, as happened in those days. Bill was always proud of his family. People say glibly, "He was a good family man", but that would not be said glibly in relation to Bill. He was a committed family man. His put his family first. He was proud of his children and their achievements. I suspect that in his own way he may have been a bit of a disciplinarian. If I can see a smile on a face in the public gallery I must be right. In many cases that is what is missing from many Australian families these days.

In 1991 we had a minority Government and we struggled on. Bill said he would go back to the land; he had had enough, as the honourable member for Wakehurst said. He wanted to return to his roots and to what he probably regarded as real Australian people—with the greatest apology to everyone assembled in this Chamber—who contributed day in and day out and held the community together, and I admired him for that.

Ironically he said to me, "I want to go back while I have still got my health." Tragically he did not retain his health for long, but he fought to the end. That was Bill Rixon: he was a man with a fighting spirit. One could not dampen his spirit or put him off. Bill was tenacious and would pursue an issue in this Parliament and keep running with it—he could be described as a blue heeler. In some respects there was little compromise with him, but certainly a lot of conviction.

I was gravely concerned when I first heard of Bill's illness. As I recall, his health improved for some time and it appeared that he was on the mend, but that was not to be. I say to Merrilyn and to his family: Bill has gone, but it is certainly true that his memory, legacy, everything he stood for, believed in and fought for will go on not only in their lives but in the lives of everyone in the community who knew him. People will approach his family in the street and say, in this order, "I knew Bill Rixon. He was a friend and local member." His legacy will not go away. It is something he has left behind and should be a great consolation to his family.

Other members have referred to Bill's great Christian faith. There is no doubt that he was a committed Christian and had a self-acclaimed faith in Jesus Christ. He was a true believer and he manifested that in his daily life. I was very impressed when the honourable member for Coffs Harbour read the very emotive verse *How Great Thou Art*. That exemplified Bill's life, and the line "When Christ shall come with shout of acclamation" is what it is all about. Bill is with Christ now. There would have been a shout of acclamation because the message would have been, "Bill, you're home. The struggle is over. You have completed your mission on earth and now you are with the Lord." Although Bill has left us here on earth, he will be with the Lord in heaven. That is what it is all about. I conclude with these words, which exemplify Bill's faith, commitment and dedication to his family, community and the great Nationals:

I would bring peace to lives now turned asunder,
Ease aching hearts with words that soothe and heal.
I would bring peace when, breaking like the thunder,
Men rise in war and hatred feel.
Peacemaker Lord, I am stirred to wonder.
Take me and my calling seal.

Barry William Rixon is gone, but Bill Rixon is forever in God's care. May God rest his soul. Honourable members have spoken sincerely tonight. It is easy to speak well of a good man. Their words will be with his family forever. However, more importantly, the legacy and traditions he has left and the love that he showed to his family and the community will never die.

Mr THOMAS GEORGE (Lismore) [9.23 p.m.]: I speak tonight with a great deal of pride and sympathy. Much has been said and written about Bill Rixon during his last weeks. I totally endorse everything said tonight. I will quote some of the comments in letters I have received in recent weeks because I want them in *Hansard* out of respect for the late Bill Rixon, MP. Bill was the third of five children born to Victor and Jessie Rixon. He was born at Kyogle and grew up on the family dairy farm at Upper Eden Creek. It was his early years at Upper Eden Creek primary school under the guidance of Aunty Molly Hayes that inspired Bill to become a teacher. Just like Aunty Molly, he wanted to make a difference to children's lives. After finishing high school at Lismore he attended Armidale Teachers College, where he specialised in teaching at small schools. After graduating at the age of 18 he was appointed to Milvale, which, as the member for Lachlan said, was a one-teacher school near Young in south-western New South Wales.

Bill swapped from primary to high school teaching in 1968 when the Department of Education asked him to take on a special class at Tenterfield High School. Within six months he had taught all his students to read despite the fact that they had previously had difficulties. He returned to Kyogle to teach in 1968 and remained there as a mathematics teacher for 20 years. Bill met his wife, Merrilyn, at Kyogle High School, where she too was a teacher. Merrilyn's year 12 chemistry students got the couple together, playing matchmakers over several months. Norm Robinson, the principal of Kyogle High School from 1980 to 1984 and Lismore High School from 1985 to 1994, sent me a letter stating:

Bill Rixon was a member of the Mathematics Staff of Kyogle High School during my time as Principal of the School.

I found Bill to be an excellent member of staff. Totally committed to the welfare and progress of his students, he was a dedicated and enthusiastic teacher of Mathematics with a strong commitment to student outcomes and the development of the whole child. He related well to all students who responded to his sincere approach to the teaching of Mathematics.

As a member of staff, Bill was most co-operative, giving freely of his time to the School's extra-curricular activities.

When Bill became the State Member for Lismore in 1988, I was then the Principal of Lismore High School—Bill's old alma mater.

As the Local Member, Bill was very interested in and most supportive of education and public schools. He took a particular interest in Lismore High School. In due course his three eldest children attended Lismore High School during my time as Principal. Bill & Merrilyn were very supportive parents. Despite his very busy Parliamentary schedule, Bill & Merrilyn attended every official function at Lismore High School or if Bill was unable to attend, he ensured that Merrilyn was there to represent him.

Bill Rixon was a true teacher and friend. I and my wife, Bernice, will always treasure our association with and memories of Bill.

Bill became involved in local government during the beef depression when he recognised the difficulties many farmers were having paying their rates. He served on the Kyogle Shire Council for six years and became president during the hard days of the late 1970s and set about with his usual enthusiasm to put the council on a sound footing. While on the council, Bill, who had lost his grandfather, Mr Walter Golding, his aunt and uncle, Mr and Mrs Chapman, and three cousins in the 1954 flood at Kyogle—50 years ago this Friday, 20 February—ensured that no new homes could be built on the floodplain known locally as The Flat and instituted rate reforms. The Kyogle district was in his blood and was his home. He always returned there and will forever remain there.

Bill was an active member of the National Party from the 1970s. He was elected to the State Parliament as the honourable member for Lismore in 1988, and retained the seat twice before retiring in 1999. His colleagues often described him as the National Party's conscience. Bill was an able and intelligent contributor who was highly respected in the Parliament. He delighted in electorate work and was happiest when he was helping out a constituent. As a local member, Bill was energetic, determined and compassionate. In his own decent, quiet way, Bill achieved great results for the electorate of Lismore. He could trace his ancestry back to the fledgling beginnings of Lismore. His contribution and dedication to the electorate during his 11 years as the State representative were invaluable. Bill established rapport with many local organisations, businesses and residents that have benefited immensely from his representation. I said in my inaugural speech:

I am very conscious of the enormous job that I have inherited. It would be inexcusable not to recognise in my inaugural speech the two previous members that I have been associated with: Mr R.B. (Bruce) Duncan, who held the seat for 23 years, together with Mrs Marlene Duncan, certainly laid down the foundation and tradition for Bill Rixon to continue for the next 11 years prior to his retirement on 26 March 1999. I place on record the electorate's recognition and appreciation of the work and respect that Bill, his wife, Merrilyn, and staff have earned for their concern, honesty, dedication and support, and for maintaining a down-to-earth approach to his electorate, equally serving the needs of all constituents.

In claiming victory on 27 March, our success was certainly overshadowed by the fact that Bill Rixon was suffering from a virus of the heart muscle and was admitted to Kyogle Hospital, transferred to Lismore, and later flown to Brisbane by the Northern Region Westpac Lifesaver Rescue Helicopter in a serious condition. With God's blessing, Bill is now at home enjoying his retirement from politics and the day-to-day running of his property. Bill wishes to place on record his personal thanks to all his former colleagues for their concern and good wishes.

At Bill's memorial service a reporter asked me about his major achievements. We have heard about many of them tonight. I replied that I trust that Bill's contribution to public life will not be measured by bricks and mortar or roads but by the number of constituents he was able to help as individuals. Using that as a measuring stick, Bill was a very successful member of Parliament, and thousands of constituents in the Lismore electorate would agree. Following his retirement from politics, Bill became a full-time farmer, returning to the land he loved.

I pay tribute to Merrilyn, who, together with members of her family, is in the gallery tonight. She has been accompanied by her daughter Serenity; Don and Joy Walsh, Bill's sister; Jill and Jim Rixon, Bill's brother; Heather Murphy, Merrilyn's sister; and Isaac and Rhys Murphy, Bill's nephews. Merrilyn has been a devoted and supportive wife, and I recognise that his achievements would not have been possible without her support and the encouragement and love of his family. Bill discovered that he had a brain tumour in July 2002 and fought the disease valiantly until his death. I was very saddened to hear of Bill's passing. I place on record and recognise the loss to the area, particularly to his home town of Kyogle and the Lismore electorate. During his memorial service, which was held at the Kyogle Memorial Hall, Bill's wife, Merrilyn, paid tribute to Bill the farming and family man. She said:

He loved working in the yard with his boys and coming home to eat morning tea made by his girls.

It was rest and therapy. When he retired from politics he was heading to the hills and no-one could stop him.

Bill was also a brother, and it is great to see Bill's brother, Jim, here tonight. He remembered the older brother looking out for his younger siblings. Jim said:

Neither circumstance nor death can take away the bond that we forged as children. We could never ask for, want or need a better brother. Because you were the best.

Bill's sons honoured their mentor in a letter, part of which said:

Our dad was the best. He was our teacher for timetables, for farming, for life. We thank you for being our dad.

Tony Wilson remembered Bill as his inspiring maths teacher. Bill used to tell him, "If you don't understand, its because you haven't asked enough questions." Tony said:

He was gentle, authoritative, mentor, teacher and friend. His students, to this day, still call him Bill.

Don Page remembered Bill the politician on the day, and we have heard what Don had to say tonight. The tribute that probably touched us all was what cancer cannot do. There was hardly a dry eye in the house when his lovely young daughter Laura stood strong and brave against the cancer that took her father and said:

Cancer certainly cannot break the bond between dad and our family. I love you dad.

Arthur Davis described Bill as the church member and paid a fitting tribute to Bill being a churchman. Bernadette Ensby, who now works for Ian Causley, the Federal member for Page, was Bill's secretary during his time as member for Lismore. She said:

As a staff member you didn't work for Bill, you worked with him. Respect went both ways. At the office Bill liked an early morning start, arriving before the doors were open. He was a great communicator and an excellent note taker. He respected freedom of speech no matter how diverse ideas were from his own beliefs. Bill loved meeting people and was very strong on his family's heritage. He was passionate about representing the community, who elected and put their faith in him, giving 110 per cent in return. However, not one for fanfare, whenever possible media inquiries associated with announcements were directed to the organisation or individual concerned so they, not him, received the maximum exposure. The farm at Upper Eden Creek was Bill's saving grace and was how he balanced the pressures of parliamentary life. He enjoyed wonderful support from Merrilyn and his six children.

All these tributes, together with hymns, readings, a musical interlude by his nieces, Bronwyn and Elizabeth Logan, and benediction by Pastor Barry Winton, were a fitting memorial to the late Bill Rixon, MP. To you, Merrilyn, and your family—Serenity, Ben and Katherine, Victor and Cherie, Luke, Jordan and Laura—my thoughts and condolences, together with those of my staff Karen Wilson and Bronwyn Mitchell, who also worked for Bill, and the Lismore electorate, are with you all. I trust that God will continue to bless you, Merrilyn and the family, in the future. Bill Rixon, MP, will be fondly remembered as a genuine bloke who was a champion of the underdog and less fortunate; a passionate teacher who took joy in life's simple pleasures; a wonderful and caring Christian man who had a deep faith and love of God. He will be remembered as a man who contributed generously to his family and community. Bill, you will be sadly missed by every one of us who was fortunate enough to have known you. Vale Bill Rixon. May you rest in peace.

Members and officers of the House stood in their places.

Motion agreed to.

The House adjourned at 9.36 p.m. until Thursday 19 February 2004 at 10.00 a.m.
