LEGISLATIVE ASSEMBLY

Tuesday 14 September 2004

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

Mr Speaker offered the Prayer.

VISITORS

Mr SPEAKER: I welcome to the public gallery students from Hastings Public School in the electorate of Port Macquarie. These students woke at 2.00 a.m. to be here today for question time. I also welcome to the public gallery students from Morgan Street Public School in the electorate of Murray-Darling. I understand that the children of the honourable member for Murray-Darling went to that school. These students travelled 17 hours to be here today for question time. I extend my congratulations to them.

BESLAN AND JAKARTA TERRORIST ATTACKS

Ministerial Statement

Mr BOB CARR: I wish to make a ministerial statement about the terrorist attacks that have occurred in Beslan and Jakarta since the House last met. We see in Australian country towns the cenotaphs that number the local dead, the young men killed in World War I, and we wonder what that war did to those towns and those communities. It gives us an idea of the impact—and only an idea—of the terrorist attack on Beslan and what the people there sustained. We think about the grief and rage at the number of casualties in the Granville train crash in the late 1970s. Beslan is much worse than that. We think of the horror of the Australian community at the bombing of the Sari Club—88 Australians dead—and of parents picking through the ruins and seeking faces that they would recognise in the makeshift morgues. Beslan is much worse than that.

It was not worse, of course, for each individual family and each individual survivor but cumulatively, communally, nationally and historically, in its awful numbers, it was worse. This tragedy will be picked over for many years. People will examine the implications of what happened in Chechnya and what terrorists made out of their interpretation of Chechnyan history. They will pick over the young women—black widows, as they are called—who entered the building sworn to die for their cause, the story of the boy whose escape through the window triggered the shooting, the scale of the shooting, the thousands of bullet holes, images like the children's shoes still arranged in lines on the gymnasium floor, the chalked numbers of the arithmetic class still on the blackboard, the handprints in blood, the grainy video images of bombs being tied to the ceiling, the new cemetery—big as a football field—and the staggered funerals, day and night, for a week.

At the start of the First World War Phillip Larkin wrote, "Never such innocence again." It seems that we are in a new kind of war: our embassy bombed and civilians overseas in danger of kidnapping. For too long we believed that it happened to other people and that embassy walls were protection. What we have seen in the past two weeks in Beslan and Jakarta is the sundering of those bonds of understood civility on which we relied. Beslan and Jakarta have reminded us of the fragility of the intricate links in the chain we call civilisation and how quickly they can be undone. Beslan and Jakarta shadow much of the happiness we, as Australians, are now privileged to enjoy. Following comments by the Leader of the Opposition, I ask the House to pause in silence to remember the young who have fallen in yet another chapter of what appears to be a long and terrible war.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [2.23 p.m.]: New York, Bali, Madrid, Istanbul, Beslan and Jakarta are places now stained with the blood of modern terrorism. There is no doubt that the hardest thing, the thing that hurts the most, is to see young children used as pawns of terrorism. There is no way anyone can argue that any terrorism is justified. Therefore, terrorism involving young children is the greatest evil we have seen in this modern war that the world faces. It is incomprehensible for any parent, grandparent or teacher to imagine that a school, of all places, would become the focus of terrorist activity and that a school with children would become the object of ransom for bloody-minded terrorists, who have no compassion and who clearly have no respect for life.

There is no doubt that we are in a modern phase. I am sure that as we ended the twentieth century and saw the dawn of the twenty-first century we hoped that much of the blood of the last century, the pain, the

stupidity, the evil and the war had been left behind us. Some of it has been. So, we face a new world. Like every other citizen of the world, when viewing the footage, reading the stories and listening to the cries from Russia last week I was hollowed out and could offer only a meek word of concern and compassion to those who have lost so much. Let us hope and pray that no-one in this country ever has to be subject to that level of terrorism on our soil.

As you announced, Mr Speaker, in the public gallery today there are beautiful children from wonderful parts of the State. They are our bright future, with their happy, smiling faces, and they have travelled to Parliament today. To imagine that that could happen to any of them hurts us terribly. The Opposition joins the Government, and indeed the entire House, in sending a message of compassion to the families of Beslan and of support to overseas Australian consular and military staff, who represent our nation in places such as Jakarta and elsewhere around the world, and in saying to those who think that terrorism is a way of advancing their cause that they will never succeed.

Members and officers of the House stood in their places.

STANDING COMMITTEE ON NATURAL RESOURCE MANAGEMENT

Report

The Clerk announced the receipt of report No. 1 entitled "Report on Attendances at Conferences—The 9th PUR$L Conference, The 21st Commonwealth Agricultural Conference: 29 September-2 October 2003, 24-27 March 2004", dated September 2004.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt of the report entitled "Legislation Review Digest No 11 of 2004", dated 13 September 2004.

PETITIONS

Lachlan Electorate Abolition

Petition opposing the proposed abolition of the country electorate of Lachlan, received from **Mr Ian Armstrong**.

Murrumbateman Public School

Petition requesting re-establishment of Murrumbateman Public School, received from **Ms Katrina Hodgkinson**.

Government Cleaning Contracts

Petition opposing the proposed changes to government cleaning contracts, received from **Mr Kerry Hickey**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Greg Aplin**, **Mr Steve Cansdell**, **Mrs Judy Hopwood**, **Mr Malcolm Kerr**, **Mr Steven Pringle** and **Mr Andrew Tink**.

Narara and Somersby Horticultural Research Stations Closure

Petition opposing the proposed closure and relocation of the horticultural research stations from Narara and Somersby, received from **Ms Marie Andrews**.

The Spit Bridge Traffic Arrangements

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

Coffs Harbour Pacific Highway Bypass

Petition requesting the construction of a Pacific Highway bypass for the coastal plain of Coffs Harbour, received from **Mr Andrew Fraser**.

Windsor Traffic Conditions

Petition requesting funding for construction of a bridge across the Hawkesbury River, from Wilberforce Road and Freemans Reach Road, connecting to the bridge into Windsor, and the rescheduling of the current roadworks program, received from **Mr Steven Pringle**.

Old Northern and New Line Roads Strategic Route Development Study

Petition requesting funding for implementation of the Old Northern and New Line roads strategic route development study, received from **Mr Steven Pringle**.

Cross-city Tunnel Local Area Traffic Management Plan

Petition requesting a comprehensive local area traffic management plan for all suburbs affected by the cross-city tunnel, received from **Ms Clover Moore**.

Public Housing Tenants Rights

Petition requesting amendments to the Residential Tenancies Amendment (Public Housing) Act to provide public tenants with the same rights as other tenants and to protect their security of tenure, received from **Ms Clover Moore**.

Breast Screening Funding

Petitions requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **Mr Steve Cansdell**, **Mr Andrew Fraser**, **Mr Barry O'Farrell**, **Mr Adrian Piccoli**, **Mrs Jillian Skinner** and **Mr Russell Turner**.

Greater Murray and Southern Area Health Services Merger

Petitions opposing the merger of the Greater Murray and Southern Area Health Services, received from **Mr Greg Aplin** and **Mr Daryl Maguire**.

Mental Health Services

Petition requesting urgent maintenance of and increased funding for mental health services, received from **Ms Clover Moore**.

Alcohol and Drug Services

Petition requesting increased and expanded inner city alcohol and drug services, received from **Ms Clover Moore**.

Cremorne Community Mental Health Centre

Petition opposing the proposed relocation of health services provided by the Cremorne Community Mental Health Centre, received from **Mrs Jillian Skinner**.

Coffs Harbour Aeromedical Rescue Helicopter Service

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

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **Mr Steve Cansdell**, **Mr Andrew Fraser**, **Mr Andrew Stoner** and **Mr John Turner**.

Broadmeadow and Newcastle Rail Services

Petitions opposing the closure of rail services from Broadmeadow and the Hunter Valley to Newcastle, received from **Mr Bryce Gaudry** and **Mr Mathew Morris**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Albury Electorate Policing

Petition requesting an increased physical police presence in the Albury electorate, received from **Mr Greg Aplin**.

Gordon Policing

Petition praying that Gordon police station be upgraded and that the number of police operating out of the station be increased, received from **Mr Barry O'Farrell**.

Parental Child Care Rights

Petition requesting that the rights of control of children be returned to the parents, received from **Mr Andrew Stoner**.

Water Carting Restrictions

Petition opposing the decision by Sydney Water Corporation to restrict the operating times for water carters and not allow Sunday cartage, received from **Mr Steven Pringle**.

Horticultural Industry Water Restrictions Assistance

Petition requesting assistance for the horticultural industry to cope with water restrictions, received from **Mr Steven Pringle**.

Hawkesbury Electorate Sewerage

Petition praying that funding be provided to construct a reticulated sewerage system for Glossodia, Freeman's Reach and Wilberforce, received from **Mr Steven Pringle**.

Isolated Patients Travel and Accommodation Assistance Scheme

Petition objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Mr Andrew Stoner**.

Sydney Cricket Ground

Petition requesting that the Sydney Cricket Ground remain the home of cricket in New South Wales, received from **Mr Barry O'Farrell**.

Social Program Policy Subsidy

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

Business Enterprise Centres

Petitions requesting the reinstatement and funding of business enterprise centres, received from **Mr Steve Cansdell**, **Mr Gerard Martin** and **Mr Andrew Stoner**.

State Forests

Petition opposing any proposal to sell State Forests, received from **Ms Katrina Hodgkinson**.

Temora Agricultural Research and Advisory Station

Petition opposing the closure of the Temora Agricultural Research and Advisory Station, received from **Mr Ian Armstrong**.

Pet Sales

Petition requesting a ban on the sale of pets from pet retail outlets, and that such sales be restricted to qualified registered breeders and pounds, received from **Ms Clover Moore**.

Hawkesbury-Nepean River System Weed Harvester

Petition requesting the purchase of a weed harvester for the Hawkesbury-Nepean river system, received from **Mr Steven Pringle**.

Tarana Valley Nature Reserve

Petition requesting the establishment of a nature reserve in the Tarana Valley, received from **Mr Gerard Martin**.

Grafton Agricultural Research and Advisory Station

Petition opposing the closure of the Grafton Agricultural Research and Advisory Station, received from **Mr Steve Cansdell**.

Smoke-free Licensed Premises

Petition supporting smoke-free licensed premises, received from **Mr John Bartlett**.

Alcohol Wet Centres

Petition requesting the establishment of wet centres in the inner city to provide a safe place for chronic drinkers, received from **Ms Clover Moore**.

QUESTIONS WITHOUT NOTICE

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DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Mr JOHN BROGDEN: My question without notice is directed to the Premier. Given the Premier's statements that Orange Grove is a dodgy development by a shonky developer, why is Tony Beuk, the former Labor Deputy Mayor of Liverpool and Nabil Gazal mate, who made 10 phone calls to the assistant Minister lobbying for Orange Grove, a paid employee of Australian Labor Party head office in Sussex Street and on the ministerial staff of John Della Bosca?

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

Mr BOB CARR: First of all, that is not the remotest revelation.

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

Mr BOB CARR: Second, one would have thought that if anything confirmed the strictest nature of the Government's decision making on this, it is that this Government and this Minister said "No" to people in the Labor Party when they promoted the wrong development.

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

Mr John Brogden: No, originally.

Mr BOB CARR: Yes, this Government said "Absolutely no." As a result, despite whatever influence peddling went on at Liverpool, that development was not given its retrofit rezoning because we adhered to the rules absolutely. I welcome this question and look forward to teasing out all the communications in detail, and I have got all the time in the world.

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

Mr BOB CARR: Somersby on the Central Coast, Ferndell Street at South Granville, the Kemblawarra Business Park, Tamworth West, Rhodes peninsula, North Strathfield, Croydon, Prestons, Rouse Hill, Taren Point, Warwick Farm, Villawood and, thirteenth on the list, Orange Grove. At some time over the past eight years all of those 13 sites were the subject of attempted rezoning to allow factory outlets and/or retail shopping centre proposals. How many were approved by the planning Minister of the day? None, not one.

Mr Andrew Tink: How many were opened by the planning Minister?

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

Mr BOB CARR: Not one. Some of them, like the Tamworth West proposal, were subject to at least two attempts. Knocked back on each occasion! In some cases—like Warwick Farm, Villawood, Taren Point and Orange Grove—there were even court cases. The results of those court cases were remarkably similar; in fact, they tend to be repetitive. For example, when Woolworths took the Warehouse Group to court in February 2003 over alleged illegal retailing from an industrial zone at Villawood, the judge made very clear:

> Unless restrained a breach in one case leads to breaches in others and to a general feeling that the law is being ignored when breached by those who persistently flout it.

The judge—incidentally, the same Justice Lloyd who presided over Orange Grove—went on to say in respect of Villawood:

> The applicant, Woolworths Limited, would be justified in believing that whilst it must itself comply with the planning laws, others do not have to comply—there would no longer be a level playing field upon which fair competition relies.

He made it very clear in those cases—and again I quote his judgment:

> The public detriment is not confined to physical or economic harm. It includes the broader interest in securing obedience to the planning laws.

It does not matter what political influence might be attempted out there: the thing is to adhere, as this Government has done, to the planning laws—the same as has been done in every one of these 13 cases, without exception.

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

Mr BOB CARR: I do not care whether proposals came from a Labor or a Coalition or an Independent-controlled council: the planning laws in each of these cases were adhered to, and the developments were knocked back. Let us go on. The same sort of comment exists in the judgment against the Warehouse Group in regard to their site at Warwick Farm. The Government's position on Orange Grove adheres to the planning laws. The Government's position ensures that the rules that apply to one apply to all—a position that respects, in the words of Justice Lloyd, "fair competition". I know that is a novel concept to those opposite, but we have adhered to this approach for years, as have—to be fair—previous Coalition governments when they have enforced the centres policy.

Centres policy has been reinforced for over 20 years. Those 13 sites from Somersby to Tamworth, from Villawood to Kemblawarra, all underpin the consistency of that effort. Minister after Minister, in fact, has knocked back proposals by local councils—Labor controlled, Coalition controlled, or independent—that want to step around the centres policy. In 1999 Gosford council got a knockback. In 1996 Parramatta council was told no to Woolworths setting up at South Granville. Just this year Wollongong council was told the Government would not support a rezoning which would have an impact on nearby centres and undermine the Fairy Meadow

and Wollongong CBDs. Tamworth council requests have been knocked back not on one but on two occasions, first in 1996 and then again last year. Liverpool council itself would not make a decision on Cross Roads, would not support a rezoning of a Homemakers Centre at Warwick Farm, but of course attempted to make an exception in respect of Orange Grove—an inconsistency that the Minister for Infrastructure and Planning highlighted when the House last met.

Of the 13 sites I have mentioned the Opposition proposes special legislation to get one up, and only one. It does not make an exception for the other 12, but it attempts to make an exception in respect of Orange Grove. Who said 13 was an unlucky number? The party of competition is backing in Orange Grove with special legislation—against all the planning laws, against the practice of 20 years, and against all the other sites that would like the same treatment. Twelve other sites would like the same treatment and have been knocked back by this Government. The Opposition does not give consideration to those other sites—only Orange Grove. The Opposition is effectively telling aspiring retail operators that the way to get ahead these days is to flout the law, to push the envelope, to make unbelievable allegations when you get caught out, and then to do one other thing—

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

Mr BOB CARR: And it relates to what PR firm they hire. There is only one way to get a special Act of Parliament. The 12 other sites did not get it, but Orange Grove does. So there is no special legislation from the Opposition for Tamworth West, or Villawood, or Warwick Farm, or Rouse Hill, or Kemblawarra. They do not get a look-in. They are five locations where the arguments for employment are even stronger, as it happens, than in respect of Orange Grove. Where is the Save Tamworth West Bill? Where is the Let's Help Out Warwick Farm Bill? Where is the Let's Advantage Kemblawarra Legislation? There is none. The 12 other sites do not get it, only Orange Grove. Of the 13, only one gets a special Act of Parliament—Orange Grove.

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

Mr BOB CARR: And, of course, it is the one that has gone off to the Liberal Party public relations [PR] firm Flagship Communications, of which our old friend the honourable member for Lane Cove was, of course, a director. But the relationship is a whole lot cosier than that. As a member of Parliament he maintains very close ties with Flagship, and even closer ties with Mr Gazal.

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

Mr BOB CARR: In Parliament two weeks ago I revealed that the honourable member for Lane Cove's association with Mr Gazal and Flagship is deep, affectionate, loyal and sincere. And it was that stream of faxes, which Professor David Flint, in his inimitable style, would refer to as a veritable stream of correspondence—a stream of faxes giving them their questions, giving them their speeches—all from Gazcorp, through Flagship Communications, run by Jeff Egan, a former Senator Coonan staffer and Liberal councillor, and David Elliott, a former media adviser to Opposition leader Peter Collins. That relationship of the honourable member for Lane Cove raises grave concerns. Is he being remunerated by the firm of which he was once a director—remunerated still? Are his statements in this House, prewritten for him, pre-digested for him, served up—

Mr John Brogden: Point of order: I just want to inform the Premier that Ross Free, the former Federal Labor member, is a consultant to Flagship.

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

Mr BOB CARR: The honourable member for Lane Cove maintains his office at 230 Victoria Road, Gladesville. In this vast city, with its countless suburbs, and its even more countless commercial centres, in this vast city between the ocean and the mountains, between Barrenjoey and the Illawarra escarpment, where would you think in this vast conurbation of 4½ million people lies the corporate headquarters of Gazal, of Gazcorp? Unbelievable coincidence: 230 Victoria Road, Gladesville. There it is at 230 Victoria Road, Gladesville, Bandrex Pty Ltd, Anthony Roberts MP, and Gazcorp Pty Ltd.

Mr Barry O'Farrell: Point of order: My point of order is on relevance. Not even the current member for Lane Cove could have made the decision made three years earlier by his predecessor. But, if we want to talk about close relationships, tell us about this relationship: we don't have photos of Anthony Roberts or members on this side of the House with those "dodgy" people.

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

Mr BOB CARR: It is not as if Sydney is a little village. It is not as if Sydney is a hamlet where everyone is forced to set up their offices shoulder by shoulder. It is a big place. But, there he is, as a tenant in Gazal's building. They don't have to use a fax machine. He could have slipped it under the door—all the speeches, all the questions. And it is in this very building that David Elliott and Jeff Egan from Flagship are spending all their hours in this office block working with Gazcorp. That is why, out of the 13 developments seeking retrofit planning approval, only one got a special mention in Parliament.

Mr Andrew Tink: Point of order—

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order for the third time. I remind the honourable member for Epping that he is on one call to order.

Mr Andrew Tink: It is on relevance. The Premier talks about a particular office—

Mr SPEAKER: What is the point of order?

Mr Andrew Tink: —and a particular relationship to an office. Kristina Keneally—

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

Mr Andrew Tink: The honourable member for Heffron is in Westfield shopping tower.

Mr SPEAKER: Order!

Mr Andrew Tink: Westfield!

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

Mr Andrew Tink: PO Box 1 Frank Lowyville—Westfield shopping centre. Yes, that is today's good news.

Mr SPEAKER: Order!

Mr Andrew Tink: The ambassador of Westfield, motions for money.

Mr SPEAKER: Order!

Mr Andrew Tink: Cash for comment, motions for money. The Westfield tenant in the bag for free.

Mr SPEAKER: Order! Because of the entertainment value of the point of order I will not call the honourable member for Epping to order again. The Premier has the call.

Mr BOB CARR: So 13 developments on industrial sites, bulky goods, factory outlets, all the rest, 13 of them all wanting a retrofit rezoning, all wanting that one windfall for their property, but only one of them gets a special bill presented in this House and it is the only one of them that has gone to a Liberal Party PR firm of which the honourable member for Lane Cove is or was a director.

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

Mr BOB CARR: Last night in the budget estimates committee hearing the Hon. Greg Pearce, who is the best lawyer in the Opposition—a formidable, razor-sharp, cutting-edge legal mind—said on no fewer than eight occasions in the budget estimates committee before which I appeared that a decision to rezone Orange Grove would have been corrupt. That is precisely what the Government did not do: we did not rezone it. It did not matter what had happened in the local Labor Party branches, we did not rezone it; we applied the rules. But the Opposition has legislation in the House designed, in this case, to deliver a spot rezoning that gives Gazal a $5 million increase in the value of his property. It is precisely what we refused to do.

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

Mr BOB CARR: The Leader of the Opposition, when he addressed the Property Council on 13 August, said he supports the centres policy, but he will make an exception of it, it now seems, in the case of the Gazcorp development. A favour for a neighbour: you buy the PR and you get a special Act of Parliament. That belongs in one place, and that is the ICAC, and that is where it is going. You either have rules in planning or you do not, and if you do not you end up with the chaos, the anarchy, the selective mateship and the cosy cohabitation that is represented by the Opposition's proposed legislation. Spot rezonings, trashing the rulebook, playing favourites and kicking legitimate businesses in the guts, an absolute planning free-for-all, a pig's trough of rules and kickbacks, slim pickings for the honest majority who live by the rules and respect the laws.

DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Mr ALAN ASHTON: My question without notice is directed to the Minister for Infrastructure and Planning. What is the latest information on rezoning issues involving Orange Grove and related matters?

Mr CRAIG KNOWLES: The story continues. Last Friday—

Mr SPEAKER: Order!

Mr CRAIG KNOWLES: I know the members on this side are interested in this. They want to understand why the Opposition wanted to rezone one site only out of 13 possibles. They get very aggressive because last Friday the former planning manager of Liverpool City Council, a man called Christopher Weston, gave evidence in camera to the parliamentary committee about Orange Grove. His evidence was fascinating. Honourable members will recall that this is the man who was the manager of planning at Liverpool council, the man who wrote this very detailed memo about the Orange Grove development application to his boss, Gerard Turrisi, on the very same day it was lodged, that is 6 June 2002. Honourable members will also recall that in that memo an unexplained sentence resulted in Mr Weston telling his boss, Turrisi, that the Orange Grove application could not be determined within two weeks. As more and more information becomes available this development assessment process at Liverpool council, under delegation, looks dodgier and dodgier.

Two weeks ago I asked the following questions in this Chamber: Why would anyone feel compelled to write a memo in these terms the day an application was lodged? Why was there a clear expectation that this multimillion dollar development could be dealt with in two weeks? Who was it that asked for the two-week turnaround? Why was somebody trying to do something that anyone who understands this process would regard as impossible? And why, despite clear and written advice to the contrary, was this application ever approved in the first place? Let us see what Mr Weston said in his evidence when he attempted to answer those questions. First, he was asked how he became aware of the proposal. He said he was asked either by email or verbally by his boss, Gerard Turrisi, to use his planning expertise—this is the manager of planning at Liverpool council—to give an explanation about the particular proposal on the day the application was lodged.

Mr Weston makes the point three times in his evidence to the parliamentary inquiry that he had never before been asked to give such an opinion on the day an application had come into the council. Almost every member of the upper House committee grilled him about that memo of 6 June. He tells the committee repeatedly that from day one Liverpool council could never lawfully approve the proposal. When asked specifically by Jan Burnswoods whether his memo of 6 June confirms that the factory outlet centre would not conform to the zoning and would not be a lawful use of the site he replies, "That's correct. It's mostly why I wrote the details that I did in the letter." He reinforces his position that this was illegal from the start, and in answer to Sylvia Hale and to that ever-helpful chappie, John Ryan, who asked, "You are telling the Committee that you meant this memo to mean that flat-out, categorically, that this could not have been approved?" Ryan also asked, "Did you ever express this view verbally in addition to what you have written?" Weston's response was, "I expressed it to Geoffrey Hunt. Yes, I did." Hunt, of course, is the subordinate planning officer.

Mr Weston goes on, "It is not an appropriate use. It could not be defined as bulky goods, salesroom or showroom." Mr Weston made at least nine or 10 separate statements in camera to the parliamentary inquiry that make it very clear that his memo of 6 June and his verbal advice to other planners at Liverpool council were being ignored, despite his blowing the whistle on this development application from day one. This is the manager, remember, at Liverpool council. He has only one boss in the planning department, Gerard Turrisi. When he was asked by John Ryan, "So how do you explain that the matter was ultimately approved?" Weston simply replies, "Geoffrey instigated his delegation." We all know that this matter was dealt with under delegated authority, but we now know that the delegation was used despite a clear written and verbal advice by Mr Weston, the planning manager of Liverpool City Council, that it was not an appropriate use. We now know a bit

more about that two-week turnaround and the sentence in the memorandum about the two-week turnaround. I quote the Hon. Jan Burnswoods, who asked what the sentence "Determination will not be issued in two weeks" meant, and the following explanation is fascinating:

> **Mr WESTON**: I would have answered what I was asked.
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> **The Hon. JAN BURNSWOODS**: Asked by whom?
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> **Mr WESTON**: Gerry Turrisi.
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> **The Hon. JAN BURNSWOODS**: So why would he ask that? It would surely not be normal for a DA of this size to be determined in two weeks.
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> **Mr WESTON**: That would be a correct assumption...
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> **The Hon. JAN BURNSWOODS**: And you would agree that being asked to issue a determination on a development of this size within such a short period of two weeks would be unusual, to say the least?
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> **Mr WESTON**: Yes.

The other unusual thing that happened here was the granting of consent on the very day following the bungled advertising process. Mr Weston in evidence could not remember any other development application at Liverpool that was signed off on the day following advertising. When asked if it seemed unusual he said, "It was different", and that at that point "There could have been letters in the front letterbox of the council". When asked if he would agree that it was a very unusual procedure, his final comment on this development application [DA] was to say, "To be issued the day after advertising closed is not the norm."

It is apparent from his evidence that Chris Weston, the manager of planning, felt that he was left out of the loop of this development application. In fact, they are the very words he uses in his evidence to the inquiry—left out of the loop. Despite being Geoffrey Hunt's supervisor, he was never approached about the application following his verbal advice to Geoffrey Hunt that it was illegal. He says on oath that he "wasn't involved with the application to the extent that it was being dealt with by Geoffrey Hunt and Gerry Turrisi."

In conclusion, we have the Liverpool council manager of planning advising on day one that this was an illegal use and should not be permitted, telling his boss, Gerard Turrisi in writing of that view, telling his boss in writing that approval could not be given in two weeks, telling his subordinate planning officer, Geoffrey Hunt, the same thing, that is, the proposed development was not permissible in the zone—it was illegal—and as a consequence he found himself, to use his words, left out of the loop.

Mr Weston's memo of 6 June is in some ways his parachute: Everybody believed that this had been a valid consent until the court's decisions earlier this year—except, apparently, Mr Weston. But the more one looks at the paperwork and hears evidence like that of Mr Weston, the more one realises that from day one, behind the closed doors of the Liverpool council's planning department, other people were certainly also advised that this application should never have been approved, that it was illegal. They were advised in writing and advised verbally, yet it was still approved.

DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Mr JOHN BROGDEN: My question without notice is directed to the Premier. Why did former Australian Labor Party State Secretary Eric Roozendaal seek to influence former Liverpool deputy mayor and current ministerial staffer Tony Beuk to stop the development at Orange Grove?

Mr BOB CARR: If that is an allegation, that is the first I have heard of it, but one thing stands out. Whatever shenanigans went on at Liverpool, the Government said no. We did not bend the planning rules. That is the point.

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

Mr BOB CARR: Everything the Leader of the Opposition is saying confirms the validity of the approach we took on sound planning grounds. In the meantime the Leader of the Opposition might say why, of these developments—13 of them—he is proposing special legislation in the case of one, and only one. Why is there not special legislation proposed by them on Somersby, why not on Ferndell Street, why not on the Kemblawarra Business Park, why not on Tamworth West, why not on Rhodes peninsula, why not on North

Strathfield, why not on Croydon, Prestons, Rouse Hill, Taren Point or Warwick Farm, or Villawood—all identical, in essence, to Orange Grove?

But special legislation is proposed by the Leader of the Opposition in respect of one of 13 developments. The Government adhered to the rules. The more the Leader of the Opposition points to alleged Labor Party activities and a council we dismissed—a Labor Party controlled council that we dismissed—that only validates the decision we took to assert the planning rules and say no to the development that the Liverpool council wanted.

SECURITY INDUSTRY FIREARMS REGULATION

Mr TONY STEWART: My question without notice is addressed to the Minister for Police. What is the latest information on the security industry and access to guns?

Mr JOHN WATKINS: Members would be aware that a little under a year ago I announced a range of reforms to restrict the availability and use of guns in the security industry. At that time, the security industry in New South Wales, in particular in Sydney, had faced a string of incidents which had led to the loss of 65 firearms in the Sydney metropolitan region—firearms that undoubtedly helped feed the criminal black market, providing more guns that our police had to take off the criminals of this State.

Members will also recall the community outrage at instances of blatant disregard for safe storage by some security companies or reports of soft targets or inside jobs. That is why the Government announced a range of reforms to ensure that guns in the security industry were only available where necessary, were harder to steal, less desirable for criminals, and more easily traced and linked to crimes. The messages the Government put in place include banning guns in sectors of the industry that cannot demonstrate a need to be armed; increased safe storage requirements, which increase in complexity according to the number of guns that are held; restricting the calibre of security industry handguns and removing all guns outside that range; and increased security firm audits by the Firearms and Regulated Industries Crime Squad of the NSW Police.

The Government's reforms are working. I inform the House that since the major crackdown, more than 1,000 guns have been removed from the security industry in New South Wales. We have forced security companies to justify their need for handguns. If they cannot do so, we take the handguns away from the industry. When the new laws commenced earlier this year, it forced security firms to submit to genuine-need audits. We forced companies to justify the number and type of firearms that they held. These audits identified a number of companies that were no longer qualified to hold firearms or that NSW Police determined held more firearms than they needed. In the first week of June, NSW Police launched Operation Farnell to take back these guns.

I am advised that, to date, as a result of Operation Farnell and other reforms that the Government has introduced, 564 firearms have been seized by the police or have been stored with firearms dealers, and security companies have sold 288 firearms back to firearms dealers. Another 15 firearms owned by interstate firms have been returned to their jurisdictions. Combined with the 160 firearms that were seized or surrendered during the earlier Operation Advance, an impressive result has been delivered for NSW Police. Operation Advance was conducted in January and February this year, and it was a statewide audit of safe storage in the industry. Together, these operations mean that more than 1,000 firearms have been taken from the security industry in New South Wales, so 1,000 fewer firearms can potentially be lost, stolen, or worse, taken by force from a security guard.

This State's licensing reforms have also had a major impact. Since February 2003, 435 security licences have been revoked and 5,562 security guard applications have been rejected because the applicants were not Australian citizens or permanent residents. All up, more than 17,000 security guard licences have not been renewed since implementation of the changes, which include mandatory fingerprinting and background checks for all our guards. Those 17,000 security guard licences that have not been renewed represent a major change to the nature and quality of the security industry in New South Wales. Fewer firearms and fewer people registered as security guards means a better security industry in the State. But we are not finished. We will continue our reforms of the industry. A couple of weeks ago I met with industry representatives to discuss our next phase of reforms. I look forward to working with responsible security companies to introduce those measures. In the future I will update the House about our continued efforts to improve the security industry in New South Wales.

WATER AND SEWERAGE PROJECTS FUNDING

Mr DONALD PAGE: My question without notice is addressed to the Minister for Energy and Utilities. How can the Minister justify slashing subsidies for vital water and sewerage projects, such as the Clarence Valley and Coffs Harbour Regional Water Supply Strategy from 50 to 20 per cent, and cutting the subsidy for sewerage works at places such as Yeoval and Cumnock, endangering public health and the environment as well as pushing up costs to local communities?

Mr FRANK SARTOR: I am glad that the honourable member for Ballina has asked me that question. Of the $878 million that the Government has allocated for the Country Towns Water and Sewerage Scheme, it has so far committed $570 million. Of the 106 water utilities in the State, to date the 29 large utilities have used up 77 per cent of all funds. Close to 80 water utilities have access to only 23 per cent of the money. The larger water utilities, some of which have budgets as high as $30 million and $40 million, will receive the lion's share of funds. Consequently priority funding was going to places where it should not go. Review of the scheme has meant that we are now prioritising the projects, and the funds are going to where they are most needed.

There is no point in continuing to give millions of dollars to water utilities that have large annual budgets that enable them to do the work anyway. The little schemes were missing out. That is why we moved to revise the scheme. We were concerned also about delays—projects were taking 10 or 12 years to come to fruition; there was split responsibility; there was lack of transparency; there was no prioritising; every project was treated equally. It did not matter if there was a major water security issue or a major environmental issue involving sewage treatment—both were treated equally. The Government has established a departmental committee and it is prioritising all the projects. The money will go where it is needed. The total amount has not been amended.

As for the Clarence Valley and Coffs Harbour scheme, the Government has already approved $26 million and the total contribution is expected to rise to $33 million. The Government is making a very substantial contribution to that scheme; to do otherwise would be irresponsible. The Government has kept the same amount in place and is allocating funds, but it is doing so more responsibly. We are trying to get water utilities to do their job much more efficiently and effectively.

HEAVY VEHICLE SPEED LIMIT

Mr NEVILLE NEWELL: My question without notice is addressed to the Minister for Roads. What is the latest information on moves to reduce speeding by heavy vehicles?

Mr CARL SCULLY: The honourable member for Tweed is now known as the man of steel, and I thank him for his question. He has been concerned about heavy vehicles not complying with speed limits, particularly on the Pacific Highway. I again acknowledge all members of Parliament who attended the Country Roads Safety Summit in Port Macquarie, which was hosted by the honourable member for Port Macquarie. Members from both sides of politics and from both Houses of this Parliament attended the summit. In fact, 28 members attended the summit, including the honourable member for Upper Hunter, the honourable member for Ballina and the honourable member for Coffs Harbour. I thank them for their attendance.

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

Mr CARL SCULLY: Honourable members attended the nine working groups, one of which focused on heavy vehicles and made a recommendation concerning speed limiters. Many vehicles that are supposed to be speed limited to 100 kilometres per hour are travelling in excess of that limit. Many heavy vehicles, particularly those travelling on the Pacific Highway, are involved in fatal crashes and crashes in which people are seriously injured. Every member of this House would want more to be done to improve road safety, particularly when it comes to heavy vehicles. Drivers have been bearing the burden of their speeding through demerit points, loss of licence or fines. The Transport Workers Union secretary, Tony Sheldon, and others in the industry have said that the trucking industry should bear responsibility for some of the pressures it puts on its drivers to drive too fast. The pressure on drivers to get goods to market is sometimes overwhelming. As a result, drivers tend to allow temptation to get the better of them and they speed.

A lot of anecdotal evidence suggests that some speed limiters on trucks have been tampered with. The Government proposes to introduce legislation to provide that the registered operator of a heavy vehicle will be liable if that vehicle is found by police to be travelling more than 115 kilometres per hour. Obviously, the truck

driver will bear the consequences of speeding but, for the first time, the registered operator will be held liable. The initial fine will be $1,500 in the form of a traffic infringement notice. If the operator wants to challenge that in court, the cost could rise beyond $2,000. This is a strong message to registered operators of heavy vehicles: they can no longer put pressure on truck drivers and expect them to bear the consequences. If a driver loses his licence, tough luck, he should just get another one! That will no longer apply.

The penalties must bear upon those who put pressure on the drivers who, more often than not, would like to do the right thing. However, more often than not, the drivers are pressured to get the goods to market quickly. This is a good initiative and it fits squarely with the concerns of those who represent truck drivers, those whom I regard as the good elements in the industry, who want more brought home to what is called the chain of responsibility. Other proposed measures include ensuring that not just the driver is responsible for what is called "dimensions"—that is, loads, weights and how the vehicle is restrained. People who are involved in loading the truck must bear responsibility for mistakes—errors that can have catastrophic consequences.

It is all very well to pull over a driver and book him, and sometimes charge him with a serious offence. However, other people involved in the consignment chain are responsible for loading and unloading a vehicle. The Government proposed to make changes in the law to ensure those involved in the consignment chain bear the consequences of their actions—not just for tampering with speed limiters. It will be assumed that if a truck can travel at more than 115 kilometres per hour its speed limiter has been tampered with and the speed limiting legislation has been breached. Those measures send a strong message to the trucking community that the days of putting pressure on drivers and expecting them to bear the consequences alone are over.

SINGLETON AMBULANCE SERVICES

Mr GEORGE SOURIS: My question without notice is directed to the Minister for Health. Given that WorkCover has condemned the 23-year-old Singleton ambulance rescue truck, why is the Minister risking the lives of Hunter Valley residents by failing to immediately provide a replacement vehicle and reinstating the rescue accreditation to Singleton ambulance station?

Mr MORRIS IEMMA: That matter is under consideration and I am awaiting a report.

SCHOOL DISCIPLINE

Mr KEVIN GREENE: My question without notice is directed to the Minister for Education and Training. What is the latest information on school discipline?

Dr ANDREW REFSHAUGE: I thank the honourable member for Georges River for his ongoing interest in education matters in New South Wales. Discipline is critical in our education system, and it is particularly important to make sure that discipline is maintained in all of our schools. We are proud of the strong focus we have maintained on ensuring discipline in our public schools. That is why this Government is spending $70 million over four years to maintain and re-enforce discipline in New South Wales schools. Discipline teaches students respect for themselves, their teachers and other students. It teaches them that there are limits in society and in life. It teaches them that they must be responsible for their own behaviour—not just in the classroom but outside in the community.

We know that discipline in the classroom creates a better learning environment and enables teachers to get on with the job of teaching without disruption. We want students to know that there are limits to the way that they can behave in the classroom and there are consequences if they step over the line. That is why at the beginning of this month the Premier and I announced tougher suspension and expulsion powers for all principals from the beginning of 2005. The new rules will give principals more authority to take swift and decisive action against severely disruptive students. Under the new suspension and expulsion of school students procedures, principals must suspend immediately any student who is seriously physically violent, who is in possession of a firearm or a prohibited weapon, or who is in possession of an illegal substance, which now includes prescription drugs that were not prescribed for a student. For the first time long suspensions will now be compulsory for those students.

Principals will now be able to suspend students who maliciously use new technology such as text messages, emails and web sites, and principals and teachers will have a less bureaucratic set of guidelines to follow when dealing with disruptive students. The new guidelines will also ensure that there is a cutback on appeals and that principals are able to enforce discipline where and when it is needed. Principals, parents and

students have a clear message: There is no place for this type of behaviour in our schools. Honourable members will be interested to hear that, from the second semester in 2005, school education area statewide long suspension and expulsion figures for all public schools will be posted on the departmental web site. That will enable us all—the department, parents and school communities—to better monitor the trends that may emerge in school districts and to take action if necessary.

It demonstrates that the Government is committed to enhancing discipline in our public schools and to making the department more accountable and open to the public. People will now have this information at their fingertips. The Government is also ensuring that it is not leaving behind those students who have behavioural problems. An additional 1,400 places will be created in new behaviour schools, tutorial and suspension centres across the State for students who are disruptive. The specialist places are part of our $70 million plan over four years to maintain and reinforce discipline in our schools. The new positions come on top of 2,400 existing positions in the public education system for students with behavioural problems. The program means that students with special needs whose behaviour may be disruptive to the rest of the school can receive a first-class education with the support that they need. That small number of students often takes up a disproportionate amount of teachers' time, disrupting their own learning and the learning of others.

As part of the $70 million school behaviour and discipline plan, $12 million will be spent over the next three years to build seven new behaviour schools, bringing to 35 the total number of behaviour schools; to set up seven new tutorial centres linked to existing high schools, bringing to a total of 40 the number of tutorial centres; and 20 new suspension centres will also be established to help students return to school after a long suspension. A total of $58 million will be spent over the next four years to run these schools and centres. This funding covers annual recurrent costs for specialist teachers and support staff in the new centres. Standards and disciplines are not just a matter for public schools. That is why earlier this year the Government introduced new reporting and accountability requirements for non-government schools, as recommended by Professor Warren Grimshaw. I am pleased that the Opposition supported those recommendations.

Professor Grimshaw found that there was an increase in community expectations about school accountability. That is why we made it a requirement that all non-government schools clearly state their discipline policies. These requirements do not dictate to non-government schools how they should shape their individual discipline policies. However, for the first time they make non-government schools spell out to parents and the public exactly what are their discipline policies and what are their procedures. It is essential that the expectations and standards of mothers, fathers and carers are met when it comes to discipline in our schools, whether they be public or private schools.

SHOALHAVEN HOSPITAL

Ms SEATON: My question without notice is directed to the Minister for Health. What does he have to say to doctors at Shoalhaven Hospital who are forced to make beds at midnight in jerry-built overflow wards and to patient McAllister "Mac" Hutchison, who was denied critical orthopaedic surgery on his crushed leg at Wollongong, resulting in an infection and preventing surgery for nine days?

Mr MORRIS IEMMA: I say to the honourable member for Southern Highlands that she should forward to my office details of the individual case that she has raised rather than attempt to exploit this patient. I would be more than happy to investigate the case that she has raised. I say to the Shoalhaven community that this Government is proud of the resources it has put into the redevelopment of Shoalhaven Hospital. When the Coalition was last in government it ignored that hospital.

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

Mr MORRIS IEMMA: The redevelopment of Shoalhaven Hospital will equip it and enable it to meet the growing demands and pressures that are being placed on it. Shoalhaven Hospital has one of the busiest emergency departments of any regional hospital. This Government has made a clear commitment to provide the infrastructure that is necessary to enable clinicians to deliver a quality service. I also say to those South Coast communities that fall within the former Illawarra Area Health Service that this Government is proud of the additional $30 million it will be investing over the next 16 months to reduce waiting lists and long waiting times for elective surgery.

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

Mr MORRIS IEMMA: This Government is proud of its investment and its achievements in redeveloping the hospital about which the honourable member for Southern Highlands is talking. This Government is also proud of the fact that it invested additional resources to reduce waiting lists and long waits for surgery. If the member for Southern Highlands were really concerned about her constituent she and all her other colleagues should ring John Howard and say, "Give us back the $400 million that you took from us."

PROBIOTEC (NSW) PTY LTD ILLAWARRA ADVANTAGE FUND ASSISTANCE

Mr MATT BROWN: My question without notice is directed to the Minister for Regional Development, and Minister for the Illawarra.

Mr SPEAKER: Order! I would like to hear the question.

Mr BROWN: What is the latest information on assistance to businesses in the Shoalhaven area?

Mr DAVID CAMPBELL: I thank my friend and colleague the honourable member for Kiama and a member of Country Labor for his ongoing interest in the economic growth of the Shoalhaven and Illawarra areas. I am sure that my colleagues the honourable member for Wollongong, the honourable member for Illawarra and the honourable member for Heathcote will be interested in my reply. Probiotec (NSW) Pty Ltd is an innovative regional company that produces natural pharmaceuticals; in other words, it produces pharmaceuticals that are based on naturally occurring chemicals. Natural health supplements and functional foods, which are foods that supply health benefits beyond nutrition, are amongst the fastest growing markets in the world today.

Probiotec is a significant exporter, with about 85 per cent of its products shipped to more than 35 countries, including the United States of America, Korea, China, Japan, New Zealand and Europe. The New South Wales Government has supported this exciting company since it began its operations at Bomaderry seven years ago. We are now offering further assistance through the Illawarra Advantage Fund so the company can undergo a major expansion, including construction of a $2.5 million plant in south Nowra. The new facility is a blending plant for the production of dairy powders and nutraceuticals.

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

Mr DAVID CAMPBELL: In addition, Probiotec is about to begin a $400,000 expansion of its speciality cheese-processing facility. I note that the honourable member for South Coast is attempting to interject. She has no interest in job growth in that region. She has not said one word about job growth in the Nowra area. Overall, Probiotec estimates that it will spend $4.8 million and will double its current work force of 50 to 100 by 2006. I visited Probiotec's Bomaderry plant, and its array of products is truly amazing.

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

Mr DAVID CAMPBELL: There is a wide range of dairy proteins and powders, cheese products, calcium and mineral supplements as well as functional foods. The company also produces specialty animal nutrition supplements and even shark and bovine cartilage. The shark cartilage, harvested from fish caught in Australian waters, is the basis for a range of anti-arthritis products used to help human sufferers ease their symptoms of pain, swelling and joint dysfunction. The company's livestock food products include feed additives, mineral salts that facilitate easier calving and better milk production, as well as high-quality nutritious calf milk replacements. At its new facility Probiotec has begun production of a brand-new product for human health care—a very low kilojoule meal replacement that will be distributed through pharmacies Australia-wide. As a manufacturer of these health products, Probiotec is at the cutting edge of the huge growth in this industry. Its Shoalhaven operation is the only one of its kind in Australia and is fully licensed by the Australian Quarantine and Inspection Service for the production of meat, fish and dairy products.

Questions without notice concluded.

LUNA PARK AREA DEVELOPMENT

Ministerial Statement

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [3.30 p.m.]: Earlier this year I commenced a process to confirm the spirit and intent of this Parliament in relation to the cliff-top area at Luna Park. At that time I made the point that, while the Luna Park Site Act explicitly identified a range of commercial uses as being authorised on the cliff top, it was

necessary to take action to remove doubts that those uses, as authorised under that Act, were permissible for planning purposes. To that end, I said that I would commence a process of amending State Environmental Planning Policy 56 to reflect the Luna Park Site Act.

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

Mr CRAIG KNOWLES: In order to achieve that consistency I indicated that there was a need to make explicit the planning controls for those sites. I established an independent expert panel to develop the controls and I undertook that those controls would be publicly exhibited to allow community input. The panel of Phillip Thalis, Barry Shelton and Mayor Genia McCaffery, who were assisted by Petula Samios, have now reported to me. In accordance with my earlier undertaking, I now seek to make public their work, together with their recommendations. I seek leave to table the Luna Park Cliff Top Site Urban Design Study, dated July 2004.

Leave granted.

Document tabled.

As I indicated initially, I intend to seek public comment on the report and recommendations over the next six weeks and I welcome submissions from all parties. In simple terms, the proposed controls recommend two building footprints on the site with setbacks, height limits, the creation of open space and preservation of the fig trees. I am advised that one building footprint could see up to a four- to five-storey building whilst the other could see a two- to three-storey building constructed. I wish to thank panel members for their efforts and I look forward to the community's response.

Ms PETA SEATON (Southern Highlands) [3.32 p.m.]: This is another example of the Carr Government doing whatever it takes to alter a process to get the answer it wants. The community surrounding the Luna Park site, which is represented by the honourable member for North Shore, has been very clear from the outset. After much community consultation, they signed up to a plan of management that led to an expectation that no more than a two-storey building would be constructed on that cliff-top site. That has been the deal from the very beginning—two storeys and no more. But the Government has done everything it possibly can to work its way around the back and get whatever it wants approved on the Luna Park site. It even had the Government Architect, Chris Johnson, come out and give a big tick to the so-called "chirpy little building"—the 14-storey tower—on that cliff-top site.

It is very simple: The Government should have said "no" when this proposal came up. The community expects no more than a two-storey building on that site. The honourable member for North Shore and the Leader of the Opposition have attended rallies and spoken in support of the community, which expects the Government to stick to the rules on which it agreed with the community. There would have been no need for this expert panel if the Government had done what everybody believed and agreed should have been done a long time ago. The cliff-top site should be protected with a building of no more than two storeys, as the community expects and deserves.

HEALTH CARE COMPLAINTS ACT AMENDMENTS

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Minister for Health) [3.34 p.m.]: I am today releasing for public consideration exposure drafts of the Government's proposed legislative reforms to the health care complaints process. The introductory paper and three draft bills give effect to the recommendations of the Special Commission of Inquiry into Camden and Campbelltown Hospitals and the review of the Health Care Complaints Act by the Cabinet Office. The bills are the Health Legislation Amendment (Complaints) Bill 2004, the Health Registration Legislation Amendment Bill 2004, and the Nurses and Midwives Amendment (Performance Assessment) Bill 2004. The bills have three main purposes. The first is to refocus the Health Care Complaints Commission [HCCC] on investigating serious complaints about health service providers. It will do so by providing new objectives for the HCCC which will emphasise that its primary role is the investigation of serious complaints; clarifying the definition of "unsatisfactory professional conduct"; giving the HCCC the flexibility to refer matters to a registration board for consideration; and applying performance assessment provisions to nurses and midwives.

The second purpose is to improve the operation of the complaints handling process to make the process faster and more effective. It is proposed to achieve this by removing the requirement for statutory declarations to

be provided by a complainant and empowering the HCCC to require the production of hospital, medical and practice records. The third main purpose is to make the complaints system fairer for all parties by giving proper protection to complainants, to practitioners and to the general public within this framework. Further, the bills will implement the special commission of inquiry's recommendations that the HCCC must promptly identify doctors and nurses who are the subject of complaints and the allegations against them.

Additional protections are provided for those who make complaints. Complainants will be protected from liability if they make a complaint in good faith. Similarly, the basis on which the identity of a complainant can be kept confidential will be amended to make the disclosure obligation on the HCCC consistent with the Protected Disclosures Act. Protection of the public will be improved by introducing a mandatory obligation on chief executive officers of public health organisations to report suspected unsatisfactory professional conduct to registration authorities. The bills also propose to transfer the Health Conciliation Registry to the HCCC so that all dispute resolution functions can be performed by the same body. A number of safeguards have been included to ensure that the conciliation functions are kept independent of the HCCC investigative functions.

Finally, the bills address concerns raised by the doctors' representatives about the remedial legislation that was introduced following the special commission of inquiry's first report. As recommended by Commissioner Walker, these changes will ensure that challenges based on oppressiveness or delay are not prevented. At this point I would like to place on record my appreciation to Mr Walker for his meticulous work throughout his inquiry into Camden and Campbelltown hospitals. I would also like to thank Justice Kenneth Taylor, who, as the new Acting Health Care Complaints Commissioner, has set the organisation on a new path towards providing a more accountable complaints process. I also take this opportunity to thank Mr Bill Grant, who stepped in as an interim commissioner at the HCCC, and the New South Wales Cabinet Office for its work on the review of the Health Care Complaints Act.

The Government welcomes submissions on the exposure draft bills from all interested groups and individuals. The Cabinet Office will be receiving submissions during a four-week public consultation period, which will end on 12 October. The bills and an introductory paper are available on the Cabinet Office's web site. I welcome the constructive opinions of health professionals, consumer groups and the New South Wales Opposition on these bills, and I look forward to an informed debate later. I seek leave to table the following exposure draft bills: the Health Legislation Amendment (Complaints) Bill 2004, the Health Registration Legislation Amendment Bill 2004 and the Nurses and Midwives Amendment (Performance Assessment) Bill 2004.

Leave granted.

Exposure draft bills tabled.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.29 p.m.]: This announcement today by the Minister for Health is a clear demonstration of the absolute corruption of the Health Care Complaints Commission [HCCC] process under the former Minister for Health, the current Minister for Infrastructure and Planning. The Government told us time and time again that the goings-on at Camden and Campbelltown hospitals were all aboveboard, there was nothing to worry about and that the matter was being investigated by the old HCCC.

If there was nothing to worry about with the old HCCC why do we need legislation to fix it? It is a demonstration that under the four-year reign of the former Minister for Health anything went down at the HCCC that kept this Government off the front pages of the newspapers. It is a demonstration that the HCCC under the Australian Labor Party has been an absolute toothless tiger. It is a demonstration that people who put genuine complaints to the HCCC about the deaths of loved ones in their family or people they knew were simply pushed aside by an organisation that did not want to investigate anything or blame anyone and sought to conclude most procedures with, in fact, an open finding.

It is a demonstration that under Labor the watchdogs have become lap-dogs. It is a demonstration that the sort of watchdog that the Labor Party likes is one that has no teeth or willingness to pursue matters on behalf of those in our society who are at their weakest point at their weakest time. The real problem that will continue under this Government is that there is absolutely no consideration of the issue of incident reporting. It is all weighed down on the requirement, if somebody believes they have a complaint, to make a complaint to the HCCC. Where in this structure does it require medical professionals to report an incident when they believe something has gone wrong? That is the problem. The fix still continues under the Minister for Health whereby

individuals have to think they have been wronged, or that their loved one has been wronged or has died unfairly or by misadventure in a hospital, for them to then take the matter to the HCCC.

That expects individuals to be health professionals or health experts and the reality is that most of us are not. Therefore, we do rely on a proper incident reporting procedure by medical professionals especially in our public health system but also in our private health systems to indicate when things go wrong. The problem is that nothing announced by the Minister today will deal with that. This is raking over the coals of the mess at Camden and Campbelltown hospitals and beyond, and that is all it is.

Mr Barry O'Farrell: Who opened it?

Mr JOHN BROGDEN: Of great significance is that the person who reopened the refurbished Camden Hospital was who? It was Craig Knowles. It is a pretty simple rule: if Craig Knowles' name is on the plaque outside there is something dodgy going on inside! The problem is that this Government has still failed to give answers to families who have been hurt by the goings on at Camden and Campbelltown. Just two weeks ago the Assistant Coroner in this State handed down a report that stated, "These deaths at Camden and Campbelltown are outside my jurisdiction. I am sending them back to the HCCC." When will this Government show some compassion for the people who have lost loved ones in the public health system and watched their cases bounce back and forth between watchdogs waiting for somebody to give them answers about what happened?

When will we get an answer from this Government about how Peter Bentley's wife died? When will we get an answer from this Government about how Natalia Lalic died? When will we get answers to the serious questions of why people in our public hospitals are dying by misadventure and dying unnecessarily? None of what the Minister has outlined today will allow the public to forgive this Government for its abysmal failure out at Camden and Campbelltown. The Government wants to move on but the public of New South Wales will not let it move on until there are answers about who was responsible for the cover-ups at Camden and Campbelltown. None of this changes that and it is pretty clear that despite his best efforts the Minister for Health is being dragged into the centre of this scandal as well.

DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Personal Explanation

Mr ANTHONY ROBERTS, by leave: I wish to make a personal explanation. During question time the Premier made a number of statements which sought to impugn my integrity. I advise the House that, first, I ceased being a director of Flagship Communications before I was elected to Parliament, the date of my cessation being recorded as 14 February 2003. I have already advised the House of that. Second, I have never received any payment from Flagship Communications before I entered Parliament or since I entered Parliament. I have already advised the House of that. Third, my electorate office at 230 Victoria Road, Gladesville, is not my tenancy. It is the tenancy of the Parliament. I did not choose the location of the office. It was chosen by my predecessor as the honourable member for Lane Cove. The Premier knows that as well. He is simply seeking to deflect allegations of impropriety against himself and the Government by making complete baseless allegations about me.

CONSIDERATION OF URGENT MOTIONS

Exceptional Circumstances Drought Assistance

Mr PETER BLACK (Murray-Darling) [3.44 p.m.]: This matter is urgent because it is precisely three weeks and three days out of a Federal election. For the benefit of The Nationals: three weeks is equal to 21 days, adding three days makes 24 days, so they need four hands for their countdown. This matter is urgent because in the bush we have a terrible flock running around led by John Anderson, followed by Warren Truss and then followed by the infamous John Cobb. This matter is urgent because John Anderson is the same person who refuses to recognise a locust plague that extends as far as the Orange electorate and is a natural disaster. Now he says no to simplifying the exceptional circumstances [EC] process. Incidentally, he said on radio 2CR ABC that the fact that 25,000 acres of cotton is going into the scheme, using water that should be coming from New South Wales, is not an election issue.

Warren Truss is the same person who would not line up until the last moment in the last Federal budget and say there would be more money to continue the rural financial counselling service. He is the same Warren

Truss who people question whether he has a cold heart or no heart at all when he goes to areas such as Ivanhoe. Ivanhoe is in the middle of a drought. The most recent communication I have had from Ivanhoe is that it still has no feed. It has had good rain but unfortunately the feed is still not there. It is the same Warren Truss who refused to simplify the EC process, as was recommended unanimously at the last ministerial council. Instead he has put in a streamlining process in two areas. Guess where? It is a disgrace that he will streamline but not roll-over the EC process at Nyngan. In relation to John Cobb, the urgency is that we are three weeks and three days before the Federal election.

Mr Adrian Piccoli: Four days!

Mr PETER BLACK: The honourable member for Murrumbidgee wants to support me in this matter. We have declared a truce. I have congratulated him on getting engaged. He wants to debate this matter because locusts went down to the Riverina, where there is also a lot of EC. We have three weeks and three days, not counting voting day, Saturday. Incidentally, John Cobb is running around looking more and more like a refugee bully in a primary school playground. He is trampling around and does not want to talk about EC in an election period. What is he doing in the Far West? The health issues he wants to talk about are State matters. In the east he wants to talk about our grain freight lines and not about EC. He most especially does not want to talk about rural financial counsellors and the urgency is that Australia is three weeks and three days out from a Federal election.

Mr Wayne Merton: Point of order: It is the task of the honourable member for Murray-Darling to establish urgency. He is not seeking to do so. The matters he has attempted to deal with, in a rather pitiful way, relate to whatever substance there might be in his motion, and do not go to establishing urgency. With the greatest respect, I ask the Chair to draw the honourable member back to trying to establish why his motion is urgent, and direct him not to debate the substance of his ill-founded motion.

Mr SPEAKER: Order! I uphold the point of order. The honourable member for Murray-Darling should confine himself to establishing why his motion should be accorded priority.

Mr PETER BLACK: I understand the Opposition wants to talk about Orange Grove. What could be more urgent than the matters arising from the worst drought in the recorded history of Australia? But the Opposition wants to talk about Orange Grove. It is a disgrace. There are rural people out there who are suffering— [*Time expired.*]

Designer Outlets Centre, Liverpool, Closure

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.52 p.m.]: If I could use the words of the honourable member for Murray-Darling: Orange Grove is a disgrace! My motion is very urgent because it widens the net of Labor mates involved in this grubby deal at Orange Grove. What is very clear now is that Tony Beuk, a former deputy mayor of Liverpool, a Labor mate of a disgraced council that the Government decided to sack, is the man who made 10 telephone calls to Diane Beamer to ask her to approve the Orange Grove development. This is urgent—

Mr Gerard Martin: Point of order: Though the Leader of the Opposition has been on his feet for almost a minute he has not yet got to the point of addressing urgency at all. He should take the advice of the honourable member for Baulkham Hills. I ask the Chair to direct the Leader of the Opposition to return to addressing urgency.

Mr SPEAKER: Order! I will hear the Leader of the Opposition further before ruling on the point of order.

Mr JOHN BROGDEN: It is urgent because of the revelation of this document. It is urgent because Mr Tony Beuk, who supports a project that the Premier says is dodgy and illegal, is a member of the Labor Party, a former deputy-mayor and Labor Liverpool councillor. The revelation today is that he is not only an employee in the Sussex Street head office of the Labor Party but is an employee of John Della Bosca. So this man who is associated with the dodgy and illegal development, who is associated with a shonky developer—all the Premier's words—who lobbies on his behalf, is in the employ of the Carr Government, on its payroll. The urgency of this matter is demonstrated by how much Mr Tony Beuk gets paid. I have a letter to Mr Tony Beuk from the Premier's Department, New South Wales, dated 14 September, signed by Mr Brad Fitzmaurice—

Mr Barry O'Farrell: Another branch member!

Mr JOHN BROGDEN: I welcome the interjection of the Deputy Leader of the Opposition. He knows, as we all know, that the former Assistant Director-General, now Consul General to London, or whatever his title is under the Carr Government, is a member of the Maroubra branch of the Labor Party. He wrote to Tony Beuk. This motion is urgent because of what is contained in this paragraph alone. Mr Fitzmaurice offers Tony Beuk a job, and says:

> Your job is as a special project officer, commencing on 11 September 2000. Your total remuneration package for this position will be $110,000 per annum, on a part-time basis of seven hours a week.

How is that? Good work if you can get it, Bob! Seven hours a week for $110,000 a year!

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

Mr JOHN BROGDEN: I have photos too—and mine are better than yours!

Mr Steve Whan: Point of order: In a previous Parliament Speaker Rozzoli ruled against a member of Parliament who was engaging in tedious repetition. I suggest the Leader of the Opposition, after four or five days of that, is certainly subjecting this House to tedious repetition.

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

Mr JOHN BROGDEN: What a wit he is! The member interjecting is not in my photos.

Mr SPEAKER: Order! The Leader of the Opposition will desist from displaying photographs.

Mr JOHN BROGDEN: If I cannot show them, I will describe them. There is a lot of tan skin in this photo. The one in the middle is the member for Cabramatta, then we have Mr Bargshoon, and then there is Tony Beuk.

Mr Gerard Martin: Where is John Howard?

Mr JOHN BROGDEN: He is not in these photos. Then we have my two favourites. I will describe them to the House—because I will abide by the ruling that I should not show them. We have Julia Irwin, Mr Bargshoon, Mr Tripodi, and Mr Beuk. And who has his arm around Mr Beuk? Mark Latham!

Mr Peter Black: Point of order: It is with a great deal of sorrow that I do this, because this is the first point of order I have taken in this place in five years. I have to confess that I told John he would be the Leader of the Opposition. I nominated him as leader when Kerry Chikarovski was leader. The Leader of the Opposition is not establishing urgency. He has turned this procedure into a joke. I demonstrated urgency. The Leader of the Opposition has not attempted to do that.

[*Time expired.*]

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

The House divided.

Ayes, 50

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

Noes, 33

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

Pairs

Miss Burton	Mr Armstrong
Mr Lynch	Mr Stoner

Question resolved in the affirmative.

EXCEPTIONAL CIRCUMSTANCES DROUGHT ASSISTANCE

Urgent Motion

Mr PETER BLACK (Murray-Darling) [4.05 p.m.]: I move:

That is House:

(1) notes that 100 per cent of New South Wales is in drought or marginally in drought; and

(2) expresses its concern over the Federal Government's handling of exceptional circumstances matters.

To conclude what I was saying when I was establishing the urgency of this motion, it gives me great pain to say that last Monday week John Cobb issued a statement to the *Barrier Daily Truth* in which he claimed that the Commonwealth had contributed $70 million of the $130 million plus we have spent on exceptional circumstances [EC]. He has been forced to retract that statement, but he has not done it lightly. However, he has retracted it in the *Barrier Daily Truth.* It is a matter of regret for me that our Federal member is prepared to treat exceptional circumstances with such disdain. He should stand up for his constituents and my constituents. We should work together to have EC delivered properly to farmers and graziers, particularly in Western New South Wales. We are suffering from the worst drought in white man's recorded history and, we understand, before that time. But exceptional circumstances are being ignored.

Some 100 per cent of New South Wales has now been declared in drought or marginally in drought. Not one single area of the State is in a satisfactory condition. Old-timers in the west talk about the drought of 1942 when sheep numbers went down to below 100 million. If the bureaucrats are to be believed, that number is now down to around about 98 million. Certainly, it is a most serious position, but the Federal Government continues to play games with vital support measures. This is of interest to me in the lead-up to an election when, and I have to say this, there is a danger that the Howard Government might be re-elected. If they are re-elected, what is their position on continuing EC? They have not said what their position is. The bible of The Nationals, the *Land*, is conducting a readers poll. People can click on to farmonline if they know how to do it—I do not—and answer the question "Does The Nationals Federal leadership team have an adequate vision for rural and regional Australia?"

As of late Sunday afternoon 62 per cent of the readership of the *Land*, talking about John Anderson, Warren Truss and the member for Parkes, John Cobb, say no. It is absolutely outrageous. Last Wednesday night at Mildura I had a meeting with representatives from the Rural Financial Counselling Service. At a recent meeting at Bourke—there is a lovely photograph, which includes Wally Mitchell—the Rural Financial Counselling Association wanted to know about ongoing funding. Local services must find the first 25 per cent of their operating costs in the middle of this drought. We are talking about rural financial counselling services

for Bourke and Brewarrina, the first two areas to receive EC. Counsellors question the logic of conditional funding and the heavy pressure placed on volunteers. Yesterday the Government announced a further $825,000 in 2004-05 to keep the Rural Financial Counselling Service operational.

Not one extra dollar was given by the Commonwealth Government. Members of the Opposition should bear in mind that this is a Federal Government initiative. I notice that the honourable member for Coffs Harbour has put pencil to paper and I think he will need to make sure that the pencil is sharpened too. Although this is a Federal initiative, this State is involved in a joint funding arrangement with the Commonwealth Government, but with the people of New South Wales paying 25 per cent in local funding this State is contributing well over 50 per cent of the overall funding.

The figures show that for 2001-02 the New South Wales Government paid $997,000, whereas the Federal Government paid $1,769,557. In the following year the New South Wales Government paid $1,020,000 and the Federal Government paid $1.9 million. In 2002-03 the reality is that, despite the formula, the New South Wales Government contributed an additional $625,000 to keep the services going, which means that in total the New South Wales government spent $1,645,000 whereas the Federal Government spent $1,934,028. In 2003-04, the New South Wales Government contributed an additional $850,000 to keep the services going. The Federal Government tells us that this State pays 25 per cent, but in 2003-04 the New South Wales Government paid $1,897,000 and the Federal Government paid $1,880,928—a slightly smaller contribution than that made by New South Wales. Moreover, yesterday the New South Wales Government contributed an additional $825,000 to keep the rural financial counselling services operating.

Rural financial counselling services are among the most vital government support measures. Rural financial counsellors provide financial planning, assist with financial decision making, assist farmers who are going through farm debt mediation, and are a vital link to a range of government and non-government assistance programs. In New South Wales there are 34 rural financial counsellors who work from 30 different sites. Eight of those counsellors operate in one electorate, which happens to be the Murray-Darling electorate.

The issues that should be addressed by the Federal Government in respect to the rural financial counselling services are, first, accountability, particularly with regard to the numbers of active client files; second, the training of new rural financial counsellors, particularly bearing in mind the legal liability attached to financial counselling; third, development of an accredited training course for counsellors. It should be mandatory that this course is completed before counsellors are given a laptop, keys to an office, keys to a car and told to get on with the job. Fourth, appropriate selection criteria should be devised. The Department of Agriculture, Fisheries and Forestry [DAFF] should create a position description for rural financial counsellors.

It should also be mandatory that an accredited rural financial counsellor and a senior officer from DAFF are appointed to selection panels to determine who is the best applicant for a job. In terms of supervision, from time to time rural financial counsellors should be given an option to access an appropriate clinical psychologist, a recommendation that was supported by figures presented at the meeting I held last Wednesday night in Mildura. Also in relation to supervision, training should be given in stress management and suicide awareness to help to safeguard against burnout and other related problems. Rural financial counsellors are being put under a great deal of stress by an uncaring Federal Government.

Sixth, audits should be carried out. Each rural financial counselling service should be audited from both a financial and operational performance point of view on an annual basis. Seventh, in terms of social counselling, rural financial counsellors are usually the first point of contact for most families. When appropriate, rural financial counsellors make an assessment to refer clients to a social worker or to a mental health worker. However, accessing services in rural areas is not an easy task, given the tyranny of distance and the already overloaded schedules of professionals. I could go on to state what else was determined at the meeting, but suffice it to say that our rural financial counselling services are under tremendous stress. We desperately need access to clinical psychologists to assist rural financial counsellors in their role. I congratulate the Minister at the table, the Minister for Energy and Utilities. His family comes from Yenda and he takes a vital interest in matters concerning rural financial counsellors. However, I am surprised that the honourable member for Murrumbidgee is not in the Chamber to support the motion. During the last sitting he supported a similar motion and had quite a lot to say.

As I have already said, under national arrangements the rural financial counselling services are jointly funded by the Federal Government and the State Government, and there is a 25 per cent contribution from local communities. I do not know how long the services will be able to continue to function. Rural communities are

under intense stress, yet graziers in the grip of drought in Bourke and Brewarrina are expected to chip in and contribute to the funding of the services. Where are they going to find the money to be able to do so, willing amateurs, volunteers and great people that they are? Where will they be able to find the money to contribute to the funding of these services? Put simply, the big four banks are saying that they will not advance loans for restocking based upon the value of machinery and stock. There are no loans available to these people and they have no recourse to the old rural bank that we are not allowed to talk about in this place. The bottom line is that rural people cannot get money out of the banks, so how will they be able to contribute to the continued operation of rural financial counselling services?

The Federal member for Parkes, John Cobb, has claimed that the current contribution of New South Wales in the provision of drought assistance exceeds $130 million. This State is paying out big dollars. We can debate the issue of how much the State Government and the Federal Government have paid out, but the simple fact is that the New South Wales Government has paid out $130 million, which is uncapped. Despite what The Nationals are saying in the bush, the New South Wales Government will continue to play its part in providing whatever financial support is required to keep the services operating, and it will make its contributions to exceptional circumstances funding and transport subsidies. Incidentally, the New South Wales Government also pays 10 per cent on each subsidy. I commend the motion to the House.

Mr ANDREW FRASER (Coffs Harbour) [4.15 p.m.]: I move:

That the motion be amended by leaving out all words after "drought" where secondly occurring.

I do not believe anyone in New South Wales—or, for that matter, in other parts of Australia—would not support a motion that notes that 100 per cent of New South Wales is in drought or marginally in drought. Even the North Coast of New South Wales—an area which, historically, even in the worst droughts, seems to fare quite well—is affected by the current drought. People in my electorate are currently handfeeding cattle. Although there are three creeks on my property, only one is flowing—and that flowing underground—and the other two are dry. This State is in the worst circumstances it has experienced for many, many years. However, I am somewhat bemused that the honourable member for Murray-Darling, who quite rightly claims to represent the largest electorate in New South Wales that is severely affected by drought and which has eight rural financial counsellors, would move a motion in this House purely to play politics in the midst of a Federal election campaign to bag his Federal colleague, John Cobb, particularly when the Federal Government has estimated that it has already spent $500 million and expects to spend in excess of $1 billion before the drought is over, whereas the New South Wales Government has spent $65 million.

Mr Gerard Martin: It is $130 million.

Mr Peter Black: $130 million plus.

Mr ANDREW FRASER: It is an absolute disgrace for Labor members to point the finger. The honourable member for Murray-Darling is standing by mute while the Minister for Primary Industries, Ian Macdonald, takes 300 jobs out of the Department of Primary Industries. The honourable member for Murray-Darling has referred to eight rural counsellors operating from his electorate, but 300 jobs will go from the Department of Primary Industries.

[*Interruption*]

If it does not happen in the Murray-Darling electorate, he is not worried about it. I draw the attention of the honourable member for Murray-Darling to the motion he moved which notes that 100 per cent of New South Wales is in drought or marginally in drought. In spite of that, the New South Wales Minister for Primary Industries is prepared to stand by while vital departments are gutted and stripped of staff who, in times of drought, would otherwise be able to provide valuable advice and assistance to farmers whom the honourable member for Murray-Darling claims to represent. Those jobs are going straight out the door, but the honourable member for Murray-Darling remains mute.

Mr Gerard Martin: All front-line services are still there.

Mr ANDREW FRASER: The honourable member for Bathurst knows full well that $20 million will be taken out of the budget for State Forests, or Primary Industries Trading as it is now known. How does a government achieve $20 million in cost savings? It does so by getting rid of jobs. The only way to save

$20 million in that portfolio is to sack people. The honourable member for Murray-Darling lauded the arrival in the Chamber of the Minister for Energy and Utilities. He said the Minister is a good country bloke, yet he is cutting subsidies to country towns water supply and sewerage schemes.

Mr Frank Sartor: We are just stopping you wasting it.

Mr ANDREW FRASER: It is nice to hear the Minister saying that he is stopping the Coffs Harbour-Clarence scheme from wasting money.

Mr Gerard Martin: Point of order: The member has strayed right away from the motion, which is to do with the drought and the Federal Government's handling of exceptional circumstances funding. If he wants to debate other issues about his electorate with the Minister that have nothing to do with this motion, let him do so at the appropriate time and in the appropriate forum. I ask you to bring him back to the leave of the motion before the House.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I uphold the point of order. I ask the honourable member for Coffs Harbour to address the motion before the Chair.

Mr ANDREW FRASER: Without canvassing your ruling, I would suggest that this debate is about regional New South Wales being in the grip of drought. Minister Sartor is responsible for the provision of water infrastructure to country areas. He has just burdened the people of Coffs Harbour and the Clarence Valley with a bill for an extra $10 million for a water supply scheme that has been on the drawing board since 1993. Currently that area is on level two water restrictions. The dams, the storage facilities, will provide water to towns but not to farmers. Domestic and stock uses obviously come first. Yet the Minister is slowing down the development of country towns water and sewerage supply schemes that would ease the burden on farmers and result in greater flows within the river systems and better town storage. The Minister has cut back funding by millions of dollars. It is hypocritical for members opposite to point the finger at John Cobb and the Federal Government for the sake of politics, when the Leader of the Federal Labor Party is on record as saying:

> Just last week I uncovered another nice little earner called FarmBis. The Federal Government is spending $38 million on management training for farmers and their families. No other part of the workforce receives assistance of this kind.

The Federal Labor Leader is saying he will rip another $38 million out of support for farmers in regional areas. The honourable member for Murray-Darling has admitted that farmers are doing it as tough as they have ever done since this country was colonised by Europeans. To play politics on this matter is absolutely unacceptable. Members opposite should look at the levels of assistance that have been provided so far by the State and Federal governments. Who was dragged kicking and screaming to the table with Warren Truss to try to streamline the exceptional circumstances applications so that people could access benefits far more quickly? The Rural Assistance Authority declares exceptional circumstances areas. I remember a couple of years ago the Grafton Rural Lands Protection Board declared an area west of the railway line to be in drought and the area east of the railway line to not be in drought. Why? Because it saw the railway line as a dividing fence.

Mr Gerard Martin: That was the Federal Government.

Mr ANDREW FRASER: It was not the Federal Government. It was done by the Rural Assistance Authority and assessed by the then Department of Agriculture. That is how much the honourable member for Bathurst knows. He knows nothing; he is a clown.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The honourable member for Bathurst will remain silent.

Mr ANDREW FRASER: The lot opposite are playing politics instead of telling Minister Macdonald to not rip those 300 jobs out of regional New South Wales, jobs that will assist farmers who are severely affected by drought. They should work with the Federal Government and the honourable member for Murray-Darling to provide better service and assistance to those affected by the drought. The Federal Government is supplying income assistance to farmers who are not getting any money from their land. I note with interest that last week the honourable member for Murray-Darling said on ABC radio that he so deplored the actions of his own Government with regard to job losses in his area that if one job is lost from its health service he will resign from the Labor Party. Three hundred jobs are going from Primary Industries—what will he do about that? He should stand up and be counted; he should not be a hypocrite.

The honourable member for Murray-Darling should stand up and support the farmers and communities of his electorate. They are suffering badly because of the Government's lack of interest and attention and its withdrawal of services from his area and every other area outside Newcastle, Sydney and Wollongong. He should extend the claim he made on ABC radio last week and resign if one job is lost from the Department of Primary Industries. Why does he think there was a Public Service Association demonstration in front of Parliament House during the last sitting week which deplored job losses in country areas during the worst drought New South Wales has ever experienced? Clean money going into his community, my community and all of regional New South Wales is being ripped out by his Government in the midst of the worst drought ever.

I have never heard worse hypocrisy, except perhaps from Minister Sartor, who is ripping money from the water supply schemes that regional New South Wales rely on so heavily to provide town water. Warragamba Dam is down to 41 per cent capacity. The Minister should remember that that water comes from regional New South Wales. The North Coast has been on level two restrictions for the past 12 months. I repeat that the hypocrisy of the Government is beyond belief. Members opposite should get out and assist the Federal member. They should applaud the Federal Government for spending $1 billion on exceptional circumstances funding and assisting farmers to remain on the land, feed their families and support their local communities.

Mr GERARD MARTIN (Bathurst) [4.25 p.m.]: I support the honourable member for Murray-Darling in this important debate. I note that the leadership of The Nationals is not present.

Mr Thomas George: Point of order: My point of order is relevance. The Leader of The Nationals is bedridden today, and that advice has been passed on to Mr Speaker.

Mr GERARD MARTIN: I am sorry to hear that.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The honourable member for Bathurst has apologised. He may continue.

Mr GERARD MARTIN: I am talking about the rest of the team, and the honourable member for Lismore is obviously not part of that. The latest drought figures show just how desperate rural and regional communities are becoming. The Opposition has shown that it is desperate to protect the Federal Government. Members have spoken about John Cobb and about the politics of the matter. John Cobb is talking about issues that have nothing to do with the Federal election—issues such as CountryLink trains. If he were serious about helping people to obtain exceptional circumstances assistance he should support the honourable member for Murray-Darling, because his constituents need help—and fast.

This subject has a history of debate in this House, both last year and as recently as the last sitting week. One of the biggest problems with exceptional circumstances applications is the mass of red tape that the Federal Government has put in the way of applications being approved. Since 2002, 38 applications have been lodged, the preparation of which cost New South Wales Government $3 million. That $3 million could have provided income for farming families ravaged by the drought. For years the New South Wales Government has begged the Federal Government to do something about streamlining the exceptional circumstances guidelines. What has Warren Truss done? He bumbled around. What has John Anderson done? His contribution has been to talk about the Federal election.

We all know the problems with Cubbie station in Queensland and the devastating impact it is having on New South Wales farmers who rely on water for irrigation. Cubbie station is about to plant 25-million acres of cotton, and the water to be used in that planting should come to New South Wales. John Anderson has said, "Let's not make this an election issue; it has nothing to do with the Federal election". Of course it has! It is central to the whole matter. Polls in the *Land* newspaper have shown that a massive number of people in country areas are talking about the irrelevance of Federal members who are not prepared to stand up for bread-and-butter issues. The late Wal Murray would be most upset to see what has happened in this place. The Federal Government has lost relevance, and its members are not getting the message.

All John Anderson has done is to visit my electorate and attack the Greens. Unfortunately, that increased their popularity. He has missed the boat on exceptional circumstances funding, and his comments on Cubbie station are unbelievable. Since 2002 the average cost of each application has been $90,000 in man hours and resources, and there has been heaps of red tape. Continuous requests have been made by Federal bodies for more information or reassessments. The average time to get a decision from the Federal Government on an application is more than two months. The State has been in drought for so long that that process should now be

automatic. We should not have to argue about what side the shadows of the trees are coming from. Honourable members would have heard of Scot Macdonald, the Liberal candidate for the Federal seat of New England. On regional radio in my area he said:

> You've got this crazy situation where you're dependent basically on where the rainfall recorders are, you're dependent on what side of a road you may or may not be on. All these sort of arbitrary things which really aren't related to individual circumstances.

He then referred to giving the Government its due in relation to this issue. I am sure he is referring to the State Government; he could not be referring to the Federal Government. So even he is saying that we must do something about this matter. Government members, who have been trying to get something to happen for years, keep moving urgent motions to maintain the emphasis on the exceptional circumstances [EC] process. Warren Truss does more than drag his feet and automatically go into a comatose state. The New South Wales Minister, Ian Macdonald, and other Labor-led States have pushed for an overhaul of the system. When farmers need expedition, the Federal Government does nothing more than drag its feet. I hope the lobbying by the State Government is now starting to pay off. The Federal Government is now investigating a climate event-based EC declaration process, something for which we have pushed for a long time. I ask all members to support this motion and to send a message to Canberra that it must take sensible and equitable action in relation to the processing of EC applications.

Ms KATRINA HODGKINSON (Burrinjuck) [4.30 p.m.]: I preface my comments by referring to water restriction levels in parts of my electorate and in areas over the border. The newly formed Greater Argyle Council, which takes in the Goulburn district, recently imposed level 4 water restrictions, which is fairly high. These days it is common for areas in the Goulburn district, which is part of the Sydney catchment area, to be on level 4 restrictions. Upper Lachlan, which is in the Crookwell district and covers Taralga and parts of the west, is currently on level 2 restrictions. Gundagai and Yass Valley are currently on level 1 restrictions. The Eastern Capital City Regional Council area, which is located slightly to the south of the Burrinjuck electorate and includes Queanbeyan, is currently on level 3 restrictions.

Part of my electorate at Wombeyan covers the Wingecarribee council area, which is on level 1 restrictions. Cowra, which is located just over the border in the Lachlan electorate, is currently on level 2 restrictions. Spring has now commenced and we should be having good, consistent rain. The types of water restrictions that are still in place can only mean we are heading into a long, hot and dry summer. Honourable members would be well aware that I have been consistently and increasingly concerned about water restrictions in my electorate, and I have spoken in this place about them on many occasions.

The Minister must take on board the concerns that have been expressed by Goulburn residents. They have grave concerns about whether Goulburn swimming pool will even open this year. It is due to open in early October but council is scheduled to review its decision at its next meeting on 7 September. The council is also looking at implementing level 5 water restrictions in the next few weeks. On 27 August this year its water capacity was at 21.3 per cent compared with 31.5 per cent last year. Last summer Goulburn residents had level 5 water restrictions imposed on them for many months. It looks like Goulburn is facing a terrible summer for the remainder of this year and for next year.

Sport is one of the unmentioned victims of the drought. Unless there is significant rainfall very soon there will be no summer sport in Goulburn. In fact, council has said that if there is no rain before October many sportsgrounds will be closed. If level 5 water restrictions are imposed on 1 October no water will be allocated for council sportsgrounds and only dust bowls will remain. Hudson Park, North Park and Goodhew Park have already been closed. All the water resources are going into Carr Confoy Park, the biggest park for centralised host sports during the summer season.

A speaking time of five minutes does not enable me to talk about the extent of the drought in my electorate. I have only touched on what is happening in Goulburn. However, I want to mention one other matter. Mental illness is affecting many farmers and graziers in my electorate. More rural counselling services are undoubtedly required. Suicide and mental depression are big problems in my electorate and in rural communities throughout New South Wales. If farmers are not able to seek the help of rural counsellors those problems will only get worse. Perhaps the Minister could refer this issue to the Minister for Community Services and to the Minister for Primary Industries.

The Government must inform farmers of the level of assistance that is available to them so that they can rid themselves of this terrible syndrome of mental illness and depression that has resulted from the drought. The motion moved by the honourable member for Murray-Darling relates, in part, to exceptional circumstance

matters. I am concerned about the State Government's tardiness in relation to orchardists. Orchardists in my electorate and in the Tumut and Adelong areas have made representations to me. They are concerned about the fact that their exceptional circumstance applications have not been considered. Those orchardists have been doing it tough. I received a letter from Mrs Bowden, whose husband is now extremely sick. She is paying $500 a month in medical fees alone, she will have to sell her farm and she is in a bad way. I have no time to go into the circumstances of this unfortunate case. These orchardists require State Government assistance. [*Time expired*.]

Mr STEVE WHAN (Monaro) [4.35 p.m.]: The September drought figures mark the worst results we have had since May 2003. Since I last spoke on drought in this place there has been some good news in the Monaro electorate. Some areas have received some rain, but there is a long way to go. One small community has had its water restrictions lifted but water restrictions could easily be re- imposed. Farmers in the Monaro electorate and in the whole south-east region are still facing dire circumstances. It is amazing how resilient our farmers are. In many cases they have managed to hang on and keep their businesses going. Earlier we heard from the honourable member for Murray-Darling that as a result of the additional funding that was announced a day or so ago the State Government will be able to continue to support the Rural Financial Counselling Service. That is yet another example of how the Government is assisting regional and rural communities. I wish the same could be said for the Federal Government.

Government members have said over and again in this place how cumbersome exceptional circumstances [EC] system is. The State Government suggested to the Federal Government logical improvements to the EC system, in particular, improvements to the rollover at the conclusion of the two-year period. The State Minister told the Federal Minister that people would have to go through a complex and cumbersome application process at the end of that two-year period and that there should be an automatic rollover if there had been no improvement in the two-year eligibility period. After more than two months and, because of the impending election, the Federal Government announced that it would opt for a rollover, but not an automatic rollover. It said that it would implement a streamlined process but it failed to consult with any State government as to how that new process would work.

When the State Minister visited areas in the South Coast area last week, many farmers told him that they still did not know how the rollover was supposed to work. Farmers in many areas will soon reach that two-year eligibility mark, but it will be a long time before farmers in the area I represent reach that mark as the Federal Government has only just declared that area as being eligible for exceptional circumstances assistance. Farmers who have repeatedly expressed anxiety about the rollover and how it will work must be given clarity in relation to it. Today members of The Nationals had the temerity to vote against debating this urgent motion, which relates to the drought. That is a disgrace.

The Federal Government must tell farmers how this rollover is supposed to work. That is not the only matter in relation to which the Federal Government has been dodging its responsibility to rural workers. Recently we read reports about the super trawler *Veronica* that is heading towards Australian waters. In Eden, which is in the area I represent, a healthy pelagic fish industry is likely to be wiped out as a result of the entry of that trawler, yet the Federal Government bides its time and does not say what it intends to do to help the rural fishing work force. The ship that is heading towards Australia is 106 metres long with a crew of 50. The purse seine fishery in 2002-03 collected 1,691 tonnes of fish. This ship could scoop that up in a single load. That would be a big blow to the work force in Eden.

Mr Andrew Fraser: Point of order: My point of order goes to relevance. The honourable member for Monaro is talking about a trawler but the motion is about drought. If the honourable member wishes to stray from the subject of this debate perhaps he could advise the House and his constituents what he said in caucus about the 300 jobs lost from the Department of Primary Industries.

Mr ACTING-SPEAKER (Mr John Mills): Order! I have heard enough on the point of order, which related to relevance. I will listen more carefully to the honourable member for Monaro, but at this stage he is in order.

Mr STEVE WHAN: It is very clear from what we have seen with exceptional circumstances payments, the drought and the saga involving the *Veronica* that the Federal Government is not interested in helping people in rural New South Wales. The Federal member for Eden-Monaro, who talks loudly about State fisheries, has not said a word. The same goes for the honourable member for Bega. They have the same attitude about exceptional circumstances and fisheries. The State National party does not have the guts to stand up to its

Federal colleagues. The Nationals simply send into this Chamber people who do not understand the areas they are supposed to represent and who will not stand up for them against their Federal colleagues.

Mr Andrew Fraser: Point of order: My point of order again goes to relevance. What has a fishing trawler to do with exceptional circumstances in time of drought?

Mr ACTING-SPEAKER (Mr John Mills): Order! I uphold the point of order. However, the speaking time of the honourable member for Monaro has expired.

Mr PETER BLACK (Murray-Darling) [4.40 p.m.], in reply: I thank the honourable member for Coffs Harbour, the honourable member for Bathurst, the honourable member for Burrinjuck and the honourable member for Monaro for taking part in this debate. The essential point in this debate, which was raised by the honourable member for Monaro, is that today members of The Nationals in this Chamber voted to discuss a city matter rather than drought. I remind the House that there is three weeks and three days to go—if that is not a matter of urgency I do not know what is. I think Labor members were very tolerant when Opposition members who contributed to the debate strayed very far from the issue of exceptional circumstances [EC]—but we are tolerant on this side of the House.

Mr Donald Page: Point of order: I reluctantly take this point of order against the honourable member for Murray-Darling but I must make it plain that members of The Nationals voted not against the drought but against the motion of the honourable member for Murray-Darling, which condemns the Federal Government's approach to the drought. The honourable member for Murray-Darling should not be playing politics with the drought during a Federal election campaign.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no substance to the point of order.

Mr PETER BLACK: The honourable member for Coffs Harbour and the honourable member for Monaro discussed how much money the State Government has given in drought assistance. The bottom line is that we have allocated $130 million—that figure is increasing—and that sum does not include a single cent from the Commonwealth Government. The question of EC bureaucracy was also raised. The so-called simplified scheme that has been released has a 13-page guide. State Ministers voted unanimously for a simplified scheme with an automatic rollover, yet the form is 13 pages long!

As for delays, in February 2003 an application was lodged to have the entire Armidale rural lands protection board area EC declared. The application was rejected after five weeks. A second application was submitted in May. Finally, in August most of the area was EC declared but land between Armidale and Yarrowyck was excluded. Two more applications were submitted but Warren Truss took four months to refer them to the National Rural Advisory Council. There is no excuse for that. It is an outrage for our primary producers.

Opposition members discussed the inconsistencies in the process. Croppers in areas such as Forbes, Condobolin, Walgett, Coonamble and Narrandera have full EC, with no restrictions on criteria. Croppers in Dubbo, Molong and Young have been limited to consecutive crop failures in 2002 and 2003 only. Eligibility for some crop producers in the north-west was restricted to those who could demonstrate failures in 2001 and 2002. Intensive producers, despite facing much higher grain prices, have generally been totally ignored by the Federal Government—totally ignored by John Anderson, Warren Truss and by the Federal member for Parkes, John Cobb.

I am pleased to support the Labor-led New South Wales Government. The Minister for Energy and Utilities, who is at the table, was born and bred in Yenda but represents city Labor. Country Labor and city Labor are working tandem—hand in hand—on this matter. Yesterday we allocated additional expenditure of $825,000 to keep the Rural Financial Counselling Service operating—with no additional funding from the Federal Government. We have reached a milestone, with more than $50 million in transport subsidies so far. These facts cannot be disputed. We have twice extended our Drought Support Workers Program and contributed 10 per cent of the value of approved EC applications in New South Wales.

The New South Wales Government has contributed more than $8 million to the Federal Government's EC plan. Yet the Feds do not contribute to our drought initiatives—not one cent. Only 4,330 applicants have been successful so far when we have said that more than 41,000 applicants are eligible for EC payments. The simple fact of the matter is that during a Federal election campaign the Federal National party is walking away

from its constituents. We are standing up for farmers and for graziers but the hard-hearted Federal Government has consistently walked away from them. For example, John Anderson declared that Cubbie Station was not an issue when the water should have come to New South Wales. All the National party mayors out west know that I am right because they have said so. Warren Truss has no heart at all and nor does the infamous John Cobb. [*Time expired*.]

Question—That the words stand—put.

The House divided.

Ayes, 53

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

Noes, 28

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

Pairs

Miss Burton	Mr Armstrong
Mr Lynch	Mr Stoner

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

NEONATAL CARE

Matter of Public Importance

Ms TANYA GADIEL (Parramatta) [4.53 p.m.]: Every year more than 80,000 babies are born in New South Wales. In every 1,000 births more than 20 babies will require neonatal intensive care. This care is necessary for things such as complications associated with premature birth because the babies may have congenital anomalies that require surgical correction or they may have difficulty breathing. The New South

Wales network of three specialist children's hospitals and associated specialist neonatal centres is delivering world-class care to our mothers and their babies. This is attracting some of the world's best medical specialists to our public hospitals. In turn, these specialists are able to disseminate their skills through the New South Wales hospital network.

The Children's Hospital at Westmead in the Parramatta electorate was purpose-built to meet the needs of children and their families, as was the Sydney Children's Hospital at Randwick and the Royal Hospital for Women. Newcastle's John Hunter Hospital is being refurbished and expanded as a part of the Carr Government's Newcastle strategy to combine obstetrics and paediatrics. Each hospital is a teaching hospital for our universities, helping to train doctors and nurses to enter the work force. They are also research centres helping expand medical knowledge both here and overseas by turning research into effective medicine. This in turn helps attract internationally recognised specialists to these hospitals to improve the research, teaching and medical care that they deliver. These hospitals are making the future better by facilitating research that improves our understanding of how to prevent or treat diseases in children and working with other agencies in the community to promote the health and wellbeing of all children.

For example, the specialist Children's Hospital has been able to develop a range of guidelines for common paediatric conditions for use by doctors throughout New South Wales. These highly specialised centres attract expert staff, such as foetal surgeons, neonatal intensive care experts, paediatric experts and, of course, highly trained nursing staff and support structures. It would be unfeasible to have highly specialised units everywhere. As soon as babies are stable and well enough to be cared for locally they are usually transferred back closer to home and their families. Preterm birth occurs in approximately 6 per cent of single child pregnancies, in more than 50 per cent of twins and in 97 per cent of triplets. More than 10 per cent of twins and 39.3 per cent of triplets are born earlier than 32 weeks, compared to 1.3 per cent of single child births. Mean gestational age for single child pregnancies was 39 weeks, compared to 35.3 weeks for twins and 31.9 weeks for triplets.

As honourable members are aware, last year I had the pleasure of becoming a first-time mum but I also became an aunt. My niece, Tysah, came into the world four months prematurely, or at 24 weeks gestation. When she was born through an emergency caesarean at the John Hunter Hospital she weighed a mere 744 grams. I do not mind informing the House that I was there for support for my family, but I felt like I was somewhat useless because of the number of times I cried. I could not believe that she could possibly survive. To see her minuscule hands no bigger than my thumbnail, her head no bigger than a tennis ball and all those tubes nourishing and monitoring her tiny body was absolutely incredible. At the time all I could do was cry, but now when I look back I know that I witnessed a modern medical miracle. My family, and in particular my sister Olivia and my brother-in-law Simon, will be forever grateful to the dedicated staff at John Hunter Hospital who looked after Tysah until she came home at Easter.

Our specialist children's hospitals are not the only resource the Carr Government funds to help premature babies or others who develop illnesses soon after birth survive. Care is given through a statewide network, the New South Wales Newborn and Paediatric Emergency Transport Service—known as NETS—to ensure that every sick baby requiring ventilation or other emergency care is accommodated. NETS is a specialist service that transports critically ill newborn and children across New South Wales from referring hospitals to neonatal and paediatric intensive care units. Following several enhancements by the Carr Government the total recurrent funding provided to NETS is now $3.7 million. Forty front-line staff work exclusively on NETS, comprising registered nurses, staff specialists and registrars. As well as providing emergency transport services, NETS undertakes telephone consultations and provides clinical support for doctors requiring advice. NETS receives around 2,300 calls per year, of which approximately 1,750 require transport to another hospital. NETS operates directly from the Children's Hospital at Westmead, and I had the pleasure of visiting it earlier this year with the Premier and the Minister for Health.

The retrieval team—comprising neonatologists, nurses and midwives—bring newborn premature babies and/or women in preterm labour to the hospital via air ambulance or helicopter. Between 2 per cent and 3 per cent of all babies born need the specialised care of a neonatal intensive care unit. Breathing problems are the most common reasons that newborn or premature babies are admitted to a neonatal intensive care unit, and some will require surgery. The neonatal intensive care unit's smallest surviving patient weighted a tiny 500 grams. The youngest patient so far had only 23 weeks gestation. Neonatal intensive care for each baby costs about $1,200 per day.

I have two brief stories about the incredible work done in our public hospitals. One was a world first. The other is fairly routine for our children's hospitals, but is still quite amazing. Carl was born with a very rare

disorder that stopped him from making antibodies to fight infection. This leads to multiple severe infections and usually death before school age. Carl's problem was caused by a defect in one of his genes. If there was a way of replacing that gene, he would then be able to make antibodies and be cured for life. The Children's Hospital has the only gene vector laboratory in Australia. This means we have the ability to deliver a gene into a child's body. Fortunately, not long before Carl was born, some French scientists isolated the gene missing in Carl and, in collaboration with them, the genetic material required was obtained. Carl's bone marrow was removed and it was then incubated with the gene so that the gene inserted itself into his marrow cells. The marrow was then put back into his body. There the cells with the new gene multiplied and replaced the defective marrow cells. The result is that Carl now can make antibodies and fight off infection—a total cure. This is one of the few gene therapy cures in the world and the first in Australia.

Another story is about Shelley, a baby from a town in rural New South Wales. Early in the mother's pregnancy an ultrasound showed that Shelley had a diaphragmatic hernia. This is a hole in her diaphragm that allows her intestine to move up into her chest, where it squashes her lungs. Children born with this condition need surgery at a major children's hospital to allow them to breathe. Shelley's doctor contacted one of the surgeons at the Children's Hospital, Westmead, and that surgeon arranged for Shelley to be born next door at Westmead Hospital, so that she could be put straight onto life support. She was then taken to the Children's Hospital, where her surgeon—who had previously met Shelley's mother and explained what was going to happen—was waiting The operation saved Shelley's life. The Children's Hospital does this several times each year. In fact, almost half of the babies in newborn intensive care units are there because they need complicated surgical procedures such as this.

This sort of work is possible only because of the excellent staff working in our hospitals. It is a team effort involving close co-operation between all the staff. And New South Wales attracts outstanding staff. Late last year an appointment was offered to a highly skilled liver transplant surgeon who was attracted from Johns Hopkins Hospital in Baltimore. One of the Westmead Children's Hospital doctors, who went to Toronto Children's Hospital for further training and soon became head of their cystic fibrosis research unit, returned to Westmead last year to bring his expertise to our large group of children with cystic fibrosis. Research at our children's hospitals continues to flourish, attracting substantial grants from the National Health and Medical Research Council. In 2003 the Children's Hospital, Westmead, for example, published 222 papers in the international medical literature and had 42 PhD scholars. While research is important, families and children coming to our Children's Hospital really care about the care they receive. This care, while very high tech and sophisticated, also involves listening to them, learning from them and taking their particular needs into account in planning their treatment. [*Time expired.*]

Mrs JUDY HOPWOOD (Hornsby) [5.03 p.m.]: It gives me great pleasure to talk about neonatal care. Before I venture into the realm of intensive care, I want to make some general comment about neonatal care per se and send thanks to all of the hard-working staff in maternity units throughout the State. Most women choose to have their babies in hospital, where they come to expect and need a sufficient number of well-educated staff to care for them and their babies. At present, staff shortages in hospitals include staff in maternity units. Just this week I had occasion to speak with a midwife who spoke about a maternity unit in one of the major Sydney hospitals where general nurse graduates are employed to care for mothers and babies because there are not enough midwives in this State. Therefore, I urge the Government to do more to train and employ more midwives to staff maternity units. The midwife I was talking with was particularly concerned that the general trained nurses did not have sufficient skills to look after the mothers and babies in midwifery circumstances, requiring midwives to spend a great deal of their time teaching those nurses the required skills. In a rural area, women seeking maternity services in Yass are now forced to go to Goulburn or Canberra—another totally unacceptable situation.

I have my own experiences of a family member seeking neonatal intensive care as well as paediatric intensive care. Last year my sister gave birth to a girl who has spina bifida. I congratulate the staff at Randwick hospital for the care they gave to my sister and her baby. However, I must also comment that, following a surgical procedure carried out on Amelie this year, she had to be admitted to the intensive care unit at the Randwick paediatric hospital, and although there were 28 beds in that unit, only eight of them were open because of staff shortages. I regard that as very serious.

Neonatal intensive care is one of the most emotive segments of health care—patients are so small and the parents are so anxious. There is great need for specialised and expensive equipment. People are always anxious to find out whether babies who are born very early, or born with some birth defect, will survive and what will be the long-term outcomes. Some reasons put forward for admission to neonatal intensive care include

low birth weight, premature birth, serious illness at birth, as well as genetic and other abnormalities. Question marks over outcomes for babies of low birth weight have led me to take a great interest in reading about those babies. Quite a bit of research has been done into outcomes for such babies through childhood and then into adulthood.

Some recent media stories tell about babies, and triplets in particular, being born at low weights and how they survived into childhood. Recently the State Government allocated $1.5 million for additional neonatal intensive care cots at the Royal Hospital for Women, the Royal North Shore Hospital and Liverpool Hospital. Neonatal intensive care units, which are located in specialist hospitals, house highly specialised equipment that requires significant support services if they are to function effectively. The newborn emergency transport service is vital to transport babies that need specialised care in such a facility.

I draw the attention of the House to a media release dated 4 July by a director and leading doctor from the Royal Hospital for Women in Randwick in which he expresses great concern about hospitals on code red alert and the fact that babies outnumber available beds. He states that New South Wales hospitals are treating critically ill babies, despite being overloaded. He continues that even though the Royal Hospital for Women in Randwick had been on code red for nearly every day during the fortnight leading up to 4 July, it rarely turned away sick babies. He states that the other eight hospitals in the State responsible for treating high-risk babies were in the same position.

The doctor goes on to say that everyone involved in caring for babies in neonatal intensive care is stretching themselves and that code reds are becoming a regular occurrence. He states that neonatal intensive care staff work very hard in a difficult situation, and although they are stressed they constantly try to make room for ill infants. He says that he often places the hospital on code amber, which indicates no vacant beds, instead of code red, for fear of babies not receiving treatment. The unit sometimes had to take babies, even though it was full. The doctor points out that the unit has a contingency plan, which requires calling in extra staff to cover the shift. In the week leading up to 4 July seven babies needed ventilation, even though the unit has only six specialised ventilated beds. The doctor states that the State Government must provide funds to boost bed numbers.

The $1.5 million allocated in the last budget for neonatal intensive care cots at Royal North Shore, the Royal Hospital for Women and Liverpool Hospital was welcome but a ventilated bed cost $800,000 and the Government had earmarked only $500,000 for his hospital. He states his hospital needed a minimum of one more bed to cope with demand. The doctor said that babies are transferred to one of the other hospitals in New South Wales that provides intensive care for babies—John Hunter, Nepean, Royal North Shore, Royal Prince Alfred, Westmead, Sydney Children's and the Children's Hospital at Westmead—depending on availability of beds. He said that complex cases were referred often to the Royal Hospital for Women, which created extra pressure on staff. He stated that, for a number of reasons, more babies are requiring specialist care.

For example, over the past 10 years a 10 per cent rise in the premature birth rate has led to an increased demand for hospital care. Women waiting longer to start a family have increased the odds of premature births. Multiple births, which increase with maternal age, have also increased the need for specialist care. Recently I spoke to a supervisor at Royal North Shore Hospital who told me that when she was in charge of the hospital during an evening shift she became increasingly worried because the closest bed for a neonatal intensive care baby was in New Zealand. It is an absolute disgrace. All honourable members know that in emergencies children are often taken interstate.

Much of the equipment provided in neonatal intensive care units is funded by the community. Recently I found out about the Humpty Dumpty Foundation, which provides money for Royal North Shore Hospital. Many service groups and community groups regularly undertake fundraising activities to supply the millions of dollars that are needed to provide our hospitals with the sophisticated equipment they require. In past years the Nepean Hospital has been chronically underfunded, but was provided with essential funds by hard-working people. Recently the honourable member for North Shore, the honourable member for Willoughby and I visited the neonatal intensive care unit at the Royal North Shore public hospital where we saw 24-week-old and 26-week-old babies cared for by highly skilled staff. Our visit was part a visit to the North Shore Heart Research Foundation, where studies into heart drugs and heart performance of babies in such units was being undertaken. The parents participate in the care of these premature babies as soon as they are born. Anxiety for the babies is palpable within the unit. Seeing tiny babies in humidicribs with tubes everywhere must be frightening for their parents. I commend the staff and parents for their commitment. I am so pleased that my children were born full term. [*Time expired.*]

Mr JOHN PRICE (Maitland) [5.13 p.m.]: I support the honourable member for Parramatta. I refer specifically to the John Hunter Hospital in Newcastle. As honourable members are aware, several years ago all obstetric and gynaecological care was moved out of the Mater Hospital at Waratah into the new John Hunter Hospital. In spite of the concerns of the Sisters of Mercy, they agreed that the best place was where the new equipment was. The John Hunter Hospital, particularly neonatal care, has been particularly successful. Intensive paediatric care is extremely important. Although I acknowledge what the honourable member for Hornsby had to say about how shocking it is to transfer babies to other States and even New Zealand, it is often done to pick up particular specialties. For example, a paediatric cardiologist in Adelaide, an exceptional surgeon, can operate on a child prior to birth, if necessary. Those sorts of skills are not in everyone's backyard.

It is important to have flexibility when transferring young babies or mothers about to give birth to children with physical problems. By and large, all the requirements for New South Wales are dealt with in this State. Mothers are extremely grateful for the care that is available, and I take my hat off to the dedicated staff and experts who work in these centres. I come from a country electorate where neonatal intensive care has been of great interest because recently twins were delivered in Newcastle. The twins were formed in the one sac, which can cause tremendous problems. The twins were looked after extremely well and there were no further problems.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

SISTER CITIES PACIFIC RIM YACHT CHALLENGE

Mr JOHN BARTLETT (Port Stephens) [5.15 p.m.]: I support the comments of both the Premier and the Leader of the Opposition in the House today. This is my first opportunity to speak about the events that occurred in Beslan Chechnya, in the Russian nation. On the day the children and adults were killed I arrived in Russia as head of a Port Stephens delegation with representatives from five other nations to conduct a 10-day sister cities visit at Nakhodka, in Premorsky Krai, a State of Russia, some 200 kilometres west of Vladivostok. I cannot match the words of either the Premier or the Leader of the Opposition. I will leave their statements on the table and send them to friends I made in the Vladivostok Parliament.

The purpose of my speech is to draw attention to the hope that has come out of the sister cities visit that was made to Nakhodka. The occasion was the 8th Pacific Rim Yacht Challenge. I was part of a delegation of approximately 60 guests comprising approximately 10 representatives from each sister city. Groups from Port Stephens, Tateyama, Tauranga, Bellingham, Victoria and Nakhodka get together every two years to hold the yacht race. But the yacht race is just the event that brings people from the Pacific Rim together in a person-to-person contest at a local level. The aim of the event is to build peace through greater understanding and tolerance, to break down stereotyping of people by race and nationality, and to facilitate the formation of lasting friendships through home hosting.

At the outset I state that the visit achieved all those goals. It is probably one of the best Pacific Rim sister city events that I have ever participated in. The event consisted of six yachts, eight to a crew, plus ambassadors who are non-sailors. I congratulate the people of Nakhodka on their hospitality and generosity in opening their homes for a total of 60 New Zealanders, Australians, Canadians, Americans and Japanese representatives. The whole six cultures broke through language barriers by the sheer display of goodwill. The event was hosted by the Nakhodka Yacht Club and the Antares Yacht Club. At all times, beginning with the welcoming ceremony at the town with 300 people watching from the square, Russian culture was on display—with television and radio coverage of the event, the traditional orchestra, the traditional choir, traditional Russian songs, the traditional bread and salt welcome which was taken around to all the guests, the visit to the taiga in the wilderness areas of Russia, and also sessions in the Russian sauna. The event concluded with a ceremony involving the junior orchestra, junior dancers and junior singers, all of whom put on a tremendous exhibition of Russian culture, much to the enjoyment of those in attendance.

The yacht race was won by Canada; more importantly, Australia came fourth and New Zealand was placed fifth. Home hosting was the huge success of the whole event. People opened their homes to accommodate the visitors. In some cases when homes were too small, the wives and children moved into the grandparents' house while the husband looked after the guests. The language problem was completely overcome

by goodwill. I thank my home hosts for their generosity and hospitality, Ilya, Valentina and Alexander Chepkov. I thank also my fellow ambassadors, Bill Armstrong, Ken Buckingham, Clive Dutton, June Gollan, Norma Hain, John and Suzie O'Brien, Anthony Ockers, Bob Robinson and Chris and Jeanine Wilson. They were wonderful representatives of Port Stephens at the event. I thank also the Mayor of Nakhodka, Victor Gnezdilov, his able assistant, Aleksander Rybak, the international relations officer for the mayor, Irina Scherbina, and all the other people who assisted to make the event a success, including Marina Kalugina. I thank them all very much. It was a wonderful visit, which exemplified what can happen in a world that currently seems to be dominated by terrorism.

MANNING AND GREAT LAKES EARLY INTERVENTION CENTRE FUNDING

Mr JOHN TURNER (Myall Lakes) [5.20 p.m.]: In my electorate the Manning and Great Lakes Early Intervention Inc. centre operates two services, one which operates out of Taree and another which operates out of Tuncurry in the Forster-Tuncurry area, and currently supports a total of 92 children. As a result of a cut in funding, very important speech therapy support for children has been placed in jeopardy. In 2001-02 the Department of Ageing, Disability and Home Care [DADHC] increased funding in response to salary increases under the Social and Community Services Award [SACS]. At that time the service was not asked to inform the department of how many staff members were paid under the SACS award, or indeed if any were paid under that award. After investigating the increase with DADHC by telephone, the co-ordinator of Manning and Great Lakes Early Intervention Inc., Lynne Stuttard, with whom I discussed this matter during my visit to the group a few weeks ago at Taree, was told that the increase would be given to all early intervention services because of the increases that had occurred in a variety of awards.

This motivated the early intervention service to examine its speech therapy support resources and its ability to provide that type of vitally needed service, particularly its ability to employ speech therapists. On 21 June the service received documentation from the department showing indicative base funding for 2004-05, which, on its face, appeared to be fine. On 30 June 2004 further documentation was received, including acceptance of funding variation forms and funding notification for 2004-05. That figure represented a reduction of almost 10 per cent in the figures stated in the notification that was received on 21 June. The explanation given by the regional office was that the service was never subject to the SACS award increases because it had no SACS award employees.

This problem not only has affected the Manning and Great Lakes Early Intervention Inc. but also has affected others, including services operating in the Coffs Harbour electorate. The information from the department came as a shock to the service because it had relied on funding to provide a vitally important speech therapy service. The department's view does not take into account that even though this service does not employ people under the SACS award, it does have employees who are covered by the Teachers (Non-Government Preschools) (State) Award. Employees under that award were granted a 20 per cent wage increase over three years commencing in 2002. Speech pathologists and physiotherapist who work for the service also have had their salaries increased under their respective awards. Other staff members employed under the Miscellaneous Workers: Kindergarten & Childcare Centres (State) Award and the Clerical and Administrative Employees (State) Award have received significant wage increases, yet the department's funding increase was predicated only on increases to the SACS award salaries.

Moreover, other centres with only one SACS employee will receive a significant increase in funding whereas organisations such as Manning and Great Lakes Early Intervention Inc., which employs a wide variety of professionals and gives great service to the children of my electorate, receives no additional funding to assist in meeting the increases in wages covered by awards other than SACS. The withdrawal of funding from the service is totally inequitable, as is the method applied to the distribution of funding. The reduction in funding has had serious implications because the speech therapy services that are presently offered to clients of the organisation are now on hold. Speech therapy services will cease permanently if the cuts to funding continue.

It is vitally important for the Minister to reconsider the department's decision and reinstate funding to early intervention centres, particularly the Manning and Great Lakes Early Intervention Inc. centre, so that such organisations are able to continue to provide programs that are vitally important in the early development of children. Early intervention works. Young children must be nurtured and cared for. Cutting of funds will certainly not assist organisations to carry out the great service that they provide.

OUR LADY OF THE WAY PRIMARY SCHOOL TWENTY-FIFTH ANNIVERSARY

Mrs KARYN PALUZZANO (Penrith) [5.25 p.m.]: As is always the case, it gives me great pleasure to speak about another wonderful school achievement in my electorate of Penrith. For 25 years Our Lady of the Way Catholic Primary School has been educating the youth of Emu Plains. The school's motto is "Act Justly,

Love Tenderly, and Walk Humbly with our God". By 1977 the areas of Emu Plains, Emu Heights and Leonay had grown rapidly in population and it was decided that there was a need for a Catholic school in the area. Soon after, planning for Our Lady of the Way was under way. Construction of the school commenced in 1978 and on 5 February 1979, Ms Shirley Wilkes, the foundation principal, proudly welcomed 52 students in kindergarten and year 1.

Later that same year the school was officially opened by the Federal education Minister, the Hon. John Carrick. In 1982 additional classrooms were added to the school and in 1984 another four classrooms were opened to operate with stage three students. In 1993 the new church was officially opened and in 2000 a new library and administration block were added. Today, 25 years on, Our Lady of the Way continues to offer students in Penrith a quality education, founded on strong Catholic beliefs. Its many dedicated teachers often work with the students after hours. One teacher, Colin Hartley, is the soccer coach of St Joseph's under-11s and has been with that team since it played in the under-6s. Recently I attended the 25-years celebration for the school that was hosted at the Sydney International Regatta Centre, Penrith Lake, at the invitation of the school's Principal, Mr Allan Jones. I know he has a deep commitment to all the students and staff at Our Lady of the Way, and is a very well-respected man in the school community.

I also acknowledge Mrs Helen Baczelis, a teacher at the school for its entire 25 years—a truly remarkable achievement. I spoke to Mrs Baczelis at the celebration and she told me she babysat one of the parents of a student, when she was a lot younger. In Penrith a lot of community members like to live and work within their community. I recognise the school's current school captains, Jessica Collins and Daniel Schoemaker, and acknowledge their participation in the special day in the life of the school liturgy at Penrith Lakes. I was able to present Daniel with books that I donated for the school's twenty-fifth birthday. I donated books also for stages one, two and three.

Finally, a big round of applause must go to all the staff and students, past and present, who came to celebrate the life of Our Lady of the Way. I met also Mr Patrick Magee and his wife, Margaret, who was the second principal of the school. It was delightful to discuss with them the changes that have occurred in Emu Plans over 25 years. I wish the school every success in its next 25 years. I give a special mention to Andrew Chinn, who wrote a song dedicated to the school to celebrate its 25 years. Andrew took inspiration for the song from speaking to students and a small group of parents. It would be remiss of me not to mention that St Finbars, another Catholic school in the electorate of Penrith, will celebrate its fiftieth anniversary next week, and I look forward to telling honourable members more about that momentous occasion in coming weeks.

Our Lady of the Way Primary School is one of the youngest Catholic schools within Penrith and was the first school to be opened by lay people. St Finbars Primary School was established by the St Joseph nuns. It is interesting to note that St Finbars, St Canice's and St Thomas Aquinas in Katoomba, were established as the railway line went from Penrith to Glenbrook to Springwood to Katoomba. The St Joseph nuns lived in Penrith and travelled along the rail corridor to establish schools in the lower Blue Mountains and Penrith areas. Our Lady of the Way school was established by the Emu Plains Catholic community, and I commend them for celebrating their 25 years of involvement. I note also that last night Penrith Anglican College held a performing arts celebration. Students from kindergarten to year 6, in stages one, two and three, entertained us through song, music performance and dance, and I wish them well.

WEE WAA PANTHERS RUGBY LEAGUE TEAMS

Mr IAN SLACK-SMITH (Barwon) [5.30 p.m.]: In my home town of Wee Waa celebrations are continuing following the success of the Wee Waa Panthers rugby league teams in the group four competition in first grade and reserve grade—the first time the teams have achieved that result. It is quite appropriate that my contribution follows that of the honourable member for Penrith, as Penrith is the home of the Penrith Panthers team. Since 1992 Wee Waa has tried to win the group four competition. Group four consists of Werris Creek, Tamworth, Gunnedah, Coonabarabran, Moree, Narrabri and Wee Waa. The score in the hard-fought first grade game was 46 points to 10. I congratulate the captain, Matt Hogan, and all the players—Jamie Lyon, Ben Russell, Tom Wilson, Kevin Baker, Matt Freeman, Sean Kelly, Graham Smallwood, Lyndsey Pawley, David Toomey, Peter Wenner, Wade Mallison, Lee Stanford, Michael Knox, Ben Wilson, Luke Dewson and Kenny Anderson.

Kevin Baker, who played in the first grade grand final, is 39 years of age. He is also captain of the Wee Waa Panthers reserve grade team, and he played in its grand final as well; one game after the other. Two weeks ago Kenny Anderson played for Narrabri Blue Boars in the rugby union grand final against Moree, and that

game ended in a draw. Kenny then played in the rugby league grand final last Sunday: well done! The first grade team's manager is John Wilson, its trainer is David Crutchen, and its physiotherapist is Don Blackwell. The reserve grade team's score was 40 points to 14, and its manager is Peter Wilson, the coach is Don Cruickshank. As I said earlier, the reserve grade captain is Kevin Baker, and the players are Troy Bartz, Luke Barton, Jason Bartz, Luke Humphries, Jamie Crutcher, Darryl Trindall, Ashley Hynch, Ashley Shepherd, Bob Sims, Damien Chown, William Knight, Daniel Hamilton, Isaac Jacky, Kevin Hilderon, Scott Paulston, Lad Jones and Chris Williams. One rising star of reserve grade is Kurt Crutcher, who suffered a compound fracture of his leg three weeks ago. It is doubtful whether he will play rugby league in future—hopefully that is not the case—as he sustained an horrific injury. He is still using crutches and will continue do so for some time.

Under the headline "Hogan's Heroes" in the local newspaper, the retiring captain of the Moree Blue Boars, Paul Raveneau, is quoted as saying, "Full credit to Wee Waa, they are a good side." The reason they were so successful was not because of individual star players but because they played as a team. This year Jamie Lyon received a lot of publicity when he played for Parramatta. Matt Hogan went to Sydney when he was 18 years of age to play for South Sydney, and Kenny Anderson served his apprenticeship with Manly. They all played in first grade and as young men they decided to return home to Wee Waa and they not only played in the premiership side but also lead by example to other players. The great success last Sunday was not the players but the teamwork.

I am sure all honourable members would agree that a good team will always beat a team of individual stars. Celebrations are ongoing and will continue for at least a week. In Wee Waa in the past few days very few people have gone to work. Some players might return to work in about a month, because when we decide to party in our neck of the woods we really party. Congratulations to all involved, including the hard-working committee. I hope that next year might be again the year of the Panther.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.35 p.m.]: How could a Tigers supporter not respond to that contribution! I congratulate the Wee Waa Panthers on their win. I understand the importance of a team in a small community. In Balmain, although it is no so much the case these days with fewer people, there was a time in Sydney's rugby league competition that teams actually put on their jerseys for their village. I am sure that is the case in Wee Waa. The whole village identifies with them, and their self-esteem, their passion, is transferred to the team and its performance.

It should not matter whether a team wins or loses, but it is nice to win. When I travel around the State it gives me great pleasure to announce grants for regional facilities. When those fields and facilities are upgraded they become more than just sporting fields and facilities. In some cases the upgrades mean that more games can be played and that more people will come from areas out of town to spend their dollars while they watch local afternoon competitions. I am pleased to hear that people are partying in the electorate of the honourable member. I remind them about the responsible service of alcohol and gentlemanly behaviour. I am sure that they will behave themselves on all counts. Well done!

ABBOTSFORD 12-FOOT FLYING SQUADRON CLUBHOUSE FIFTIETH ANNIVERSARY

Mrs ANGELA D'AMORE (Drummoyne) [5.37 p.m.]: Tonight I acknowledge the fiftieth anniversary on Saturday 4 September of the official opening of the Abbotsford 12-foot flying squadron clubhouse. That is half a century of sailing. The squadron uses the same clubhouse today as it did 50 years ago. The celebration commenced at 12.00 p.m. on Saturday 4 September, 50 years to the day after the original clubhouse was officially opened in 1954 by Mr Roy Jackson, who at that time was the member for Drummoyne in the Legislative Assembly. The clubhouse is situated on the foreshore at the end of Great North Road, Abbotsford, next to Abbotsford wharf. My thanks go to the club executive and its members for giving me the pleasure of unveiling the fiftieth anniversary plaque and enjoying and participating in the events of the day. Whilst the Abbotsford 12-foot flying squadron was formed some years earlier than 1954, it operated without a clubhouse for many years until the support of a number of people, including Mr Roy Jackson, provided its members with an opportunity to establish their own clubhouse.

I understand that Mr Jackson was formerly an official in the Shipwrights Union. He had a particular interest in sailing vessels and in boats in general. Because of that interest, he was most supportive of sailing club members and their wish to have somewhere they could call home. I understand that after some effort he was able to secure a location that could be leased to the sailing club. The members of the day then toiled to build a clubhouse, which was opened in 1954. Today the clubhouse looks a little different from the clubhouse of yesteryear, having been extended a number of times. On each occasion, however, members undertook the work

in a voluntary capacity. We were particularly proud to have as our commodore Mr Jack Dempsey, who, at the age of 80, is still an incredibly active member around the club.

Jack, who was one of the first members and guests present at the original opening 50 years ago, gave a wonderful talk about the history of the clubhouse and its members. He stated that at the original opening of the clubhouse in 1954, festivities commenced at 12.00 p.m. on 4 September 1954 and finished 24 hours later. Mr Dempsey, who first set sail with the club back in 1938, also remembers when there were only 30 original members compared with the more than 100 members today. Today, the Abbotsford 12-foot flying squadron continues to offer wonderful sailing opportunities to the community across a wide demographic and geographic area. The sailing club's mission statement is to make accessible a fun and exciting sport in a competitive, friendly and encouraging environment. The club develops talents and promotes healthy competition within a family atmosphere.

The club's Learn to Sail Program enables younger children to experience sailing at a minimal entry cost. This year saw the continuation of the cadet races that have been successful in improving the skills of the club's novice sailors. Special thanks go to the club's training co-ordinator, Andrew Chapman, for his prolonged efforts to keep the Learn to Sail Program sailing. I thank him in particular for extending the number of times the program was rolled out to enable the club to process the large number of children waiting to participate in it. As well as the club's original vessel of choice—12-foot skiffs—there are now four other types of sailing boats: Sabots for the little kids, Flying Elevens for older children, Lasers for adults and 420s, which are suitable for any age.

Children and young adults learn sailing and life skills that give them great self-confidence and develop a strong sense of responsibility and community mindedness. These skills are considered to be fundamentally important to the nurturing of our young people. Clubhouse members at Abbotsford are proud to be able to continue to do that as they build their programs today on the foundations of a rich heritage provided by dedicated members from past years. For the 2003-04 season the Abbotsford 12-foot flying squadron was represented at most State and national regattas in the classes in which it sails, and it did very well. I acknowledge on record the club's patron, Jack Hubbard, Commodore Jack Dempsey, Vice-Commodores Tony Mercier and Peter Ostara, President Hugh Butler, past President Michael Trask, Deputy-President Sue Robinson, Honorary Secretary Phil Marsh, Honorary Treasurer Gai Dewane, Senior Vice-President Robert Reid, Minute Secretary Jim Wiley, Assistant Treasurer Matthew Peak, Club Captain Jim Sinclair, and starter and judge Beryl Wilson.

I also acknowledge the 12-foot skiff co-ordinator, Scott Hill; the 420 co-ordinator, Jim Wells; the laser co-ordinator, Lee Dewane; the Flying Elevens co-ordinator, Bruce Nicholson; the launch driver, Jim Sinclair; and the publicity and newsletter co-ordinator, Christine Sanford. The clubhouse is in need of financial assistance to upgrade the main timber ramp, replacement being required within the next year. From rough estimates the much-needed work will cost approximately $60,000 and cannot be undertaken entirely by club volunteers. I look forward to assisting the Abbotsford 12-foot flying squadron in applying for sports grants from the Department of Sport and Recreation. I note that the Minister for Sport and Recreation is in the Chamber. The squadron will certainly receive my support for its worthy submission. I wish the clubhouse the best. I hope I am around in 50 years to launch the club's one-hundredth anniversary. However, I said to the squadron that I probably look better now than I will in fifty years time. I thank the squadron and look forward to seeing its members at future events.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.42 p.m.]: I commend the honourable member for Drummoyne for her support for sailing in her local area. I realise that most of Australia is almost desert-like, but we have a large coastline and should think of ourselves as a seafaring nation. Sailing ought to be a sport, a recreation, a pastime and a passion that many Australians can enjoy, particularly Sydneysiders, who have a most magnificent harbour. Although the owners of large and expensive racing yachts usually have a few dollars, the image of sailing and yachting as being a rich person's sport is not a correct one.

Flying elevens, lasers and so on are highly affordable. Sailing is a great recreational pastime as it gets people out in the open and involves them in physical activity. However, it is hard work. Sailors are required to tack and to set spinnakers if the vessels they are sailing have that capacity. Sailors put their lives into the hands of their mates. In my view there is no better sport than sailing to teach people to trust their companions. I commend the honourable member for her support of this sport. Her electorate has the good fortune of being bounded by the beautiful foreshore of Sydney Harbour and the Parramatta River. She is right on the money in supporting this sport. I look forward to dealing with the squadron's application when the Department of Sport and Recreation sends its recommendations to me.

CHILDHOOD OBESITY

Mr DONALD PAGE (Ballina) [5.44 p.m.]: Following the wonderful efforts of the Australian Olympic team in Athens, particularly Far North Coast competitors Petria Thomas, Nathan Baggaley and Adam Pine, I wish to highlight the importance of sport for young members of the community. Australia has a wonderful record of achievement at the elite sports level, as was demonstrated at the recent Olympic Games. However, I am concerned that at the school and community level more should be done to combat increasing obesity problems amongst children. As a keen sportsman I am supportive of sporting programs that encourage physical activity, team participation and doing the best one can.

Ballina student and swimming champion Kacey Pilgrim is an excellent example of a young person striving to achieve honours in swimming at the elite level. In the past few months Kacey competed at the national school swimming titles and won gold in the 50-metre freestyle event, setting a new national record for the race. She is faster than any other girl of her age in Australia, both past and present. My congratulations go to Kacey. She has an exciting future. However, not all children are competing at the same level as Kacey. Sadly, it seems that many children are no longer being provided with the opportunities and encouragement they once were to participate in sport.

Data from a 2001 New South Wales child health survey found that 40 per cent of children between the ages of 5 and 12 watched two hours or more of television a day, while 15 per cent played computer games for more than an hour each day. I believe that if a similar survey were conducted today it would show that even more hours are being spent in front of television sets or playing computer games. That reduction in physical activity and an increasing dependence on fast food in children's daily diets has resulted in an epidemic of childhood obesity. Alarmingly, the number of overweight children doubled over the 15-year period from 1985 to 1997, whilst the number of obese children increased fourfold over the same period. The problem has become so significant that between 19 per cent and 23 per cent, or almost one in five children and adolescents, are now either overweight or obese.

Unfortunately, once children reach one of these weight categories they are most likely to remain either overweight or obese as they grow older. So a prevalence of obesity in children will lead to a prevalence of obesity in adults and a major public health problem. Last year I wrote to the Minister for Tourism and Sport and Recreation, who I am delighted to see in the Chamber, asking that consideration be given to increasing funding for the highly valued capital assistance program, which provides grants for local sporting organisations to assist with the development of local community sporting and recreational facilities. In past years local sporting organisations have benefited from funding for amenity blocks at ovals, new lighting, upgrades of tennis courts, rugby ovals and sporting fields, and numerous other projects. Unfortunately, the Carr Government's funding for the capital assistance program has declined in the past five years despite population growth, increasing demand for sporting facilities and the growth in childhood obesity.

In 1998 funding of just over $4 million was provided for the capital assistance program and in the years following it has fallen below that mark. That is despite support for the program in the community remaining strong, as demonstrated by the willingness of local organisations to contribute half the funding for projects under the program. Surely with the increased prevalence of obesity in children and associated health problems there is a greater need for increased funding to encourage more physical activity among children. After all, we are talking about investing in our children's future health and the health of our nation. The Carr Government should have increased funding for capital assistance grants by at least the consumer price index—at a minimum—but I would like the capital assistance program to be doubled to $8 million a year. That is still only a small investment in local sports infrastructure.

The capital assistance program is a worthwhile program that deserves to be resourced properly. It makes sense to support preventive measures and to encourage physical activity in children rather than pick up the pieces through the health system when the ill effects of obesity, such as diabetes and heart disease, become apparent later in life. I appreciate that the construction of sporting facilities through the capital assistance program is only part of a suite of measures that must be taken to reduce childhood obesity and to promote a healthy lifestyle. However, the capital assistance program is a tangible way for the State Government to make a contribution. In terms of total State expenditure, the capital assistance program is miniscule: $4 million in a $37 billion budget.

Accordingly, I would like the State Government to recognise the growing problem of obesity amongst our children, both at the individual level and at the community level. I also call on the Government—I am

delighted that the Minister is in the Chamber to respond to my private member's statement—to do something tangible by increasing the yearly allocation of capital assistance program grants statewide to at least $8 million. That is still a small amount of money but it is appreciated in the community, as is indicated by people's preparedness to raise half the sum needed. I believe a small investment in more physical activity and in facilities that promote physical activity for our children and our population generally will yield huge dividends in the future, with a healthier population and lower health costs.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.49 p.m.]: I thank the honourable member for Ballina for his contribution. I am glad that he made a point towards the end of his speech about the provision of facilities at the small end of capital assistance grant allocations—most of which tend to be around the $10,000 or $15,000 mark and most members get three or four of them per electorate, per year. I am glad that the honourable member recognised that such grants do not offer a total solution to childhood obesity and that a suite of measures is required. Many members, including me, appreciate the value of capital assistance grants and the role that they can play in local communities. The Government gave an election commitment to retain funding for capital assistance grants at $4 million, and we have kept that promise.

The honourable member for Ballina talked about the budget. I obviously have to work within my budget—it is no different for me than for other Ministers in the Government. I remind the honourable member that we were hit by a $360 million shortfall in Federal payments to the State earlier this year and decisions had to be made in that context. I will leave that point aside—I know that the honourable member for Ballina has raised this issue in a spirit of bipartisanship—but I urge the honourable member to seize any opportunity that he has with his Federal colleagues, particularly his local Federal member of Parliament, to ask them to give New South Wales a better deal under the horizontal fiscal equalisation formula.

However, I inform the honourable member that the Government has started Kid's Gym and drawn up guidelines with the Department of Health that are getting kids into gymnasiums. A joint Federal-State after-school care program addresses the issue of getting kids active. The Department of Education and Training has changed its formula, the ratio, for its education programs so that kids have to do more physical exercise in schools. We are addressing these issues. But I point out that, tragically, for the kids we are trying to reach—the most urgent cases—the most important step is getting them near a sporting field in the first place. I agree that childhood obesity is an important issue but the Government has a range of programs in this area, on some of which we are working in conjunction with the Department of Health, the Department of Education and Training and the Federal Government. [*Time expired.*]

WALLSEND ELECTORATE EDUCATION WEEK CELEBRATIONS

Mr JOHN MILLS (Wallsend) [5.51 p.m.]: Last week I had a wonderful time when I attended the open day at Minmi Public School during Education Week. The school has 109 students. I saw a sticker in the staff room that said "Small schools are great schools." I agree—as I am sure you would, Mr Deputy-Speaker, in light of your family associations with Minmi Public School.

Mr DEPUTY-SPEAKER: When my mother was there 1,000 students attended.

Mr JOHN MILLS: It was a big school then. Minmi is at the heart of the coalmining history of the Hunter region. Three student leaders—Mitchell Stokes, the captain; Sharni Herbert, the vice-captain; and Tom Quade, the councillor—welcomed us to the school. Other guests included Craig Tselembis, president of the school council; Clarice Hamling, president of the parents and citizens association; Phil Rogers, captain of the fire brigade; Col Nowlan, from Wallsend RSL; and Joyce Pascoe, Marg Perry and Jean Plant, from the Minmi Progress Association.

The performances on the day were outstanding. Daniel Ramsay, a year 3 public speaking representative, told a brilliant story that had us in stitches about people's eyelids being inside out. He has a terrific imagination. Taylor Latham, Rebecca Fuller, Linzi Lenaghan and Michael Ramsay told other stories. The principal, John Theissen, addressed the assembly briefly on the subject of values, which was the theme of Education Week this year. I will list the nine values that are at the core of public education in New South Wales and that are taught in our schools. They are integrity, excellence, respect, responsibility, co-operation, participation, care, fairness and democracy. Mr Theissen emphasised how these values helped the school to extend the links between home and school, to embody a love of learning within the school and to appreciate history, which is very important for Minmi. Some 48 or 50 students from the school visited Parliament this

morning—they take their civic responsibilities seriously at Minmi. I thank them for a wonderful day at the school, which I also visited recently during Book Week.

In May this year I spoke about the teaching of values at Glendale East Public School in my electorate. It is one of a dozen schools that are national leaders in the teaching of values in schools. At that time the Prime Minister had just made his controversial attack on public education when he said that public schools did not teach proper values. What I have seen at Minmi and at Glendale East public schools is evidence to the contrary. I challenge the Prime Minister to visit Minmi Public School or Glendale East Public School—perhaps during the Federal election campaign—and we will show him the truth about the teaching of values in the New South Wales public education system.

I also attended the Lake Macquarie school education area Education Week celebrations, which focused on the theme of values. Liz Rushton, the school education director, pointed out how the nine values that are taught in schools are embedded in the public school curriculum. Public schools do not exclude anyone and the values of care and tolerance are vital to teaching and to Education Week. We watched a wonderful performance by Itji Marru, the dance company at Morisset High School. I also attended the Newcastle school education area celebrations at which Wayne Ible, the area director, spoke about values. The guest of honour was Costa Nicholas, who is currently appearing in *Saturday Night Fever* at the Lyric Theatre in Sydney. He brought a touch of excitement and performance that was appreciated by the students and teachers who were present and the many people who received awards.

I was pleased to attend the reception at the Newcastle Regional Art Gallery given by Robyn McKerihan, the new regional director in the Hunter. At the reception the toast to public education was moved by Mrs Wilma Simmons, the principal of Wallsend campus at Callaghan College. I will quote a couple of Wilma's comments. She said:

> You only need to reflect on the achievements of Australians, both indigenous and migrant over the course of this nation's history to understand and appreciate the work of public education in creating a great democratic nation and a respected global partner.

She found a beautiful quote from Sir Henry Parkes, who in 1880 said:

> [Public education is] splendid in throwing open the doors of our schools to all children of all sects, making no distinction of faith, asking no question where the child has been born, what may be the condition of life, what the position of their parents … [we] invite all to sit side-by-side in receiving that instruction which must be the foundation of all education …

Wilma Simmons concluded:

> Sounds to me like giving a fair go for all in order to achieve one's personal best.

THE HILLS ELECTORATE TRANSPORT INFRASTRUCTURE

Mr MICHAEL RICHARDSON (The Hills) [5.56 p.m.]: Three months ago I brought to the attention of the House a number of important roads issues affecting my constituents, including the urgent need for traffic lights at the intersection of Glenhaven Road and Old Northern Road and at the junction of Hastings Road and Old Northern Road. I want to raise another road issue, that of New Line Road, which connects Castle Hill Road, West Pennant Hills, with Round Corner Dural. Last week I met with councillor Nick Berman, the mayor of Hornsby, other councillors and members of the council's executive staff to discuss this important State arterial road. Currently there are two lanes between Purchase Road, Cherrybrook, and Round Corner with a climbing lane up the hill each way from Hastings Road. It carries approximately 30,000 vehicles a day, which is far too many for a road that is effectively one lane each way for four kilometres.

The road services the growth area north of Hastings Road, the South Dural area along James Henty Drive, much of Cherrybrook and part of West Pennant Hills. It is highly congested now and that will only increase in the future, particularly with the industrial redevelopment along the road between Sebastian Drive and Old Northern Road and, potentially, if the Wayfield Road area between Old Northern Road and New Line Road is rezoned. Council's works division prepared a report on New Line Road which makes the following points. Travel times between Boundary Road and Old Northern Road have increased from five minutes in 1996 to as long as 11 minutes in 2003. There are some delays at the County Drive roundabout, but most of the congestion is due to increased traffic volumes. The traffic signals at Purchase Road, David Road and Hastings Road also cause delays because of the single-lane approaches, which restrict capacity during the green phase, as does the merging from two lanes to one at the end of the climbing lanes.

The council says the traffic flow on New Line Road would benefit greatly from the provision of two continuous travel lanes between Boundary Road and Old Northern Road with separate right turn bays and left turn slip lanes at all intersections except Jenner Road. Jenner Road should remain left out only due to the restricted site distance to and from the north. In relation to road safety, there were 249 significant crashes on New Line Road between 1997 and 2001, including three fatal crashes and 47 crashes causing injury. Council says the crash rates would be significantly reduced by the provision of continuous travel lanes and continuous concrete dividing median and separate turning lanes. Separate pedestrian access is a major issue. Along more than four kilometres of road, pedestrian crossings are only available at two places, Purchase Road and David Road. Elsewhere, pedestrians must wait for a break in the traffic to cross.

The Government says it wants to encourage people to use public transport, but where is the incentive to do so when they have to take their lives in their hands to get to the bus? The problem is particularly bad near the County Drive roundabout. In some instances pedestrians have to walk an extra kilometre or more just to cross the road safely. Many of the pedestrians are schoolchildren, and I have seen them scurrying across the road with trucks thundering in their direction. The Government is putting in 40 kilometre an hour zones outside every school in the State, in some instances where there is an overbridge. At the same time it is asking those same children to run across a main road that carries 30,000 vehicles a day. Understandably, many parents are driving their children to school rather than letting them run the gauntlet of New Line Road. Council has consistently asked the Roads and Traffic Authority [RTA] to install more pedestrian crossings, without success. Yet the Government will not replace the roundabout at County Drive with traffic lights, which many people who live in Cherrybrook want. The least the Government can do is put in a signalised pedestrian crossing for our kids and our commuters.

In November 1998 the RTA engaged a consultant to prepare a strategic route development strategy for Old Northern Road and New Line Road. That strategy has gone the way of the Government's 2010 Action For Transport Plan: it has vanished off the web site of the Department of Transport. The RTA has failed to adopt the report and, according to council, some aspects of it are now outdated. Some recommendations are now inappropriate, for example, that a two-lane roundabout be provided at Sebastian Drive. Council says that traffic signals that allow pedestrians to get across the road to the bus would be preferable. Traffic volumes on New Line Road are increasing at the rate of 10 per cent a year, double the average for Sydney as a whole. Traffic congestion is making bus services unreliable, which, in turn, is turning people away from using them.

In that connection I mention Boundary Road, which I referred to at the meeting. Boundary Road is the main road linking Cherrybrook with its closest railway station, Pennant Hills. It runs from New Line Road to Pennant Hills Road. During the morning peak it takes 20 minutes to travel by bus the three kilometres to Pennant Hills Station. That further discourages the use of public transport. It is clear from the Hornsby council report that there are significant problems on New Line Road which are not being addressed by the RTA or the Government. I understand the competing demands on resources but, given the rate of growth in this area—my electorate has more people than any other in the State—it would not be unreasonable for the Government to prepare and implement an action plan to upgrade New Line Road.

The first leg of such a plan would be to put in pedestrian crossings at County Drive, Jenner Road and Sebastian Road to allow people, particularly children, to cross this busy arterial road in safety. That in turn would encourage people to catch the bus and reduce the rate of traffic volume growth on New Line Road. The plan would also encompass a staged road widening program from Purchase Road to Old Northern Road to be included in successive budgets. That is not an impossible dream. It is needed to save lives. There have been too many nasty accidents on New Line Road, and I ask the Minister for Roads to do something about it.

SUTHERLAND SHIRE SCHOOLS MUSIC FESTIVAL

Mr BARRY COLLIER (Miranda) [6.01 p.m.]: I draw to the attention of the House the Sutherland Shire Schools Music Festival. Each year the festival showcases the extraordinary depth of musical, performing and artistic talent among pupils from local schools right across the Sutherland Shire. On the night of Friday 27 August my wife, Jeanette, and I attended the tenth concert of the 2004 festival series. As we walked in we could feel the enthusiasm bubbling throughout the Entertainment Centre, that air of excitement and expectation as talented young performers from public schools across the shire prepared to take the stage after hours of practice under the watchful eyes of their teachers. The commitment, dedication and sheer hard work of the principals, teachers and schools staff in encouraging and developing our talented youngsters was apparent in each and every item we saw on the night.

I thank the festival committee and each and every parent, grandparent and supporter who contributed to the success of the two-week festival. The concert on 27 August was just wonderful, with 18 separate

performances. The items included a combined choir of 300 students from Caringbah Public School, Cronulla South Public School, Kirrawee Public School, Laguna Street Public School, Sylvania Public School, Tharawal Primary Public School, Yarrawarra Public School and Woronora River Public School. The choir's medley of Dorothy Mackellar's *My Country*, Banjo Paterson's *Waltzing Matilda* combined with Peter Allen's *I Still Call Australia Home* and the Seekers' *I Am Australian* was enough to bring a tear to the eye and a lump to the throat of everyone in the audience.

On 27 August we celebrated 35 successful seasons of the Sutherland Shire Schools Music Festival, that is, 35 seasons with participation, across the years, of more than 60,000 pupils. The 2004 concert series, with nightly concerts over two weeks, involved the participation of more than 4,000 pupils from 44 shire public schools in 135 separate concert items. It has meant thousands of hours of work by the festival committee, principals, teachers and schools staff and, of course, the unflagging support of parents, grandparents, carers, friends and sponsors. With their support, the festival has, during the years, raised more than $80,000 for the children's charity, Stewart House. The scale of the Sutherland Shire Schools Music Festival is simply astonishing, the organisation incredible, the statistics mind blowing. But the benefit to the growth and development of our children is immeasurable.

The festival's continued success is a testament to our public schools across the Sutherland Shire. The success of the festival reflects the work of all those who devote much of their time to it. They do so because of their genuine love of music and performance, because they recognise the genuine role music and performance play in the development of children and because of their genuine desire to provide our children with a balanced, well-rounded education that equips them for life. There was no-one more passionate about music and performance amongst our youngsters, no-one more committed to that ideal, than the President of Sutherland Shire Schools Music Festival and Principal of Yarrawarra Public School, Ms Heather Causley.

Heather Causley is an extraordinarily generous and gifted educator. She has been the driving force behind the Sutherland Shire Schools Music Festival for more than 20 years. Heather first joined the festival committee in 1983, when only three concerts were given. Now it is 10. And she has done it all, tirelessly and consistently—everything from conducting and training pupils to script writing and selling tickets for the concerts. To say that the festival has flourished under Heather's leadership is an understatement. Her unselfish contribution to the development of music and performance across the shire and the State through the Sing 2000 and Sing New South Wales Choirs is simply outstanding. On behalf of the community, I thank Heather Causley. I thank her for her unswerving commitment to excellence in public education. I thank her for her leadership in developing the creative talents of our children and our teachers over many years. And I thank her for helping thousands of public school pupils throughout the shire to discover the wonderful world of music and artistic expression.

On 22 August, after the final concert, I had the honour of presenting Heather with a number of mementos. One was a community award on behalf of the people of Miranda. But there is often no more significant recognition than that which we receive from our peers. I was pleased to be able to present Heather with a plaque from the members of the Sutherland Shire Schools Music Festival committee in appreciation and recognition of her contribution to music and performing arts amongst shire schools for more than 20 years. At the conclusion of the concert Heather announced her retirement from the Sutherland Shire Schools Music Festival, and subsequently her retirement as principal of the Yarrawarra Public School. Last week, Education Week, I visited schools in my electorate. Each school had its concert. All of the principals that I spoke with knew Heather personally and knew of her outstanding dedication and commitment to the children of the shire. They knew how her extraordinary talent and experience had contributed to the development of the children at their school. Heather Causley, we salute you and we thank you for your contribution to the children across the shire. We wish you well in your retirement.

CARLINGFORD PUBLIC SCHOOL COMPUTER LEASE PAYMENTS

Mr ANDREW TINK (Epping) [6.06 p.m.]: On 21 April 2001 Carlingford Public School leased equipment through ComputerFleet, the leasing arm of the Commonwealth Bank. The lease was due to expire on 21 April 2004. On 28 December 2003 a major fire engulfed the main building and destroyed the first floor, which housed the library, audiovisual room, teachers resource room and two classrooms. The hall containing many school artefacts, canteen and uniform shop was also destroyed. Because the site was declared unsafe, neither the principal nor staff was allowed into the building. The first priority after the fire was to ensure that demountables brought in were up and running for the new school year. It was not until the end of February that

the school was advised that all equipment housed on the first floor of the main building had been completely destroyed and nothing could be salvaged.

On 19 March the principal rang ComputerFleet and explained that leased items had been destroyed in the fire and requested a payout. The school returned laptop computers that had not been destroyed and requested an extension on the file server because shipment of the new server had been delayed by the manufacturer. The library, destroyed classrooms and canteen had to start from scratch, and it was essential that goods and services to get those areas up and running for the children was the number one priority. The GIO sent an initial cheque to the school in February and then reimbursed the school as goods were purchased. The school explained its dilemma to ComputerFleet and asked it to look at its case on an individual basis, taking into account the full circumstances.

At the beginning of the year many suppliers were prepared to deliver goods to the school and to hold payment until it was able to pay from insurance funds. In August the payout figure was sent from ComputerFleet to finalise the "end of lease" arrangement for the computer equipment. The request by the school to have the lease payments forgone at this stage has been refused by ComputerFleet. Two invoices that are outstanding are said to be payable to Commonwealth Bank C.O. ComputerFleet Management, one for $2,428.65 and the other for $3,119.74.

In a memorandum to the school principal from ComputerFleet dated 6 September 2004, ComputerFleet acknowledged that it received from the school on 6 August a cheque for payment of an amount totalling $5,093, said to be for a number of assets itemised by serial number. The memorandum further said that ComputerFleet understood that the assets that Carlingford Public School had paid out were damaged in the fire at the school on 28 December, but that the "Commonwealth Bank now require the rental outstanding from 21/5/2004 (for the rental period 21/2/2004 to 20/5/2004) amount being $3,119.74 and the rental due 21/8/2004 (for the rental period 21/5/2004 to 20/8/2004) amount being $2,428.65." Payment of that amount was requested by 10 September. An extension of that payment date has been granted, to 17 September. That is the current position.

Late this afternoon I rang the Commonwealth Bank and spoke with a relatively senior person at the bank. I am very pleased to say that they were sympathetic to the position that the school faced, but could not give any guarantee about the payment being waived. I hope that the bank, when it has been able to reconsider this matter, does waive that payment. I understand the commercial position that the bank faces in that in every case where an organisation wants to reach a special arrangement the key question arises: What precedent would this set? I really believe that this is a case in which there is no risk of setting a precedent. These are exceptional circumstances. The school lost these computers in a fire. Those assets are totally destroyed. The rental that is being sought is for periods following the complete destruction of the equipment.

From any school's point of view, this is a very significant amount of money. Any member of this place would know how difficult it is for a school to raise more than $5,000. For the bank it is not a large amount of money. I believe this would not set a precedent that otherwise might be of some concern. The circumstances are genuinely acceptable. I hope the sympathetic noises from the bank that I have heard so far will now materialise into a waiver of this payment. That would be greatly appreciated by my school community and the wider electorate. I hope that is what will happen.

DISABILITY PROGRAMS FUNDING

Mr ROBERT OAKESHOTT (Port Macquarie) [6.11 p.m.]: At the outset I welcome Tom and Isabel Flett from Port Macquarie to Parliament House. I wish to raise concerns about funding cuts to two critical local services, one being the Hastings Early Intervention Program and the other being the Adult Training, Learning and Support Program, better known as ATLAS, both of which are funded through the New South Wales Department of Ageing, Disability and Home Care. Both services provide critical services to the local community, yet both face funding cutbacks that are being made across the State. Those cutbacks will impact significantly on these basic and necessary services.

Firstly, I refer to the ATLAS program. The purposes of the Disability Services Act 1993 and the disability service standards adopted by the State and Federal governments were to demonstrate their commitment to ensuring that people with a disability received quality services. Sadly, if the reform process is implemented in its current form, people with a disability would lose not only funding but their existing level of individual planning and support, decision making and choice, participation and integration, their basic human

rights and, more importantly, their valued status within their local community. Lost would be the key principles of respect, dignity and independence.

Whilst I understand there is a need for reform of the sector, I think the peak body, the Australian Council for Rehabilitation of the Disabled [ACROD] summed up the position well when it said that the "ultimate goal is reform of the funding and service delivery system but"—and the key word is "but"—"this should be managed in a planned environment in conjunction with the sector over a period of three to five years", not the current slash-and-burn approach. In the meantime, according to ACROD, those receiving a service should retain that service and those coming into the programs from school need to be assured of a quality service. That is not only what I seek; it is sought by the whole community. The concern is that cuts to ATLAS will have significant flow-on effects to the entire Hastings community, such as cuts to funding levels to the two services delivering the ATLAS program, one being the Australian Council for Educational Standards [ACES] and the other being the Intellectually Disabled Adults Further Education group [IDAFE].

From an IDAFE point of view, if the decision is not reversed, it is anticipated that IDAFE will suffer cuts of $100,000 to its service user packages. Staff resources will be threatened. For IDAFE, the proposed reforms and funding cuts will mean the loss of six staff members in the local community. This will also affect the ability of the service to effectively implement the reform package. The flow-on effects of the reforms include that TAFE students studying welfare and disability classes would not have an opportunity to gain work experience or secure a position with disability services locally; community respite and transport would have an increase in demand for services due to limited funding; and there would be a loss of revenue for local businesses because, for example, both IDAFE and ACES frequently use taxis to transport service users to access services.

In addition, the Hastings Early Intervention Program is faced with a cut in funding. That organisation received correspondence from the Department of Ageing, Disability and Home Care on 18 June about the provision of new funding rates for 2004-05, the total of which was $191,883. Ten days later, on 30 June, the program received new funding agreements for the next three years giving a funding rate of $173,975—effectively a cut of $17,908 over a 10-day period. The early childhood intervention programs in New South Wales have, by their very nature, employed early childhood trained teachers and therapists since the programs began in Australia in the late 1970s and early 1980s. The teachers have always been employed under a teaching award. All of the teaching staff employed by the Hastings Early Intervention Program are employed under the State teachers award. Under that award early childhood teachers were granted a 20 per cent increase in their wage. This increase was implemented over three years and began in January 2002.

The sole speech pathologist is employed under the Public Hospital Physiotherapist, Occupational Therapist and Speech Pathologist (State) Award. Employees covered under the award were granted a wage increase in 2003. The Hastings Early Intervention Program has had to find the funds to pay for the wage increases, as have services employing staff under the Social and Community Services [SACS] Award, which I understand will continue to receive the same level of funding as they received previously. The Government has divided the industry between those who are employed under the SACS award and those who are not, which is starting to create discrimination. For the Hastings Early Intervention Program it will mean a direct reduction in the number of children it can support and the introduction of a waiting list. The reduction in funding will also stop outreach into rural areas, which will result in the provision of a centre-based service only. Surely these direct cuts are not what a government, which says that it cares for people in rural and regional areas, would seek. I hope that it will change this decision and restore the funding.

REDFERN-WATERLOO PARTNERSHIP PROJECT

Ms CLOVER MOORE (Bligh) [6.16 p.m.]: I welcome the Government's two-year extension of the Redfern-Waterloo Partnership Project, although more time will be needed for real change. Meaningful dialogue must be established with both the Aboriginal and non-indigenous communities. More than 200 local residents attended a community meeting in July, which I organised, to voice their despair about crime and safety, drugs and alcohol, and the future of the area known as the Block. Indigenous people expressed grief about lost lives, hopelessness and the limited help for people with drug and alcohol problems. They called for culturally appropriate and comprehensive health services. Some local residents expressed concern that the drug outreach van may encourage young people to view illegal drug use as normal, while many others called for clean injecting equipment and drug education, plus greater drug treatment and rehabilitation to reduce the local market for illegal drugs. There was significant concern about the spread of HIV and hepatitis, particularly within Aboriginal communities in the Block and beyond.

These concerns echoed the evidence given to the Legislative Council inquiry. Solving drug problems is essential to addressing the longstanding crime and antisocial behaviour in the Block. Dr Alex Wodak and Associate Professor Paul Haber identified that the recently published "Prevention of Substance Use, Risk and Harm in Australia: Review of the Evidence" shows that research supports needle exchange programs and methadone services. I have asked the Minister for Health to expand such services—detoxification, treatment and rehabilitation—including services for people with complex needs. Additional police officers for Redfern are welcome, but they must be sensitive to the local community. It has been requested that Aboriginal people be involved in the selection of new officers. Local Commander Dennis Smith says that all Redfern police will now get cross-cultural training through Tranby College. Half of the officers stationed at Redfern have already undertaken an Aboriginal culture workshop. He will set up both Aboriginal elders and Aboriginal youth consultative committees to improve community relations.

I hope this action will improve police and community understanding, but it will be an ongoing task. I think we all observed the shocking conflict at the time of the riots. Additional police have been promised for six months, but the Government must make a long-term commitment. It should also re-upgrade the Redfern command to level one and implement the police Aboriginal strategic direction plans in Redfern. I hope also that the local community, police and service providers can work together to provide hope for the future and ensure that young people get the help they need to prevent tragedies similar to the death of TJ Hickey. Many residents at the meeting raised concerns about employment and training, which are desperately needed to give hope to those who are marginalised. I have asked the Premier and the Commonwealth Minister for Employment and Workplace Relations to ensure that the partnership project provides employment for local young people, Aboriginal people and Department of Housing tenants. Local people fill only half of the 20,000 jobs in the area.

Education and training are essential for long-term hope for jobless people, and we need early results. Both Alexandria Park Community School and Darlington Public School must be resourced adequately to keep young people at school. The delayed review of human services must be used to ensure that much-needed services are provided and expanded. I ask the Government to give priority to expanding the Department of Community Services Redfern Community Services Centre and its Aboriginal child protection unit. Up to 90 per cent of Aboriginal kids in trouble could end up in prison. It is incumbent on us to help them before it is too late. The Government Architect has been involved in developing the scheme and for the Aboriginal Housing Company to develop the Block. It must be progressed and receive Federal and State government support.

The Government must also fast track the redevelopment of Redfern railway station, which is essential to transport and safety for the city. The community is curious and concerned about the delayed Redfern-Eveleigh-Darlington strategy, known as RED. This project must address public transport, open space and a safe community for the area. The area needs community space and programs that build community leadership. The Rachel Foster Hospital should not be sold off but kept for future community needs. Redfern Public School must be kept in the public domain for public education and community use. The community will watch very carefully the next step in the Redfern-Waterloo Partnership Project in the hope that it will deal with the real problems of an embattled area.

Private members' statements noted.

[*Mr Deputy-Speaker left the chair at 6.21 p.m. The House resumed at 7.30 p.m.*]

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended to allow the introduction forthwith and progress through all stages at this sitting of the Aboriginal Land Rights Amendment (Gandangara Estate) Bill, notice of which was given this day.

ABORIGINAL LAND RIGHTS AMENDMENT (GANDANGARA ESTATE) BILL

Bill introduced and read a first time.

Second Reading

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [7.31 p.m.], on behalf of Dr Andrew Refshauge: I move:

That this bill be now read a second time.

The object of the Aboriginal Land Rights Amendment (Gandangara Estate) Bill is to amend the Aboriginal Land Rights Act 1983 in order to validate the subdivision and sale of land in a housing estate development at Barden Ridge, Menai, that is being undertaken by the Gandangara Local Aboriginal Land Council [LALC]. The principal Act imposes procedural requirements on local Aboriginal land councils in their land dealings. The bill resolves irregularities in compliance with those procedural requirements as to the land development at Barden Ridge, Menai, known as the Gandangara Estate. Without an amending bill those irregularities of compliance may have resulted in sales of land in the Gandangara estate being invalid. The bill will validate the creation of the estate subdivision as a whole and will validate past sales. It will also validate any registered transfers of title to lots in the estate that may also have been voided by the irregularities in compliance with the principal Act.

The Gandangara Estate comprises the development of a subdivision of land that was granted to the Gandangara LALC under the principal Act in 2000. The land was subdivided into 43 lots, 41 of which are for housing development. Development of the estate has involved a range of dealings with the subject land, including the registration of a plan of subdivision, land sales, the grant of easements between certain of the lots and the dedication of public roads. The principal Act imposes procedural obligations on local Aboriginal land councils for each of these various dealings and for validity of the eventual process of registering new titles with the Department of the Registrar-General. The principal Act provides that non-compliance with its procedural requirements renders land dealings void. Before the procedural irregularities in the development of the Gandangara Estate came to light in May, 20 bona fide purchasers of land, including purchasers of land and house packages, in the estate had entered and completed contracts for sale.

When the irregularities became evident, three transfers of title of lots in the estate had been registered under the Real Property Act 1900. Without the amending bill now before the House the purchasers of lots in the estate will not have certainty of title. They will continue to suffer financial disadvantage due to delays in building on their new land purchases. Furthermore, the finalisation of this exemplary housing development at Barden Ridge will be delayed. I say "exemplary" because in all other respects the Gandangara Estate represents an example of the economic benefit that the principal Act is capable of producing for Aboriginal communities, and an example of the synergy between the Act and the housing needs of the wider Sydney community. My colleague the Minister for Aboriginal Affairs has been provided with a range of opinions from senior legal counsel representing the various parties affected by the legal impasse that exists in relation to the Gandangara Estate. The opinions have all taken the view, after an exhaustive consultation process, that the issues are too complex for any practical resolution of the impasse created by the irregularities. The Minister is now satisfied, after having explored a range of other options, and taking these eminent opinions into account, that an amendment to the legislation is the only means by which the issue can be resolved.

The bill limits the application of the amendments specifically to the validation of the plan of subdivision and the 20 completed sales of lots in the Gandangara Estate. The bill contains a specific definition of the meaning of "disposal" targeted to the Gandangara context, and applies exclusively to the Gandangara subdivision by specifically reciting the lot and deposited plan number of the plan of subdivision affected. That ensures that the bill will have no legal or practical effect beyond providing certainty for the Gandangara Estate purchasers. Accordingly, the validation of the land sales, and the validation of the three apparently void dealings that have been registered by the Registrar-General, is an urgent and important step for this Parliament to take in order to give certainty to the purchasers.

The circumstances that occurred at the Gandangara Estate should not be allowed to have an adverse impact on the potential for land development by local Aboriginal land councils nor turn away government and private sector partners for land development across New South Wales. At the same time that I seek the Parliament's support for this bill I wish to bring to its attention that the specific need for this amending bill reflects the need for a major review of all of the provisions of the Aboriginal Land Rights Act. To this end, the Minister for Aboriginal Affairs has established a task force that will report to him later this year on how the Act can be improved. The task force will specifically examine the substantive and procedural provisions that relate to land dealings by local Aboriginal land councils as a priority. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst) [7.39 p.m.]: On behalf of the Liberal-Nationals Coalition of New South Wales, I indicate that we will not oppose the bill. The history of it has been stated by the Parliamentary Secretary, but I place on the record that the local Federal representative of the electorate of Hughes and Minister for Veterans' Affairs, Danna Vale, has had ongoing concerns about the Gandangara estate, particularly the problems that have arisen under the Aboriginal Land Rights Act which possibly have negated transactions that already had been entered into and completed. She has vociferously raised issues on behalf of the Gandangara Local Aboriginal Land Council. I note also for the record that she extended her representations to the Leader of

the Opposition on the basis of the Opposition being prepared and apprised, after the Government approached the Opposition, of the need to move this bill urgently through the House.

As the Parliamentary Secretary indicated, this bill is restricted solely to the Gandangara Local Aboriginal Land Council and to certain problems that have arisen in regard to the sale of the subdivision that was developed by that organisation. When the Opposition was approached by the Government to obtain the Opposition's agreement to allowing this bill to be passed by the House through all stages tonight or as soon as is possible, we sought and obtained from the Minister a copy of the joint opinion of counsel that was provided by John Griffiths, SC, and Christos Mantziaria, of Selborne Wentworth Chambers. I thank the Minister and the Government for making that advice available to the Coalition because it has certainly helped to crystallise the issues that have faced the Gandangara Local Aboriginal Land Council.

As the Coalition understands it, counsel to whom I have just referred were asked to advise on 23 June 2004 on certain problems that have been acknowledged during this debate as having arisen as a result of the sale and transfer of land comprised in and described as lots 1 to 41 in Deposited Plan No. 1061416, formerly lot 6084 in DP1018026, which is in the vicinity of Old Illawarra Road, Barden Ridge, in the State of New South Wales. The joint opinion of counsel ran to nearly 80 pages, which reflects the complexity of the factual matters that the Gandangara Local Aboriginal Land Council was confronted with and also the complexity of the matters that the Government and the Opposition have to deal with in considering whether or not it is appropriate to pass specific legislation in this House. It is a very unusual situation for specific legislation that is directed to only one particular property development to come before the House. This type of bill is not something that the Opposition would want to see presented regularly in the House.

It would appear that Gandangara has fallen foul of some of the provisions of the Aboriginal Land Rights Act 1983. On the basis of advice from counsel that has been provided to us, it seems that the acts which caused the Gandangara to fall foul of the Act were inadvertent. In the introduction of the advice it was noted, as indicated by the Parliamentary Secretary, that certain contracts for sale had been entered into, and three had been settled. As I understand it, there is now a question mark hanging over the registration by the Registrar-General of the three transactions that have actually been settled and registered. I understand also that approximately another 20 transactions are in limbo. I can only imagine the worry that has been caused to the purchasers who presumably were bona fide purchasers for value and had gone about doing what any purchasers in New South Wales would do—including all the usual searches to obtain the right to complete the contract—only to find that there was a technical obligation on the part of the Gandangara Local Aboriginal Land Council that had not been complied with and that that, as a consequence, had thrown their entire purchase into jeopardy.

Apparently the issue comes down to section 40D and to certain certificates and approvals that should have been obtained from the New South Wales Aboriginal Land Council. The opinion of counsel notes that certain dispositions of land effectively require approval from the New South Wales Aboriginal Land Council. Section 40D (1) (b) states, "the New South Wales Aboriginal Land Council has approved of the proposed disposal... ". In other words, one of the prerequisites to ensuring that the matter the matter will proceed properly is approval of the disposal by the New South Wales Aboriginal Land Council. Other requirements do not go to the essence of the matters dealt with by this bill. Without wishing to unduly delay the House, I point out that the conclusion of the advice from counsel shows that there is no question that the complexity of the issues is such that the simplest, and possibly the only, way to deal with the issues is to pass legislation. The concluding paragraphs of the opinion of learned counsel state:

> 177. In view of the Registrar-General's current position, it is open to one or more of the purchasers to challenge the Registrar-General's refusal to register the transfers by commencing proceedings in the Supreme Court under section 122 of the *Real Property Act*. In any such proceedings, it is likely that the issues of the validity of the Certificates will arise, most probably in the context of whether the Registrar-General is obliged to give effect to the Certificates.
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> 178. For reasons which we set out in detail above, we consider it more likely than not that the Court will find that each of the Certificates is defective and invalid, with the consequence that they cannot be relied upon by the purchasers.
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> 179. In any event, even if (contrary to the above), the Certificates are valid, we consider that there may be real difficulties confronting many of the purchasers in establishing that they did not have notice of the contraventions under section 40D (1) (b) of the ALRA. We have also highlighted potential difficulties confronting future purchasers insofar as notice is concerned.
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> 180. It is evident from our analysis that the issues involved are numerous and complex, both factually and legally. It is our confident view that those issues would not be resolved expeditiously by litigation. Furthermore, for reasons given above, we doubt that the purchasers would be able to establish that the Certificates are valid and enforceable against the Registrar-General.
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> 181. In our view, there is a very strong case in favour of appropriate legislative action being taken to protect the purchasers and their investments and to bring about certainty in what currently are unfortunate and uncertain circumstances.
>
> 30 July 2004

Clearly the whole basis for a corporation's activities is governed either by statute or by the rules and regulations that established the organisation. The situation is capable of being addressed only by legislation. The Liberal-Nationals Opposition parties certainly do not want to cause any grief to any of the purchasers. We acknowledge that this legislation will have very little application beyond the Gandangara Local Aboriginal Land Council. For that reason the Opposition will certainly not oppose the bill. The Parliamentary Secretary indicated that that was but one of many problems that the current Labor Government was addressing with Aboriginal land councils through a review.

The Opposition awaits with interest the recommendations of the task force but we remain very disappointed that the Carr Government and the Minister for Aboriginal Affairs took so long to implement the review of the land rights system in New South Wales. It has been obvious for years that the land rights system was spiralling into a very deep hole. Across New South Wales administrators have been appointed to land councils, there are complex problems, and there is insufficient training for people who, with goodwill, seek to manage land councils.

A couple of months ago the *Sydney Morning Herald* referred to enormous amounts of money that had disappeared in shady housing deals that often did not benefit local Aboriginal people. There is a question mark over the total assets that the land council system holds and some suggestion it may be between $750 million and $3 billion; yet every day Aboriginal people who do not hold high office in various organisations do not appear to be benefiting from the vast reserves that have come from New South Wales taxpayers over 15 years of land tax contributions. The Opposition remains very dissatisfied with the way that the Government has handled land councils over its decade in office. We await with great interest the outcome, as do many Aboriginal people. We want to see a better land council system. Thus far the New South Wales Liberal Party and The Nationals have not been consulted on the land council review. Not one single solitary request has been made to us.

Mr Daryl Maguire: The same with Health.

Mr BRAD HAZZARD: As the honourable member for Wagga Wagga said, the same applies with Health. These big issues should be beyond politics, they should be bipartisan. The Aboriginal Land Rights Act, which passed through this Parliament in 1983 with bipartisan support, has fallen foul of many problems in recent years. It deserves a bipartisan and more active approach from the Carr Government, but we are waiting to see how it will all work out. In the meantime, the Opposition does not oppose the Gandangara Aboriginal Land Council having its problems sorted out by the Aboriginal Land Rights Amendment (Gandangara Estate) Bill.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [7.52 p.m.], in reply: I thank the honourable member for Wakehurst, who led for the Opposition, for his comments in support of the bill. The bill is very specific and very determined in dealing with the Gandangara Estate. I compliment the honourable member for Wakehurst on his bipartisan view over many years on the whole issue of Aboriginal affairs and the advancement of Aboriginal people in New South Wales. I note his comments concerning the Aboriginal Land Rights Act and ask him to enthusiastically involve himself in the review process. I ask him to make clear his views and those of the Opposition concerning improvements to the Aboriginal Land Rights Act because unless both sides of the House are involved in a very bipartisan fashion, working together with the Aboriginal communities, we will not get the positive outcomes that we are looking for in review of the Act. I thank the honourable member for Wakehurst for the support the Opposition is giving to this very important bill to redress some very specific issues for the Gandangara Estate. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NEONATAL CARE

Matter of Public Importance

Debate resumed from an earlier hour.

Mr ACTING-SPEAKER (Mr John Mills): Order! There being no further speakers, the discussion on the matter of public importance is concluded.

Discussion concluded.

REGISTERED CLUBS LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 1 September.

Mr GEORGE SOURIS (Upper Hunter) [7.55 p.m.]: I have pleasure in leading for the Liberal-Nationals Opposition on this bill. At the outset I express a level of displeasure that literally only a moment ago a member of the Minister's staff presented me with a Government amendment to the bill. That really shows a level of incompetence because I had heard about the proposed amendment from a number of sources in the industry. However, I am now led to believe that the amendment had been accidentally omitted from being presented to me. Consequently this smacks of an ambush, something that is unworthy of the Minister and his staff, not encountered in all my prior dealings with the Minister and his staff on a number of bills in this portfolio. The portfolio is characterised by an enormous number of bills presented to Parliament affecting registered clubs in New South Wales. Scarcely a sitting passes without a minimum of one bill, but rarely only one and often many bills, associated with registered clubs.

The Act is to be amended a bit over half a year from its last amendment at the end of 2003. Remarks in various newspapers, and particularly in a press release, led the Opposition to believe that the Government argues that the amendments to the Act contained in this bill in some way fulfil the original intention of the 2003 amending bill, together with a few other items. However, it is clear to the Opposition that the overriding purpose of the bill is to produce retrospective effect, particularly in relation to the ability of the presiding officer of an inquiry under section 41X presently under way in relation to the Panthers Rugby League Club, and to provide the presiding officer of an inquiry with the ability to make a finding of corruption or improper conduct, if that is found to be the case.

This is a matter that Parliament ought to consider very seriously. Presently under way is an inquiry that may be, say, half or three-quarters completed. Many witnesses have given evidence over a considerable period. Suddenly the Government produced a bill which moves the goal posts in a very dramatic fashion to enable to presiding officer of an inquiry to make a finding of corrupt or improper conduct, the ability for which is not contained in the present Act and, therefore, was not contained in the initial terms of reference.

So this bill, which suddenly appeared, will have a retrospective effect on that almost completed inquiry. Apart from the fact that this legislation is retrospective and that it is philosophically obnoxious—and it ought to be philosophically obnoxious to any genuine legislator in our Parliament—it has the effect of denying natural justice to all those witnesses who have already given evidence. They gave evidence after receiving legal advice, under the care and supervision of legal counsel, and in the knowledge that the inquiry was being conducted under the bill's existing parameters and its terms of reference. Those parameters, which might change as a result of the passage of this bill through both Houses of Parliament, would have had a significant impact and effect on the way in which counsel representing various witnesses would have conducted their giving of evidence, their responses, and all the matters that formed part of that inquiry.

As a legislator I find that point alone—the fact that the Parliament is prepared to move the goal posts in such a way—completely and utterly obnoxious. I do not believe that the Government, of its own volition, genuinely studied that matter before introducing this piece of legislation. I ask the Minister to respond carefully and clearly to the following question: Has the presiding officer, his staff, legal counsel or any related person or entity made representations to the Government to introduce this bill? I believe that to be a crucial request that strikes at the heart and the efficacy of this bill. Was this bill introduced as a result of improper representations from the inquiry or associated persons to enable the presiding officer to find corruption? It suggests to me that the presiding officer has already made up his mind and that the inquiry has already reached the conclusions that it intends to make.

It is clear to me that the inquiry intends to make those findings. Midway through this inquiry the Government has been imposed upon to produce legislation with a retrospective effect to enable the presiding officer and the inquiry to find in that fashion. That is an intolerable misuse of legislative power by a Government that controls the numbers in this place. It is a shameful episode in our democracy that such a denial of natural justice is occurring and that a Government of such long standing is seriously entertaining representations of that nature. That is a crucial aspect of debate at this second reading stage of the legislation. I have asked the Minister questions relating to that aspect and I ask him to consider them. I ask the Minister to provide an honest and fulsome response to the questions that I have posed, in particular, those relating to any communications and dealings between the inquiry and this Government that resulted in the introduction of this bill.

I ask members to consider other aspects relating to this legislation and I ask the Minister to explain the following issue. Because the inquiry approached the Government in one form or another, directly or indirectly, to make this retrospective legislative change I do not believe the inquiry can proceed. I believe that the inquiry should be disbanded. If the Government still wishes to pursue matters relating to the Panthers Rugby League Club it should commission a new inquiry and a new presiding officer under new rules. Only in that way will any semblance of fairness prevail in respect of the inquiry. So far as I am concerned, the inquiry will be contaminated by the passage of this bill, which will have the retrospective effect of denying natural justice to witnesses who have already proceeded through it.

On behalf of the Liberal-Nationals Coalition I oppose this bill. I refer now to a number of other matters. Because of the way in which the bill has been presented to the public, because of the Minister's press release and because of the preambles in the bill, it appears as though it will strengthen the accountability and the new era of openness that are required in the management of clubs. In particular, this bill provides for the protection of whistleblowers. Generally speaking, when we hear an expression like that it implies that a whistleblower might be a Government official or a nurse wanting to blow the whistle on a recalcitrant Minister because of the way in which he or she might have had dealings with a body of nurses, and that those whistleblowers ought to be protected.

The clauses in this bill that relate to whistleblowers will empower the union movement to become the Government's watchdog of the club industry. In particular, it will empower unions to make a complaint that will generate an inquiry about whether a club might be downsizing or restructuring its affairs to accommodate the impacts of increased gaming taxation. The Minister made a statement to industry that has been referred to in many places. I refer to a document that I received this morning—volume 3 of a bulletin produced by the Service Clubs Association Ltd. I refer to the Minister's statement, which reads as follows:

> I can assure you—

he was responding to a question—

> the provisions of section 41X are not intended to impede clubs legitimately restructuring their business operations in good faith.

That is the statement that the Minister made to industry—words that have been repeated on a number of occasions and that have been published. That provision in the legislation will empower whistleblowers and define the union movement. In particular, the bill defines employee organisations as "employees registered under the Industrial Relations Act 1996" or, in the Federal sphere, "under the Workplace Relations Act 1996". By definition they are empowered to act as whistleblowers and to make those representations. This bill has brought to the attention of the club industry the Government's dramatic tax increases that commenced days ago—tax increases that will have a seven-year stepped increase. The Government said that those tax increases would not result in a reduction in employment in the clubs industry. Government members, who are typical socialists, illusorily think that the inclusion of those provisions in the bill will somehow protect employment levels and insulate all employees in the clubs movement from the vile impacts of that dramatically increased taxation.

What sort of daydream is that? How could the Government possibly imagine that including a provision such as that in the bill would somehow allow a club that was suffering a massive adverse financial impact as a result of this tax to maintain its existing levels of employment, service and recreational facilities? We know that clubs cross-subsidise—for example, by providing cheaper meals for senior citizens—and do much good work throughout the community. How can we imagine that the clubs will be able to retain those services and maintain 100 per cent employment? I think that provision is designed to install in the clubs movement a watchdog that will tittle-tattle to the Government and uncover little pieces of information that will enable the Government to launch fresh inquiries and pulverise any recalcitrant clubs that dare to contemplate restructuring their affairs in order to survive.

My next point is in relation to fees and cost recovery. As I have said, literally moments before the debate commenced I was presented with Government amendments to the bill so I will reserve my considered remarks on this point until I have had an opportunity during the second reading debate to study the contents of the amendments. However, prima facie, the Government seems to have found a neat way to fund its operations, to enhance its budget and to find a substitute for budgetary support, which should be an ordinary, normal operation of government. The Government has found a way to fund its inquiries and investigations should that prove necessary. I appreciate that this provision will have no retrospective impact in terms of the current Panthers inquiry, for example, but that is not the issue because the provision will have a serious impact in the future.

For example, if the Government determines that the club movement's anti-taxation campaign is too strong and must be silenced and so decides to shut down one or two of the most vocal clubs, it can do that easily by instituting an inquiry. It could unearth 12 or 15 complaints—it is likely that any inquiry would find some level of culpability on the part of clubs with regard to some issue—and the Licensing Court would probably support an inquiry. If that occurred, at least under the original version of the bill, costs would flow automatically to the clubs. Consequently, the announcement of an inquiry into a club would be tantamount to the announcement of a significant financial penalty to fund the Government's investigations. Costs could also be awarded against clubs in any Licensing Court proceedings that might follow. I believe the purpose of the provision—although I do not know what fine detail is in the Government's amendments—is to impose a direct financial penalty on clubs and to have the secondary impact of providing an alternative source of budgetary support for the department's operations.

I am most concerned about the Panthers inquiry that is currently under way. I understand that lawyers for the Penrith Panthers club have initiated proceedings that are presently under way in the Supreme Court. Those proceedings raise a jurisdictional question in respect of the inquiry. If this bill is passed by Parliament and gains royal assent it will have the effect retrospectively either of halting the Supreme Court action or, if those proceedings have been completed, of rendering null and void or otiose any orders that the Supreme Court may have made. That is another extraordinary and breathtaking misuse of the political power that the Government enjoys through its weight of numbers in this place. A genuine legislator would not even contemplate voting for such a provision. It is unthinkable that while a Supreme Court action is under way the Government would draft legislation that would have the effect of either expunging those proceedings immediately or expunging them retrospectively if they have concluded. That is a gross abuse of political power by the Government and I believe any genuine legislator confronted with voting for a proposition of this nature could not do so in all conscience.

I am worried by yet another part of the bill. New section 57E expunges the right against self-incrimination in the progress of a departmental investigation or inquiry. That fairly simple protection was, until now, in both the Registered Clubs Act and the Liquor Act. Yet the Government has decided to remove the right against self-incrimination only from the Registered Clubs Act and not from the Liquor Act. I do not know why it has made that distinction and decided to discriminate against clubs in this manner. As if that were not enough, the Government has produced another amendment in this bill, new section 206B, which empowers the Treasurer, the Minister or the director-general of the department to publish only information that they deem to be in the public interest despite any other law. That creates the impression that the Government is looking for ways to publish information. It suggests that the Treasurer, the Minister and the departmental head will be empowered to provide and publish any information that might be in the public interest.

However, the provision will also work in reverse: It will enable the Minister, the Treasurer or the departmental head to say, "No, the piece of information is not in the public interest and, therefore, I won't provide it." I believe that provision has come about as a result of the battle waged by the *Daily Telegraph* against the Government to obtain certain information about gaming turnover in the industry at particular hotels and so on. But my beliefs in this regard are not relevant; the relevant point about this provision is that it empowers the Minister, the Treasurer and the departmental head to override the provisions of the Freedom of Information Act and deny the provision of information that would ordinarily be made available under that Act by deeming that it is not in the public interest to do so. I am sure that people remember reading in the *Daily Telegraph* information that was made public after a long battle. The Government ultimately lost an appeal in the Administrative Appeals Tribunal that enabled the *Daily Telegraph* to publish that information.

I sincerely hope that Government members have sufficient focus to realise that by passing this bill they will be progressively destroying the Freedom of Information Act. Empowering the Minister, the Treasurer and the departmental head in this way will give them the exclusive right to deem that it is in the public interest not to provide information that would otherwise have been available under the Freedom of Information Act, thereby overriding that Act—and, indeed, any other relevant law. But I am sure that the Freedom of Information Act is the focus of this legislation.

New section 41ZAA is repugnant. It empowers the Minister to publish none, part, or all of any report from an inquiry. If it is not in the political interests of the Government of the day to publish the report of an inquiry, the Minister may decide not to do so. Alternatively, if it is in the political interests of the Government of the day to select certain parts of an inquiry and publish only those parts, this new section permits the Minister to make that kind of arbitrary political decision. I will not say the provision has a retrospective effect because the report does not yet exist. The inquiry is not yet completed, but this provision will have an effect on the inquiry currently under way in relation to the Panthers club.

The bill exposes a government that is willing to bring in retrospective legislation which overrides other good public governance and the good public accountability provisions of other Acts in order to persecute its political enemies, which abound in large numbers in the club industry throughout New South Wales today. Recently 10,000 people demonstrated outside Parliament and on a prior occasion up to 15,000 people demonstrated in the street. In every club one can see plenty of placards and corflute signs proclaiming the campaign run by the club movement against the dramatic increases in gaming taxation that the Government proposes to bring in. The Government is using the Panthers inquiry to persecute and intimidate the club industry for its strong political campaign against the imposition of these taxes.

The bill also enables the Government, by the imposition of costs, to break any recalcitrant club it chooses. This bill is classic Labor Party thuggery. The ability of the Government to impose this regime on any club it chooses is a way to silence its enemies in the club movement. The Government will not succeed; all it is doing is building up a bigger bow wave of enemies in the club world. People are flabbergasted that the Government would introduce this sort of legislation and conduct that sort of campaign against clubs. Scarcely a week passes without information, leaked in various ways, being posted by the Government to paint as bleak a picture as possible—a new inquiry here, a new inquiry there, another piece of legislation. The Government is going full bore into taxing mode on the club movement in New South Wales.

I understand all the motivations of the Government, but nobody is fooled by the fact that the bill has suddenly appeared during the incomplete Panthers inquiry. This retrospective legislation will affect that inquiry. It will retrospectively deny natural justice to those who have appeared before the inquiry thus far. It will retrospectively expunge a current Supreme Court action that challenges the jurisdiction of the inquiry. I have been a member of Parliament for 15 years—I am now in my sixteenth year—and I have never seen such an undemocratic bill as this. It is classic Labor Party thuggery, a raw exercise of political brute power.

Everybody I have consulted throughout the industry is astonished that this legislation is on the table and will undoubtedly become law. People I have consulted in the industry from the Services Clubs Association, the Leagues Clubs Association of New South Wales, ClubsNSW and its legal counsel and others are astonished that this unconscionable legislation which sets so many dangerous precedents is before us. The sad part is that the Government has dressed up the bill to look like something it is not, that is, a bill introduced in the name of public accountability and openness. The bill is pernicious, retrospective legislation and a denial of natural justice. It is a classic Labor Party bill directed towards expunging an action in the Supreme Court. I vehemently oppose it. The Opposition opposes the bill and intends to vote against it in this Chamber and in the other place.

Mr GEOFF CORRIGAN (Camden) [8.25 p.m.]: I will leave it to the Minister to give a fulsome and honest response to the assertions made by the honourable member for Upper Hunter in relation to the Registered Clubs Legislation Amendment Bill. I will deal with the sections of the bill that relate to club accountability and governance. This legislation represents the next phase in the program of improving the governance, accountability and conduct of registered clubs. As we all know, registered clubs in New South Wales enjoy significant concessions in terms of their gaming activities, and these activities generate many millions of dollars of profit for some of our larger clubs. It is important that clubs are accountable not only to their members, but also to their staff and the broader community, for their management of the large profits they derive from gaming machine and liquor operations.

In August last year the Minister for Gaming and Racing established a new club industry task force which is a working partnership between the Government and the club industry. The task force includes representatives of major club industry and club employee associations. Stage one of the task force was completed last year and resulted in a range of enhancements to the corporate governance provisions of the Registered Clubs Act and the registered clubs regulation. Stage two of the task force's deliberations is currently under way. This involves further consultation with key stakeholders and club industry participants regarding club amalgamations, the election of club directors, codes of conduct and industry benchmarking.

More recently, a special ministerial advisory group has been established to assist and augment the role and duties of the club industry task force. The advisory group constitutes the following ten club chief executive officers: Michael Mullarvey from the Mulwala Services Club, Philip Gardner from the Western Suburbs Leagues Club, Newcastle, Peter Hale from the Ettalong Beach War Memorial Club, Rob Riddle from the Eastern Suburbs Leagues Club, Greg Pickering from the Mount Pritchard District Community Club, Denis Fitzgerald from the Parramatta District Rugby League Club, Paul Barnett from the Mingara Recreation Club, Peter Reid from the Maroubra Seals Sports and Community Club, Peter O'Connor from the Illawarra Yacht

Club and Stephen Muter from the Campbelltown Catholic Club. Stephen is one of my constituents; he is a fine and respected figure in the club industry.

Those chief executive officers—people who have lengthy experience in the long-term management of clubs—are providing the Government with a wide range of detailed advice on policy and management issues. While these processes are under way, it is clear that some significant issues remain in relation to club governance and the role of clubs as employers. A number of issues in this bill have been raised by unions, club industry groups and individuals through the task force process and also in representations to the Minister. Some of the proposals in this bill relate to improving the transparency and accountability of registered clubs and should be supported. The Act currently requires a director or top executive of a registered club to declare any gift from any affiliated body of the club that has a value of more than $500. It is proposed to extend this requirement to include remuneration, fees for service and the like that a club director or top executive receives from an affiliated body. That is intended to require the disclosure of fees that a club director would receive from a football club or other enterprise where there is an interdependent financial relationship.

The bill will also permit the public disclosure of information arising out of or relating to the administration of the Gaming Machines Act 2001 or the Gaming Machine Tax Act 2001 if it is in the public interest to do so. This will allow the publication of individual gaming machine tax and profit figures in the future when it is considered to be in the public interest. That will result in more, not less, information being publicly available. I will leave it to the Minister to address the issues raised by the honourable member for Upper Hunter in relation to the freedom of information legislation.

Finally, it is proposed to amend the Gaming Machines Act 2001 to make it clear that the Liquor Administration Board may suspend or cancel a hotel or club's authorisation to keep gaming machines if the hotel or club fails to pay its monitoring fee or gaming machine tax. This is a power that the board previously exercised, with some effect, when the gaming machine provisions resided in the Liquor Act and the Registered Clubs Act, when the board was responsible for revenue collection. In transferring this role to the Office of State Revenue, the need to keep the sanction of revoking the right to keep gaming machines was overlooked. The Government has already made many significant improvements to the accountability and corporate governance of registered clubs. However, it is clear that there remains a great deal to be done. I particularly look forward to seeing more initiatives as stage two of the work of the club industry task force continues. I commend this bill to the House.

Mr ANDREW TINK (Epping) [8.31 p.m.]: This is dreadful legislation. One can only wonder about the competence of those who introduced it. This House had before it a bill that allegedly gave Mr Temby powers to inquire into registered clubs, or gave the director power to hire someone like Mr Temby to inquire into a club or clubs. The ink had barely dried on that legislation when the Government presented another bill. We now find that that bill also is no good and further substantial amendments are required by the bill before the House. That is incompetence at its worst. Whether that incompetence resides in the Minister's department or in the Premier's Office, I do not know. I suspect that behind the scenes a fair bit of thuggery from the Premier and Treasurer is being directed at people in Gaming and Racing who, if left to their own devices, would know better than to bring in a rubbishy bill like this.

I agree wholeheartedly with the words used by the honourable member for Upper Hunter. This legislation seeks to use the full coercive powers of the State to go after an industry that has caused some grief and embarrassment to the Carr Government. That is what the bill is all about. It is designed to be coercive. It is designed to be intimidatory. It is designed to bend the will of people and incline it to the will of the Government. This legislation in an expression of the Government's objection to the campaigns that some clubs have been waging against the Government and its poker machine tax. It is a payback to those clubs for exercising their democratic right to object to a tax being imposed upon them, one of the most fundamental rights that people living in a democracy have. Revolutions have arisen and have been fought over the rights of government to levy tax. The American nation is founded on the efforts of people who objected to paying a tax.

When the clubs objected to paying a tax they were hit with legislation that only someone in a totalitarian State would be proud of. How the honourable member for Camden could stand in this place and with a straight face read a speech—no doubt prepared by the Premier's propaganda unit—that lauds this legislation, I simply do not know. The honourable member is a person for whom I have some regard, but he gives a tick to his Government's use of the full coercive powers of the State to go after people who are exercising their democratic right to object to a tax, one of the fundamental rights that they can exercise in a democracy.

When the Government first put forward its proposal I think it believed that it could set the attack dogs on the club industry and could come up with some findings that would put certain targeted people before the courts. I have some time for Mr Temby, but I have little left after his involvement in this business. In saying that, I have to assume that Mr Temby is a willing participant in the further amendments that are now before the Parliament. I suspect that Mr Temby, having put his hand up to do this job and having exercised all the powers he possibly can under the legislation that was rammed through the Parliament by the Government on the last occasion, has said, "Despite my best efforts and those of counsel assisting, and notwithstanding all of the powers that the Premier has given me, I have not been able to find anything that amounts to a criminal act on the part of anybody that I am supposed to be investigating, and I will come up empty-handed unless I get some more specific powers to make more general findings, which I believe I can do on the information that is before me."

Having given the inquiry a dry run and found the well empty, Mr Temby says to the Premier, "I need more powers, I need powers to make these findings of corrupt conduct, and then I will be able to justify the expense of $360,000 on this inquiry", at Mr Temby's own rate of $4,000 a day. He has been running an inquisition into a club that has had the temerity and hide to object to a tax. That inquisition has been costing taxpayers $4,000 a day. He finds he is going to come up empty-handed, and the Premier says, "You can't come up empty-handed; you've got to do better than that; we are in the fight of our life with the club movement; come up with a finding." But Mr Temby says, "I can only come up with a finding if you give me more powers." Both of them are desperate to justify expenditure that must now be nearing $500,000. What a joke it is that an act of retribution against people who are objecting to paying a tax will probably cost more than the Government will get from clubs paying this extra tax for some time to come.

This is an act of ex post facto justification of an inquiry that should never have commenced in the first place. If the Government goes after the club movement with special, draconian, totalitarian legislation like this, no group in the community will be safe from having this type of legislation applied to them. All members of this place and the public sector accept—I certainly accept—that there is a very important role for the Independent Commission Against Corruption to play using special powers in relation to the public sector, and in relation to those from outside the public sector who get entangled in allegations of corrupt conduct. Everybody in this State understands the rules of the game. They understand that for those purposes some special rules apply. What is different about applying such rules to clubs in particular is that this application is to a particular community group that has taken the Government on. The precedent set by this legislation sends the message to anyone else who wants to take on the Government: Look out, or your sector will cop a dose of this type of legislation; your sector will have Temby coming after you in full attack mode, with his full royal commission powers, if you take the Government on.

The Premier would never have Ian Temby investigate anybody in his Government. We will never see the Premier put up his hand, if his Minister for Gaming and Racing got into trouble personally, and say, "We will have Mr Temby investigate the Minister for Gaming and Racing." We will never see Joe Tripodi investigated by Mr Temby. Why? Because the Government knows what would happen. No, Mr Temby is saved for the Government's enemies, not for the Government's friends. That is what this legislation is all about. Halfway through his investigative exercise Mr Temby has said, "I haven't got the powers I need to do the job you want me to do, Bob." So this Chamber is presented with a bill to give him those extra powers. What is more, we now find that the powers in the amending bill are not right and the Government has to introduce yet a further amendment.

Another contemptible and objectionable aspect of this legislation is that relating to costs. That process of a club being hauled over the coals and proceedings being taken against it reminds me of those terrible executions in China where people who are found guilty are paraded out onto the grounds of a football stadium in the middle of a main city of China, are executed in front of a large crowd, and then the family has to pay for the bullets. This procedure is the equivalent in this State of an execution where the family pays for the bullets. You are dragged out, executed, and the members and others of the club who remain standing are told, "You can pay for this execution."

It is an absolute disgrace. To my knowledge it does not happen at the ICAC or anywhere else. It is absolutely and completely punitive. It probably arises from the Premier getting up on the morning of 3 September, reading the headline in the *Daily Telegraph* that he would be up for $360,000 and thinking, "My God, I can't be up for this type of bill for this legislation. We've got to recoup our costs. We'll get it back and we'll get it through the club movement." It is further intimidation and a further unprecedented move against a particular sector in the community. I do not think the House has seen anything like it before. If the Government is going to use the House to intimidate its enemies it is high time it was thrown out of office. The House should

not be used by dint of the Government's numbers to intimidate sectors of the community that are exercising their democratic right to take it on, particularly on something as fundamental to democracy as taxation. But that is what this is all about.

I could not believe what I heard from the honourable member for Camden when he lauded the Minister's second reading speech, the hypocrisy of which jumps from paragraph to paragraph. The bottom of page two of three of the second reading speech printed from the computerised version of *Hansard* says, "I turn now to the proposals in relation to improving the transparency and accountability of registered clubs." In the very next paragraph the Minister refers to provisions that will, in substance, actually restrict the transparency of information relating to clubs, which is to say restrict the transparency of gaming machine tax and profit figures. We know that this is a tool, a mechanism the Government will use—it probably has been used already behind the scenes—to reward friends and to penalise enemies. One does not have to be Einstein to figure out that a Minister, particularly a Minister as pliable as the Minister for Gaming and Racing who will put his name to this type of bill, will sign off to release any figures that embarrasses a club that is embarrassing the Government and to hide any figures that helps anybody who is helping the Government. It is another carrot and stick used in a totally partisan manner that would do justice to a partisan totalitarian government.

They are strong words, but how else can one describe this type of bill, which picks on a particular sector of the community in such a draconian and utterly outrageous way? If there were a problem with a particular club it ought to be a matter for the police, as it is for everybody else in the community. The complaint is made to the police, the Director of Gaming and Racing or the Minister. Somebody who is employed by the club or a member goes to the police and makes the complaint. The police inquire, investigate and put the brief together, which goes to the Director of Public Prosecutions [DPP]. Then it is put to a court and, ultimately, a jury to determine whether anybody or body of persons is guilty of an offence. Under this legislation not only is that unlikely to occur, but clubs, particularly, will be almost encouraged to be lazy about inquiries because they will not have to put together a brief that is good enough to pass muster with the police, the DPP, a judge and jury. They will have to put together a brief that is good enough for someone exercising royal commission powers to determine whether there is corrupt conduct.

Then they can be pilloried in the media until kingdom come. The media will run with it and the public will be fooled into thinking that it was a worthwhile exercise and the money was well spent. It is clear that the bill would not be before the House unless the Temby inquiry was unable to find sufficient evidence to put before the DPP, the police and a judge and jury. The bill will make it easy to make retrospective findings against the Government's enemies, particularly Penrith Panthers, that are unfair and unprecedented. It is the most partisan get-square exercise I have ever seen. It is utterly appalling. It is an act of corruption by the Government to bring the bill before the House because it is an act of partial conduct. The Government is acting partially against a particular group. The Government is acting with malice aforethought. The Government is acting in a partisan sense to bludgeon into submission a group in the community. The grandest irony of all is that this conduct—the partiality that is being shown—would fit easily within sections 8 or 9 of the Independent Commission Against Corruption Act.

It is the ultimate absurdity that Mr Temby, who was the first Commissioner of the Independent Commission Against Corruption, is lending his name to the grandest act of partial conduct that has ever come before the House. It is a disgrace and a shame upon him. If he had any shred of decency he would now withdraw from this inquiry and publicly say, "Enough is enough. What the Government asked me to do in this inquiry is wrong. It is partisan. It is partial. We ought to go back and apply the law as it is applied to everybody else in the community and every other sector of the community." As the honourable member for Upper Hunter said, we will oppose bitterly this legislation all the way through. We trust that in the fullness of time it will sound the political death knell for this Premier and his rotten corrupt Government. [*Time expired.*]

Mr ALAN ASHTON (East Hills) [8.46 p.m.]: I was very interested to hear the honourable member for Epping use terms such as "malice aforethought" and "act of corruption by this Government". It was straight out of legal lessons 101 that he attended at the college of knowledge. However, the last part of his contribution had very little to do with the substance of the bill. The Government recognises that the club industry and club employees need to be protected. The registered club industry is a significant source of employment for the people of New South Wales. Despite debate in this place in the past year or so about the club industry, it would be ridiculous to suggest that there are not people from all political persuasions in this House who are friends and supporters of the club industry. Recently some club managements, very few—I remain the patron of four clubs—have threatened to sack some club employees on fairly spurious grounds.

As a matter of fact, in one instance an inner-west club decided last November to dismiss a number of staff on the basis that the new gaming machine tax might affect the future earnings of the club. The new tax did not come into effect until 1 September, as we all know. Further, the first tax payment is not due until 21 December, some 13 months after the decision was made. It is not fair that a club should use the new tax rates as an excuse to sack workers more than one year before they come into effect. Several initiatives in the bill are designed to improve the rights of, and protect, workers in the New South Wales club industry. I will focus on what has been called the whistleblower part of the legislation. These initiatives have the strong support of the main trade union covering the industry, the New South Wales liquor and hospitality division of the Liquor, Hospitality and Miscellaneous Workers Union, a union with which I am quite familiar.

Both the president of the union, John Morris, and the secretary, John Barry, have made representations to the Government on these issues. They also represent employees on the Minister's club industry task force and the Club Industry Advisory Council. As a matter of fact, club industry representatives will meet with the Minister and his parliamentary Labor Party committee tomorrow to consider various aspects of the club industry and its ongoing arrangements with the Government in a whole range of areas. The bill will insert certain protections for employees who blow the whistle on improper practices at their club. Let us not forget that it was the Labor Party, as far as I recall, under Neville Wran that introduced whistleblower legislation in New South Wales nearly 30 years ago. We never would have had whistleblower legislation under a Coalition government.

Mr Barry O'Farrell: What?

Mr ALAN ASHTON: Ask a bloke named Phillip Arantz about the lack of whistleblower protection when he revealed figures and statistics about the criminality and the lies being told under the government of the Deputy Leader of the Opposition's previous great leader, Sir Robert Askin. Let us remember that whistleblower legislation was brought in by a State Labor Government, and the Coalition, albeit comprising different people at the time, opposed it.

Mr Barry O'Farrell: Name them! Come on!

Mr ALAN ASHTON: I will name them—people such as the member for Northcott, Jim Cameron, and other people who did not want to know about that. I will come back to that shortly. This bill will insert protections for employees to blow the whistle on improper practices at a club. The proposed whistleblower amendments are based on provisions in the Protected Disclosures Act 1994 which provided protection for public officials. The bill will make it an offence for any registered club or person to take detrimental action against the club's employee or director that is largely reprisal for the employee or director disclosing information to the Director of Liquor and Gaming concerning the conduct of the club. In return, there are protections provided to the club. It is an offence for an employee or a director to disclose information to the director that the person knows is false or misleading. That is reasonable: People cannot say, "I am a whistleblower and I can tell a whole pack of lies." Whistleblower protection is predicated on people telling the truth. Moreover, the club has a defence to any prosecution for taking action against a whistleblower, if it can establish that the disclosure was frivolous or vexatious.

The bill also provides that the director may refer employment-related matters that arise out of an investigation or a special inquiry to the Industrial Relations Commission or to the department that is administering the Industrial Relations Act 1996, and that is currently the Department of Commerce. The Liquor Act presently nominates employee organisations as one of the parties that can make a formal complaint against a licensee. The Registered Clubs Act does not include a similar provision, hence this part of the legislation. It is proposed to address this anomaly and add employee organisations to the list of parties that may take formal complaint action against a registered club. As honourable members would appreciate, club employees are often in a position to observe first hand improper and perhaps illegal or corrupt practices that might be taking place at a club. However, despite any concern they might have about the best interests of the club, its members and other employees, employees may be quite fearful that by reporting improper conduct to the Department of Gaming and Racing they may lose their job or have other action taken in retribution against them, their family or members of the club.

The power available to unions to make complaints has been in the current Liquor Act since the original Liquor Bill was introduced into the Parliament in November 1982. Opposition members at that time argued against the proposed power. At that stage, Neville Wran was the Premier of New South Wales. During the reply by the then Attorney General, Frank Walker, he stated, in response to reasons advanced by the Opposition for not supporting the legislation:

> Opposition members took a philosophical objection. They do not believe that trade unions have the right to take action for breaches of the law and to lay complaints. Trade unions, particularly the entertainment unions, have a direct interest in this industry.

I know that at the Revesby Workers Club, of which I am still the patron, we had some great acts in the old days by performers such as Tom Jones, the legendary Roy Orbison, whom I saw five times at the club—he would still be there if he were alive—and Tina Turner. Poor old Roy died on 6 December 1988.

Mr Barry O'Farrell: What about Elvis?

Mr ALAN ASHTON: Elvis has left the building. Frank Walker went on to state:

> For example, cabaret licences provided for live entertainment to be held on premises, with a requirement that a certain number of people must be employed. If the hotelier or the person in charge of the club breached that provision and, say, played canned music, why should not the union representing the entertainment industry be able to lay a complaint, pointing out that the condition of the license was not been fulfilled, and that members of his union were not being employed in accordance with that condition? Also, if the liquor trades union believed that the proprietors of certain premises were constantly and deliberately selling liquor to underaged people, and were conducting a premises in an illegal and immoral manner, even the honourable member for Northcott might agree that the trade unions should take action.

For the benefit of honourable members who do not know, the honourable member for Northcott was Jim Cameron. There are some problems in that family, but we will not go there. But to give him credit—

Mr Grant McBride: Ross Cameron's father.

Mr ALAN ASHTON: Ross Cameron's dad, yes. Jim Cameron was a great bloke and Ross has his own problems.

Mr Chris Hartcher: Point of order: The honourable member is digressing far from the bill. He is insulting people who are not members of this House, which is quite outside the leave of the bill. His remarks about the member for Northcott are quite totally irrelevant. The seat of Northcott does not even exist anymore. I ask you to draw him back to his prepared speech, which the department wrote for him, and to read that to the House.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The honourable member for East Hills will address his remarks to the subject matter of the bill.

Mr ALAN ASHTON: For the benefit of the audience watching on monitors in all the rooms, I point out that there is a bit of a prepared speech but I have underlined things, circled things, highlighted things, crossed out things and added things, and I present these pages as evidence to Madam Acting-Speaker. In other words, it is a genuine speech.

Mr Barry O'Farrell: As the member has offered, can he be asked to table the speech at the conclusion of his speech?

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! There is no point of order. The honourable member for East Hills may continue.

Mr ALAN ASHTON: I said I would table it to Madam Acting-Speaker, not to the Parliament. I will conclude my remarks by observing that the former member for Northcott was hypocritical. He spent all his life campaigning against transplants until he had a heart attack.

Mr Chris Hartcher: Point of order. What is the relevance of the member for Northcott's heart attack to this debate?

Mr Alan Ashton: The honourable member for Gosford started it and he wanted to keep going. He will hear the relevance in a minute.

Mr Chris Hartcher: The member for Northcott is not even alive, yet the honourable member for East Hills makes remarks about him and his heart condition. Madam Acting-Speaker, I ask you to direct him to confine his remarks to the bill.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The honourable member for East Hills will confine his remarks to the leave of the bill.

Mr ALAN ASHTON: I will. The honourable member for Northcott had always disagreed with transplants, but when he had a heart attack he had a transplant. Members opposite should read their history. Opponents of medical science become converts when they are very ill. Frank Walker went on to state, "... I believe that even those circumstances would not persuade him to take that view." I am allowed to read in the House from *Hansard*, the record of parliamentary proceedings. Frank Walker went on to state, "The Government does not take that view, and it will allow trade unions to make complaints."

Twenty-two years ago the Opposition would not allow trade unions to make complaints against clubs if trade unions felt that clubs were doing the wrong thing, yet members opposite have opposed this legislation on the basis that it is draconian. I adopt a term used by the honourable member for Epping who said that it was "malice of forethought", which is a term he got out of one of those nineteenth century books along with the term "an act of corruption". Because the Opposition has dragged this out of me, I will conclude my remarks by pointing out that there is also history attached to the attack on Ian Temby. Let us not forget that Nick Greiner appointed Ian Temby, but one of the unfortunate and tragic tasks that Ian Temby had to perform was report on the conduct of Nick Greiner. The Coalition has never let him forget it. The Coalition does not like Ian Temby conducting the inquiry into the Penrith Panthers.

[*Interruption*]

It was two judges to one, and these things happen. I think I have made my point and, having upset the Opposition, I will leave my speech at that.

Mr CHRIS HARTCHER (Gosford) [8.57 p.m.]: This bill is stage two in the attack by the Australian Labor Party on the registered club movement in New South Wales. Stage one was taxation that was an attempt to financially ruin the club movement and effectively destroy many aspects of the club movement. Stage two is designed to ensure that the club movement is so emasculated and so controlled by the State Government that it loses its autonomy and independence. The club movement of New South Wales is one of the great movements that this State has produced in the past 100 years. On the Central Coast area where my electorate is located, it has played a significant role in providing a wide range of voluntary social services to sporting groups, to pensioners and to the community generally.

The aim of this bill, consistent with the aim of the club poker machine tax, is to destroy the great club movement over a number of years. It is extraordinary that a Government that claims to represent the disadvantaged in our community should be prepared to take an axe to an organisation that seeks to assist the disadvantaged in our community. This bill is directed at ensuring that the Government has power to hold inquiries into clubs, but more than that to ensure that it will be able to cripple clubs with costs, make all sorts of decisions in relation to clubs, require all sorts of information from clubs and subject clubs to ministerial direction. The bill is retrospective because the Government has been unable to destroy the largest club in the State, Penrith Panthers. The Government has set up an inquiry designed to crucify Mr Roger Cowan, and that inquiry has not established any evidence of wrongdoing by Mr Cowan. The inquiry attempted to embarrass Mr Cowan, but found no evidence that he acted improperly. Therefore, the bill is retrospective in that it is aimed at ensuring that more attempts are made to get at, to use the vernacular, Mr Cowan.

There are some magnificent clubs on the Central Coast. In the electorate of The Entrance, represented by the Minister for Gaming and Racing, there is a wide range of clubs including the Mingara Recreation Club, the Tuggerah Lakes Memorial Club and The Entrance Bowling Club. In the electorate of the honourable member for Peats, who is currently in the Chair, is the great Ettalong Beach War Memorial Club, the Woy Woy Golf Club and the Woy Woy Bowling Club. In my electorate is the Central Coast Leagues Club, the Terrigal Memorial Country Club, the Terrigal Bowling Club and the Avoca Beach Bowling Club. Every one of those clubs will suffer from the tax and from this bill. The scandal on the Central Coast is that Minister McBride, who represents the electorate of The Entrance, and Madam Acting-Speaker, who represents the electorate of Peats, have turned their backs on their electorates, on their people. The Minister especially is famous for changing his views as he drives over the Hawkesbury River bridge.

Mr Barry O'Farrell: He sees the light on the road to Damascus.

Mr CHRIS HARTCHER: As the Minister heads south through the Central Coast he is the champion of the club movement, but as the Hawkesbury River bridge draws near, and Sydney gets closer, as the Deputy

Leader of the Opposition so rightly says, he sees the light on the road to Damascus. He sees the privileges and perks of the ministerial office and ministerial car. He is prepared to sacrifice, on the altar of his own ambition, the Mingara Recreation Club, the Tuggerah Lakes Memorial Club, The Entrance Bowling Club and every other club in his electorate, because he is the Minister and he will toe the line. And you, Madam Acting-Speaker, have turned your back on the magnificent Ettalong War Memorial Club. What have you said in this House on behalf of the club movement? What have you done for the Woy Woy Bowling Club or the Woy Woy Golf Club?

Mr Alan Ashton: Point of order: We are having a great debate and it will continue all night. The honourable member for Gosford would take the point that while you, Madam Acting-Speaker, are in the Chair you have to rule on points of order. When you are not in the Chair and resume your spot on the benches, the honourable member for Gosford would be quite entitled to get stuck into you as much as he likes. However, while you are in the Chair you should rule that he is digressing, which he accused me of doing, and ask that he not reflect on the Chair. At the moment you are the Acting-Speaker and the honourable member for Gosford knows that.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I uphold the point of order. I ask the honourable member for Gosford to confine his remarks to the subject matter of the bill.

Mr Barry O'Farrell: There is nothing like self-interest.

Mr CHRIS HARTCHER: The Deputy Leader of the Opposition made a valid point, which I will not go into this evening. This bill, in its retrospectivity, is quite extraordinary. I ask honourable members to think of other legislation that this House has passed that is designed to be retrospective in its effect; in other words, to go back into the past when actions were illegal or governments had no power and give the government power or make those actions legal. In the past six or seven years I can think of only one example, and that concerned the motor accidents legislation by which this Government sought to deny people who were injured in industrial claims the right to bring action under the Motor Accidents Act. We now have the second tranche in which the Government is saying that it will ensure that it has the power to get into the club movement, to effectively bring the club movement to heel and will give itself those powers on a retrospective basis.

Why does the Government wish to do that? That is part of its plan to cripple the attempts by the club movement to fight the tax. If the club movement were not fighting the tax the Government would have left it alone. But the club movement is fighting the increased poker machine tax and is mobilising its members against the poker machine tax. The club movement had 20,000 people demonstrate in Macquarie Street last Wednesday. The Government's reaction to that is to try to ensure that it can destroy the independence of the clubs, starting with the Panthers club and then moving all the way through. But of all the hypocrisy that has surrounded Mr Egan and the Premier, nothing matches the hypocrisy of the Minister for Gaming and Racing, who represents the electorate of The Entrance. According to the registered clubs survey, that electorate contains the largest number of people who support and are involved in their local club. On the Central Coast more people are involved in clubs and supportive of the club movement than in any other part of New South Wales. The Minister for Gaming and Racing has not stood up for his constituents, has not argued their case and has not brought their case to Parliament. In fact, as exposed on channel 3, when he presumed that no-one was watching—

Mr Grant McBride: Channel 3? Everyone watches channel 3.

Mr CHRIS HARTCHER: The Minister did not think he would be caught by channel 3, but he was, effectively saying that the club movement could pay the tax, and could just go to hell. That was the attitude exposed on channel 3.

Mr George Souris: You are supposed to be the club's advocate.

Mr CHRIS HARTCHER: As the honourable member for Upper Hunter said, the Minister was supposed to defend and support the club movement, to be their advocate. The Minister is a party to and complicit in this attempt at their destruction. The honourable member for Peats has not been articulate in defending the interests of the thousands of pensioners in her electorate and the thousands of young schoolchildren who are supported and financed by the registered clubs. On the Central Coast junior sport would simply not exist without the registered clubs, be it in rugby league, rugby union, cricket or the surf life saving movement. The entire junior sport movement has been financed and supported by registered clubs for the past 30 years.

The hundreds of pensioners who go to major clubs such as the Central Coast Leagues Club, the Mingara Recreation Club and the Ettalong Beach War Memorial Club for cheap, subsidised meals and excellent entertainment in the form of bingo days and other events will lose all of that if this bill, coupled with the poker machine tax, passes through Parliament. The biggest sufferers of the legislation are the people of the Central Coast. The quietest voices on this legislation are those of the Minister for Gaming and Racing and the honourable member for Peats. We have the extraordinary spectacle of the person who is acting as the executioner of the clubs, being the Minister for Gaming and Racing, the Hon. Grant McBride.

The Central Coast Leagues Club, in my electorate of Gosford—which may well be in the electorate now represented by the honourable member for Peats after the redistribution—has written to the Minister and the Premier, but has received no reply. The Minister has not replied to the correspondence from the Central Coast Leagues Club. The clubs have written and asked the Minister to justify this crippling tax impost and I am sure they will write to him again asking how he can justify this legislation. What is the response from the Minister? What is the response from the representative of The Entrance electorate? Nothing at all.

The Minister asked by way of interjection, "How many conversations do I have to have?" The Minister is not interested in talking to people or in hearing their views. He is not interested because he does not care. It is a sad reflection on the Minister and an even sadder reflection on the honourable member for Peats that they are prepared to turn their backs on tens of thousands of people that they should be supporting and representing. The honourable member for Upper Hunter clearly put forward the arguments against the bill, so I will not repeat them. I am here to speak on behalf of people on the Central Coast, and I have done that.

The people on the Central Coast will be the biggest losers as a result of this legislation, which contains the usual sops for the trade union movement, in this case the Liquor, Hospitality and Miscellaneous Workers Union—a declining union that cannot even effectively look after cleaners. This Government is screwing cleaners in this State. The Hon. John Della Bosca—another representative of the Central Coast—is giving cleaners a good kick. We now have this little sop in this legislation for the LHMWU, to ensure that its voice is heard.

Mr Paul McLeay: It is the LHMU.

Mr CHRIS HARTCHER: It is now the Liquor, Hospitality and Miscellaneous Union. I stand corrected by that great stacker of the Public Service Association [PSA] who knows his unions.

Mr Barry O'Farrell: The Joe Tripodi of the PSA.

Mr CHRIS HARTCHER: As the Deputy Leader of the Opposition said, he is the Joe Tripodi of the Public Service Association. That sop has been given in an attempt to ensure that the union has representation at all the various levels when it does not even represent the great bulk of members who work for clubs. The issue that counts—

Ms Linda Burney: Sit down.

Mr CHRIS HARTCHER: I was going to sit down but now I will talk for the remainder of the time that has been allocated to me. That was a foolish interjection. I will talk about clubs in Canterbury, for example, the Canterbury-Bankstown Rugby League Football Club. I will talk about all the clubs in Canterbury that the honourable member claims to represent. I am sure that she goes to those clubs and says, "I really do not support this tax or this legislation but I was overruled in caucus."

Ms Linda Burney: It is not in my area.

Mr CHRIS HARTCHER: Such hypocrisy speaks volumes about the honourable member who hides behind caucus decisions. She does not have the courage to stand up in this Parliament for clubs and the people who supported her in 2003. Many Government members hide behind caucus. They go to their clubs and they say, "I know this is terrible. I know that you cannot survive. I know that this legislation is wrong, but it is not really the fault of the Minister. Michael Egan and Bob Carr forced it on him. I really support you and I will again raise this issue in caucus." Does the honourable member for Swansea sing a sweet song as he drives north over the Hawkesbury Bridge following the light on the road to Damascus? This legislation might be passed but the Government will suffer the consequences of a whirlwind in March 2007.

Mr PAUL McLEAY (Heathcote) [9.13 p.m.]: I wish to refer in debate to the special inquiries that may be conducted into registered clubs. The Act already enables the Director of Liquor and Gaming to establish an inquiry into corrupt or improper conduct in relation to a registered club. Following legal issues arising from the current Temby inquiry into the Penrith Panthers Rugby League Club, the Government decided to use this legislative path to clarify issues relating to findings by an officer presiding over a section 41X inquiry. It was never contemplated that anyone would challenge the right to make findings as a result of such an in inquiry under section 41X when the original legislation was passed in this place.

These powers are similar to the powers that have been given to the Independent Commission Against Corruption and to the Casino Control Authority. I am sure honourable members would want such inquiries to be able to make findings or recommendations. The bill will amend the provisions relating to special inquiries into registered clubs to make it clear that such inquiries can make findings in relation to corrupt or improper conduct in certain circumstances. A finding relating to corrupt or improper conduct can only be made if, as has already been explained, the person presiding over the inquiry is a judge or a legal practitioner of at least seven years standing.

The bill also provides power to the person presiding over the inquiry to recommend that the director refer matters to a law enforcement agency or other person. The bill also clarifies that the director may divulge or publish part or all of the inquiry if it is in the public interest to do so. The bill provides the director with the power to recover the costs of an investigation in limited circumstances. This is an area in which the Government has undertaken to move an amendment in Committee to take on board the input of ClubsNSW. That will indicate the circumstances under which a court can award such costs.

Earlier it was claimed that the rules were being changed midway through the inquiry. It was always the intention that the person conducting an inquiry under section 41X of the Registered Clubs Act should be able to report on his or her findings. There seems to be little point in conducting a lengthy inquiry into a registered club if, at the end of the process, the final report does not include clear findings and recommendations. During the course of the current inquiry by Mr Ian Temby, QC, into Penrith Panthers Rugby League Club, counsel representing the club questioned Mr Temby's power to make specific findings of corruption and improper conduct.

The club also initiated action in the Supreme Court aimed at preventing Mr Temby from making any such findings. If the person presiding over an inquiry is convinced that a club or any person in relation to the club has been involved in corrupt or improper conduct, it is in the public interest for that finding to be reported. An important transitional provision is provided on page 10, lines 27 to 30, of the bill. That provision enables a person presiding at an existing inquiry to allow any person represented at the inquiry to make additional submissions in relation to these new powers. I, and I am sure the Minister, fully expect that Mr Temby will be providing the parties to the current inquiry with every opportunity to make submissions in relation to corrupt or improper conduct.

The inquiry has not yet concluded its hearings. In a regulated industry, New South Wales clubs wish to make amendments to this legislation that will benefit the whole industry. Industry can be assured that inquiries will be conducted when there are allegations of corrupt or improper conduct. The vast majority of clubs that are doing the right thing are protected. They know that their industry will not be brought into disrepute as a result of the actions of a few. I commend the legislation to the House.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [9.17 p.m.]: I am indebted to the honourable member for Heathcote for explaining the section of the legislation that establishes whether or not an inquiry can be conducted to determine if there has been corrupt or improper conduct. I differ from my colleague the honourable member for Upper Hunter in that I state that this evening the honourable member for Heathcote, in an unpersuasive way, at least put forward a rationale for these changes, which is more than the Minister did when he made his second reading speech on 1 September.

The Minister recounted four sentences in relation to what I regard to be the heart of this legislation. In none of those sentences did he attempt to justify in the way that the honourable member for Heathcote did this evening the rationale for the legislation. I support my colleagues, led by the honourable member for Upper Hunter, in opposing this legislation. I do so on one ground alone, that is, its retrospective nature. That issue was confirmed this evening by the honourable member for Heathcote who said that this Act and these changes come in the midst of a Supreme Court challenge to the powers under part 4 of the principal Act.

In other words, the Government is seeking to rush this legislation through both Chambers of the House before the Supreme Court of New South Wales makes its decision. That is an improper use of the Legislature. As the honourable member for Upper Hunter said, the Government is changing the rules. In any assessment of the way in which this legislation operates it is a retrospective attempt to change the ground rules. Every citizen in this State, whether he or she is a friend of hotel industry, the club industry or on the Labor or Liberal side, ought to be concerned when governments seek retrospectively to change the rules, because nobody is safe.

The reality is that it is anybody's right in this State to challenge laws as they see fit. The fact that the Government was surprised that legal counsel raised issues about the commissioner's ability to make findings and the fact that it appeared surprised that certain parties before the commission would take these matters to the Supreme Court is neither here nor there. It is the basic right of every individual who lives in New South Wales to use the justice system to test the law. That happens on a daily basis and we survive irrespective. The reality is that this does not suit the Government's game plan, which is to condemn certain aspects of the club movement as part of its jihad against the registered club movement for one thing alone: The fact that the club movement in New South Wales has been prepared to say no to government.

I have spoken previously in this place about the Roozendaalisation of the Australian Labor Party in New South Wales—that is, the sale of access and the reaping of money from development and other industries across this State. The club movement did not always play that game and since the last election has suffered for it, as the honourable member for Gosford said, first, by the imposition of increased taxes; and, secondly, by the sorts of measures encased in this legislation. This is an attempt by the Government to punish the club industry for having the temerity to stand up to the Government. That is simply unacceptable. It is unacceptable from a Labor government, it is unacceptable from a Liberal government or from any other form of government that we would pursue, using the full powers of government, individuals or corporations for vested political reasons, as is currently occurring.

Every citizen in this State has a right to challenge the laws passed by this Parliament. Every citizen also has a right to abide by the decisions handed down by the umpire. But this Government is not prepared to allow the umpire to make a decision in relation to this matter. It is rushing this legislation through Parliament, trying to change the ground rules and seeking to enact retrospective legislation. For that reason alone this legislation should be opposed. But at the same time as the Minister for Gaming and Racing is seeking to amend legislation to enable the commissioner—under what I would regard as being by any measure tin-pot investigative legislation—to bring down a significant finding of corrupt or improper conduct, at the other end of the ministerial food chain the Premier has established an inquiry into the Independent Commission Against Corruption [ICAC] that specifically seeks to determine whether the ICAC should retain the power to make a finding of corrupt conduct.

On the one hand, because it does not suit the Government—which on a daily basis runs into more and more problems with the ICAC and has more and more people appearing before it—the Government is very happy to initiate an inquiry to try to pull the teeth of the ICAC by removing from that body the power to declare a finding of corrupt conduct. But at the other end of the food chain—at the single amoeba end of the food chain—the Minister for Gaming and Racing is trying to put into his legislation the very thing that the Government is trying to take from the ICAC. If that double act involving the ICAC legislation—ICAC should be powerful and effective in this State—and this other legislation, which is simply designed to harass the club movement, is not an example of what this Government is about I do not know what is.

I conclude with this point—which will horrify probably most members in this Chamber. If Ian Temby wants to be able to hand down decisions of corrupt and improper conduct he should become ICAC commissioner again. I, for one, would welcome that. I, for one, would welcome an ICAC that did not behave as a lap-dog but was genuinely the watchdog, that members of this place were once again fearful of and that was proactive and not, as it has been for the past nine years, winding down like an inner spring in an old grandfather clock. I would welcome Ian Temby to the ICAC commissionership. But I tell you what: Those on the Government side of the House would have a lot more to fear that they do under the current administration. But that is no reason to amend this legislation retrospectively and to give to Mr Temby in these circumstances, in the midst of a Supreme Court action, the power to find someone corrupt when this Government is trying to remove that very power from the ICAC in this State.

Mr PAUL GIBSON (Blacktown) [9.24 p.m.]: I support the Registered Clubs Legislation Amendment Bill, which the Opposition has branded as draconian. The only draconian thing about this debate is the fact that the club movement wants no scrutiny of its actions whatsoever. But scrutiny had to happen. Look at what has

happened in the club industry in the past year or two. I am sure that no-one in this State, apart from some very loyal club directors, would agree that legislation of this sort should not be in place. It should have been enacted a very long time ago. The reason it is needed is simple. The clubs started small—many were almost backyard operations—but over the years they have turned into multimillion dollar businesses. In many cases the same directors, with no business experience whatsoever, who ran those small concerns are still running the clubs today. Guidelines had to be laid down, and this legislation sets out guidelines for these people.

Some club general managers earn more money than the President of the United States of America. Something is wrong somewhere. A handful of club general managers in this State earn more money than the Prime Minister, who is running the nation with a $800 billion budget. So something had to happen somewhere. Consider the lead-up to the introduction of this bill. As we know, clubs are non-profit organisations but many of them were giving very little back to the community. So the Community Development Support Expenditure Scheme was introduced. But many clubs would not even give a lousy 1.5 per cent payment back to the community. Those that give 1.5 per cent get a tax deduction so it costs them absolutely nothing. Many clubs today are still paying very little apart from that 1.5 per cent. I think club members are starting to realise the reality of the situation.

The clubs have grown out of all proportion and in many cases no-one has taken account of the harm that they have done to some areas. Take Penrith, for example—the Penrith Panthers club has been mentioned many times in this debate. When I first played rugby league in Penrith many years ago—I was paid by Panthers in those days, and I was very pleased to be—there were many restaurants to choose from. But the club has been allowed to get so big and run its own race so much that it has traded most local restaurants out of Penrith. The movie theatres have been traded out of Penrith. The local pool suffers because water sports are played at Panthers. The mecca is Panthers, not Penrith as a whole. At the end of the day it has probably been bad for Penrith. It is good that we have finally won the rugby league competition after many years but local businesses have suffered because the Panthers club has been allowed to grow at a great rate without guidelines. This legislation provides some guidelines.

We have heard much tonight about the people who marched in the demonstration the other day. That is fine. One Opposition member said that 10,000 people marched and somebody else said that there were 20,000 people. I know a little bit about marches because I have been involved in quite a few of them and there would not have been 20,000 people at the recent march if we had counted their legs! But even if 20,000 people had taken part, there are 2.5 million club members in New South Wales. So that is not a great representation by any means.

Blacktown Workers Club is the biggest club in my electorate. Three weeks ago it held a meeting to discuss this legislation and the increased taxes. The meeting was advertised two or three weeks beforehand and there were many stories in the newspaper, leaflet drops—the whole box and dice. News of the meeting was in the information sent by the club to every member. Bear in mind that Blacktown Workers Club has about 55,000 members. There was such a reaction to this bill from the public that the meeting could not start at 7.00 p.m.—its designated starting time—not because the crowd was too large but because there was not crowd at all. The meeting finally started at 7.10 p.m. and 51 people turned up. Six were members of the Labor Party whom I asked to go along to see what happened—

Mr Thomas George: You didn't branch stack, did you?

Mr PAUL GIBSON: We did not have to. Ten or 20 directors and their wives were present but only about 20 ordinary club members—not branch stackers—turned up. The meeting started at 7.10 p.m. and there is such great interest in this issue in the community that it was over by 7.20 p.m. What about the march? The club movement organised buses to bus in marchers from all over New South Wales. So Blacktown Workers Club ordered two buses. They could not fill two buses. In the end 79 people turned up, mainly directors, their wives and friends, and people in charge of local sporting clubs. Of a total membership of 55,000 only 79 turned up. Not a very big representation. I dare say if every club in New South Wales followed the same course, approximately the same number of people would turn up.

So far as the general public is concerned the debate is finished. In my view the Government has won the debate. I have no doubt it has won the debate. There is a nuisance factor in respect of clubs that we have to deal with. We saw that when 6,000, 7,000, 10,000 or 20,000 people turned up here last week. As I said, the debate has been won by the Government. There are 2.5 million club members in New South Wales—some say 3 million—and the small number who protested here last week speaks volumes for the Government's actions. The ordinary club member has no interest in the matter.

There has been talk about scare campaigns. A scare campaign has been conducted by just about every club in New South Wales. Little old ladies have come to see me and have phoned me saying that bingo will be cancelled because of the terrible thing that the State Government has done. I have heard it said that people will lose their jobs because of the actions of the Government; that the price of beer and the price of meals will increase because of what the Government has done. If they are not scare tactics, then I have never witnessed scare tactics. The clubs should be scorned for what they have done and the way they have treated their members. The case of Penrith Panthers club has been referred to and I do not want to speak about matters that are before the court. One only has to look at the case that is being played out in the court at the moment to know that anyone who thinks that everything is fine and dandy in club land must live under a mushroom. Club members are beginning to realise that they have been getting a bad shake.

Blacktown Workers Club has been saying that bingo will be affected as a result of this legislation, as will various local sporting bodies; that every activity in the club will be affected because of the Government's actions and the clubs will go broke. Parramatta Masonic Club came on the market for sale about a month ago. What did Blacktown Workers Club do? It decided to buy the Masonic club. The Masonic Club had a $6 million debt. Not only did Blacktown Workers Club purchase the Masonic Club, it also bought that club's debt. That club is telling its members that it cannot afford bingo, cannot afford to put on a Christmas Party and cannot afford to subsidise meals or drinks for members. It is a joke and the club should be portrayed for what it is.

The clubs have spoken about having to pay excessive taxes and honourable members have heard in this Chamber tonight about the difference between hotels and clubs. If the club industry had to pay the same taxes as the hotel industry every club would close. They could not do it. The reason they could not do it is because over the years the clubs have been badly managed in general. That is why they are in trouble today. Penrith Panthers has bought clubs at Richmond and Cabramatta, on the Central Coast and elsewhere. What will happen is that, at the end of the day, when it suits, when the price of real estate reaches a certain level, those clubs will be flogged off. The areas where those clubs have been purchased will be left without club facilities. There is no doubt about that.

There has been mention tonight and questions have been asked about whether the new provision relating to disclosure of information will mean that all gaming machine information will be suppressed unless the responsible Minister or the Treasurer believes it is in the public interest to release it. What rubbish! The shadow Minister, a good friend, claimed that the new provision in relation to disclosure of information would override the Freedom of Information Act. That is not true. It is completely wrong. The provision relating to disclosure of information does not mean that all gaming machine information will be suppressed unless the Minister or the Treasurer believe it to be in the public interest to release it. That provision should be included in the legislation. The secrecy provisions have to be included. It is only commonsense that they should be included.

The Liquor and Registered Clubs Act includes secrecy provisions that generally prohibit the disclosure of information that has been acquired in the exercise of a function of an office held by a person in the course of administering this Act. As I said, it is a basic provision and should be included. Everything in this world is not perfect but this legislation will go a long way towards providing guidelines for clubs that they have not had before. It is the case with many clubs, including some in my electorate, that tenders are not called for various services. For example, tenders are not called for the barber shop situated in my local club. The same person runs the barber shop year after year. He happens to be a member of the board. He is not required to tender, merely to become a board member. In many instances no tenders are called for the provision of entertainment in clubs. The entertainers happen to be board members. In most clubs bingo—

[*Interruption*]

We will release something in the near future that might surprise you. All the bingo prizes in these clubs are provided by the same person. No tenders are called for. One just has to be a director of the board. It goes on and on. Something had to be done and I congratulate the Minister on bringing this necessary legislation before the House. I have said on many occasions that guidelines must be provided for the club industry and this legislation goes a long way towards that objective. The clubs in many parts of New South Wales have been allowed to get too big and dominate business and trade in those areas. That has been done at the expense of small local businesses. I come from a country town, Young, which suffered for a long time because of the size of the Services and Citizens Club. I hope that in the near future this legislation will correct those anomalies in the club industry. I support the bill.

Mr STEVE CANSDELL (Clarence) [9.37 p.m.]: I oppose the bill. The objects of this bill are to amend the Registered Clubs Act 1976 to provide protection for whistleblowers who speak out about excesses or improper conduct in clubs, to increase disclosure of club information to ensure full transparency and for a special inquiry to make findings of corrupt or improper conduct. What a nice, fuzzy way for this Government to attack the club movement for defending its right to free speech and invoking its democratic right to oppose legislation.

The Government is willing to bring in retrospective legislation to find a political enemy guilty. The Government is using this inquiry to prosecute and intimidate the club industry for its strong political campaign against the proposed higher taxes. How dare registered clubs in New South Wales campaign against this State Labor Government and oppose the tax that is going to cost jobs, cut services and dramatically reduce donations to charities in our communities! Those charities cover sport, youth, and Meals on Wheels. I have a list from the Grafton District Services Ltd, whose directors are not paid more than the Prime Minister. Recipients of that club's donations include the Grafton women's hockey club, the City Bears Soccer Club, Grafton High School, Grafton TAFE, Caringa Enterprises, which supports people with disabilities, Grafton Artfest, swimming clubs, a bowling club and the Clarence Valley BMX Club, which supports youth in the district.

The club's donations include $22,851 to the Westpac Rescue Helicopter. Where would we be without the Westpac Rescue Helicopter and the local clubs and the money they contribute to the community? The club also supports four surf clubs in the area—Red Rock-Corindi Surf Club, Wooli-Minnie Water Surf Club, Yamba Surf Club and Woolgoolga Surf Club. Red Rock-Corindi Surf Club is supported by the club, but where is the Government? For 10 years the club has been fighting and begging the Government to provide funding for a surf club site at Red Rock. It has received promise after promise that things would be rectified. The trust has just been sacked. Six months ago the club was told that an inquiry would be held and a steering committee set up to get a site. Not one meeting has been held with the Minister as yet. Where is the Government? When clubs meet the need the Government is nowhere to be found.

The list of donations from the club goes on and on: the Royal Blind Society, South Grafton play group, the special children's Christmas party, the Grafton Community Centre, the School of Arts, breast cancer research and Legacy. An amount of $5,000 was given to Camp Quality, another great charity. A little critically disabled boy was given $5,500 to assist in getting him to Sydney to obtain help. A disabled bowler was given a $1,000 grant. Recently, a Pedal for Preschool campaign through the valley was conducted to raise money for preschools. Once again the Government has let preschools down, with no increased funding in the nine years it has been in office. We have chased up extra funding for preschools. Who dug in deep? Once again, the "clubs" supported the community.

Most members of bowling clubs in my electorate are pensioners. It is common knowledge that it costs between $13 and $17 per player per game to maintain the bowling greens. The players pay $5 or $6, with a subsidy of between $8 to $10 a game. That payment will have to increase. That is not a scare tactic: It is a simple fact that by 2010 the Grafton District Services Club will lose up to $600,00 a year as a result of this tax. Someone will have to pay. The bowlers and Meals on Wheels will pay. There will be no subsidised raffles.

The bill provides ways for the Government, through the imposition of costs, to break whichever recalcitrant clubs it chooses. It is classic Labor Party thuggery, as the honourable member for Upper Hunter said. It is good old union standover tactics. Reg Reagan sings *Bring Back the Biff*— bring back the biff if they get out of line! That is basically what the Government is doing with this legislation. It is obvious that I vehemently oppose it. Once again, the Government is picking on the club movement for daring to speak out. This bill hits against democracy and is almost bringing back—

Mr Thomas George: The biff.

Mr STEVE CANSDELL: It is not bringing back the biff, but it is almost bringing back the way countries were run before the Iron Curtain was pulled down. If this legislation is passed it will bring shame on the Government and on this Parliament.

Mrs JUDY HOPWOOD (Hornsby) [9.43 p.m.]: The Registered Clubs Legislation Amendment Bill seeks to amend the Registered Clubs Act 1976 and other Acts with respect to complaints relating to registered clubs, disclosure of fees, inquiries and investigations and public disclosure of information and for other purposes. Because of the lateness of the hour I will speak only briefly about this bill. It is yet another impost on clubs. The clubs in my area work extremely hard and contribute greatly to the community. Now they are all

working hard to point out the problems they will face following the commencement of the new tax on 1 September. People from those clubs were among the 20,000-odd people who rallied outside Parliament House on 1 September. The clubs in my area do not fit into any of the categories referred to by the honourable member for Blacktown.

The new impost comes on the heels of the Athens Olympic Games and the Paralympics Games. A great deal of money was given by clubs to the Australian Institute of Sport and the New South Wales Institute of Sport for past Olympic Games. That is an example of the assistance provided by clubs. The presentation of Government amendments at the last minute is appalling. The overriding purpose of the bill appears to be to retrospectively influence a current inquiry into a large leagues club. However, the new impost will impact on all clubs. The Government has dramatically moved the goalposts and the way this legislation has been foisted on this House, the clubs and, ultimately, the community is unacceptable. No-one is safe.

The legislation is retrospective, will deny natural justice and is philosophically obnoxious. The way in which the legislation has been introduced is totally unacceptable. Have any relevant persons been asked to contribute to the contents of this bill? The purpose of the legislation appears to be to influence the result of the current inquiry. I support the remarks of the honourable member for Upper Hunter and other members on this side of the House who have so vividly set out the reasons for opposing the bill. I call for the immediate abandonment of the current inquiry. This bill is draconian and no-one will be safe if it is passed.

Ms KATRINA HODGKINSON (Burrinjuck) [9.47 p.m.]: I note the extremely comprehensive contribution of the shadow Minister for Gaming and Racing, the honourable member for Upper Hunter, to the debate on the Registered Clubs Legislation Amendment Bill. I support the arguments that many members on this side of the House have raised. It is extraordinary that the attack on clubs by the Government continues. One wonders what the clubs have done to the Government to deserve the legislation they have been faced with. The Goulburn Soldiers Club and the Goulburn Workers Club are under threat due to the increase in gaming tax imposed by this Government. Last Wednesday those clubs were represented at the rally outside Parliament House, along with 15,000 other protesters. They are extremely concerned about the increased gaming tax.

In December last year the Government amended the Act to establish an inquiry into matters pertaining to Penrith Panthers club. As the honourable member for Upper Hunter said, Ian Temby, QC, was subsequently appointed to conduct the inquiry. The Government argues that the amendments in the bill fulfil the original intention of the amendments introduced in December. However, as the honourable member for Upper Hunter also pointed out, the Panthers inquiry is incomplete, so this legislation is retrospective. What is good about retrospective legislation? I do not think good retrospective legislation exists. It risks a denial of natural justice. It is true that the parties involved and their legal counsel would have determined their approach to the evidence in the inquiry on the understanding that it would be up to the inquiry to form an opinion on corrupt conduct. The Opposition vehemently opposes this bill. We hope that the Government will listen to the concerns that have been raised during the debate.

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [9.49 p.m.]: I oppose the legislation and applaud the remarks made by the shadow Minister for Gaming and Racing on the bill. It is the second wave of the attack on the club movement in New South Wales. The first wave was the introduction of new taxes that applied from 1 September this year. The second wave singled out the club movement as a sector that needs to be brought to heel by the Carr Government. I strongly support the honourable member's remarks about the retrospective aspects of this legislation. Through this legislation the Government is introducing new rules halfway through the game; it would change the goalposts halfway through the Panthers inquiry. How inappropriate that the person heading the inquiry, no less than Mr Temby, should approach the Government for extra powers to ensure he can make findings in relation to corrupt conduct that are not available to him at the moment.

I would like to touch on a good point made by the honourable member for Epping. The powers that the Government seeks regarding inappropriate behaviour in the club movement already exist in the powers of the director-general, police powers and the powers of the courts. If anyone in the club movement is guilty of inappropriate behaviour, existing legislation gives the Government the capacity to move against them. This legislation is draconian in its intention. It sets a bad precedent. The Government sends out in this legislation the message that anyone who opposes Government policy and has the temerity to oppose a new tax that the Government would impose will be pursued and legislation will be introduced against the relevant sector. As a civil libertarian and a person who believes in small-l liberal principles, I find this legislation quite inappropriate.

The honourable member for East Hills made much of his assertion that this State's whistleblower legislation was introduced by the Wran Government. Nothing could be further from the truth. I chaired an inquiry into whistleblower legislation conducted under the Fahey-Armstrong Government. A Coalition Government introduced the whistleblowers legislation. The honourable member for East Hills should learn a little more about this State's political history. What he had to say about whistleblower legislation was completely wrong.

The Government is using the Panthers inquiry to persecute and intimidate the club industry because of that industry's campaign opposing the imposition of new taxes by the Government from 1 September. Indeed, this bill could be seen as an act of political intimidation of the club industry by the Government. Clubs NSW legal counsel, understandably, are concerned that this legislation is a direct intervention in the proceedings of the Supreme Court of New South Wales. That is wrong in principle. If a case is being conducted in the Supreme Court it is inappropriate for the Government to seek legislative changes designed to affect the outcome of the Supreme Court. If the Supreme Court makes a decision on a particular matter that is before it, if the Government does not like that decision and a matter of principle is involved, after the Supreme Court decision is handed down is the appropriate time for the Government to move for legislative change—not halfway through a Supreme Court action.

Honourable members on this side of the House have received a tremendous amount of support for the club industry's opposition to the new taxes that the Government has introduced. The Allen Consulting Group has indicated that some 24,000 direct jobs will be lost as a result of the tax increase announced by the Government. Two weeks ago I was in my home town of Ballina, working as one of the Pollies for Small Business at the Ballina RSL Club, where I had very detailed discussions with the club manager and employees that I was working with. They were devastated.

Contrary to the statement made by the honourable member for Blacktown that there is no support for the opposition to the club tax, there is a lot of support for the opposition to the club tax in the electorates. That is because the people know that this new club tax will result in less money staying in the local community. They know that more money will be going to Treasury and not returning to country areas. They and people on fixed incomes know that the price of club meals will have to increase and that suppliers of clubs also will be affected. The Ballina RSL Club has 150 employees and more than 15,000 members. It is the biggest employer in Ballina. The club manager told me in very specific terms the sorts of measures that the club had to put in place to compensate for the new tax increase. Those measures are not good for the community. He was very concerned and apologetic about that because it meant that he would not be able to continue to do for the community what he had been able to do in the past, and that he would not be able to provide reasonably priced meals for those on fixed incomes who live in Ballina.

A lot of issues are adversely impacted by this legislation. Among them are direct and indirect impacts on employment. As I have said, many local producers supply product to the Ballina RSL Club, including food. Yet the Government is determined to wage war on the club industry. This bill is the second phase of a war that has been unleashed on the club industry by the Carr Government. When the club movement and the people of New South Wales come to realise the negative impacts of the taxes and this kind of draconian legislation, which is targeted specifically against an industry that has the temerity to oppose a new tax, they will deliver to the Government an outcome that it will live to regret.

Mr MALCOLM KERR (Cronulla) [9.56 p.m.]: I am a little surprised that I got the call. I expected Government members to spring to their feet to take part in this debate.

Mr Andrew Fraser: Thirty-four of them at least!

Mr MALCOLM KERR: At last count, yes. I know the honourable member for Miranda has been briefed on the effects of this legislation. Mr Deputy-Speaker, I think I am being short-changed in my time at the moment.

Mr DEPUTY-SPEAKER: I think it is probably enough.

Mr MALCOLM KERR: No. I do not want you to be saying, after I have been on my feet for seven minutes, "Time, gentlemen, please!" Of course, I rely on club rules in this House! I am surprised I got the call because the honourable member for Miranda has been briefed by local clubs about the effect that his Government's proposals will have on clubs in the Sutherland shire and the effect on jobs in the club industry.

The impact will be not only on jobs in the club industry but on the suppliers of clubs. I am sure the honourable member for Coffs Harbour knows that clubs rely on the butcher, the baker and—

Mr Andrew Fraser: The candlestick maker.

Mr MALCOLM KERR: No. Well, for the occasional illumination of the House.

Mr Andrew Fraser: And certain functions in the dining room.

Mr MALCOLM KERR: Yes, if you are meeting an old flame, perhaps. The serious point I want to make is that these Government measures will affect not only clubs and their employment, but also employment in the many local community groups that supply goods and services to their clubs. I was especially interested in the interesting speech made by the honourable member for Blacktown. I would have thought that someone from his background would be aware of the term "changing the goalposts", because that is precisely what the Government is doing through this legislation. An inquiry is being conducted into Panthers and an application has been made to the Supreme Court regarding that inquiry and its procedures.

Surely it would be better if the Government were to await the determination of the Supreme Court, which would detail any inadequacies in the legislation. It is wrong to change the rules in the middle of the game. Honourable members will remember the 1975 election when the Labor Party campaigned on the basis that it is unfair to change the rules. Club members appeared in Labor Party advertisements saying that the rules cannot be changed arbitrarily. The campaign, of course, referred to the dismissal of the Whitlam Government. Leaving aside the merits of the case, the general principle to which the Labor Party was subscribing—and one does not alter the rules of engagement during the engagement—is sound and one that we on this side of the House would call natural justice. This legislation is the denial of natural justice. A far better title for the bill, which would convey the meaning of it, would be Clubbing the Clubs Bill.

Mr George Souris: Clubbing the clubs to death.

Mr MALCOLM KERR: Clubbing the clubs to death, as the shadow Minister reminds of the House. I will accept that amendment because it shows clearly the spirit of the legislation. We will not need to go into Committee to establish the true title of the bill. Whatever the Supreme Court decides will be wiped out retrospectively. The rule of law means little to the Government. The Premier's defence to the zoning of Orange Grove is based on the rule of law. He says, "We must observe the law. We are a Government that abides by the decision of the law. We uphold the law even in the face of branches of the Labor Party." Honourable members who were in the Chamber during question time would know that is basically what he was saying.

Mr Milton Orkopoulos: Point of order: The matters that were before question time today bear no relevance to the legislation. The honourable member should be brought back to the leave of the bill.

Mr DEPUTY-SPEAKER: Order! I uphold the point of order.

Mr MALCOLM KERR: You cannot do that until I—

Mr DEPUTY-SPEAKER: I am sure the honourable member for Cronulla is about to return to the leave of the bill.

Mr MALCOLM KERR: Further to the point of order—

Mr DEPUTY-SPEAKER: I will hear further from the honourable member for Cronulla.

Mr MALCOLM KERR: I knew you would not make a decision without natural justice prevailing. We are used to the fairness and justice of your rulings in this House. It is my submission that if what happened earlier in the day is relevant to the bill, it can be used. When we talk about bills in this place we apply them to everyday life. It would be wrong to exclude the activities of this House from this debate.

Mr DEPUTY-SPEAKER: Order! That is a wonderful point of view, but I merely ask the honourable member for Cronulla to return to the leave of the bill.

Mr MALCOLM KERR: Returning to the leave of the bill, it is retrospective in relation to the law and a denial of natural justice. I should draw attention to what the honourable member for Blacktown said earlier in

the debate because it would make interesting reading for club members in his electorate. He was critical of the standard of management of clubs.

Mr Andrew Fraser: What about the standard of management of the Treasury in New South Wales?

Mr MALCOLM KERR: The Treasurer has had a career in the club industry that, as I have said, he probably would not regard as terribly successful. I am sure the debenture holders of the Cronulla Workers Club do not regard his stewardship—

[*Interruption*]

I am told that the Minister, also known as Mr Grant McBride, has an association with the club industry. Staying within the leave of the bill, despite temptations to wander, if the honourable member for Blacktown had time to reflect on his comments about the management of clubs he would not have made them. I am sure he would agree that the club movement has provided a valuable service, as have the managers of clubs, to the general community. He said that barber shops would not be tendered out. To describe that as corruption is—

Mr Grant McBride: Barbers are an issue for you.

Mr MALCOLM KERR: It is hair raising in this debate. I will refer to what he said about barber shops because it is within the leave of the bill, although it may be a close shave. If that is the best example of alleged corruption they can provide to the House they are certainly using a flimsy premise to overturn the rule of law. The power the legislation gives to unions will have serious implications for the club industry and the community. As the honourable member for Miranda would know, the legislation will lead to a loss of jobs in the club industry in the Sutherland shire. But the legislation will enable unions to act as watchdogs. If, for example, the Sutherland District Trade Union Club were to restructure and had to let people go because the new taxes meant that they could no longer employ so many people, the unions would be entitled to make a complaint. An inquiry would follow, and that would take further resources from the club. From a business point of view the legislation will place an enormous burden on the club industry. In effect, bad money will be thrown after bad money. [*Extension of time agreed to.*]

I appreciate that even members on the other side of the House want to hear more of this because they are so concerned about the matters I am raising. I turn now to fees. Any costs relating to an inquiry or investigation that ultimately involves the Licensing Court will automatically be awarded against the clubs, unless the licensing club makes a further order in relation to those inquiry's fees. That is the reversal of the general principle that costs follow the cause. Normally the party that succeeds in an inquiry or in a court action is awarded its costs. This provision will provide a further obstacle to obtaining justice.

The honourable member for Blacktown mentioned freedom of information provisions. If this bill is passed, information will not be released if the Treasurer, a Minister or the director-general decides that it is not in the public interest to publish the information. I must say that that is an extraordinary piece of legislative drafting. When the Premier was the Leader of the Opposition, he said there should be more transparency in government. Yet suddenly the Executive is given arbitrary power to deny the people of New South Wales—and the *Daily Telegraph*, which employs someone to make grim of information applications—the right to know.

These matters will be left to the judgment of the Executive, which will certainly be coloured politically—particularly in the case of the Minister. It must be said that the Minister would equate the public interest to the Government's interest every time. Once again, this is an act of tyranny by this Government against the club industry. In his reply I will be interested to hear the Minister's justification for the bill's reporting provisions. They purport to empower the Minister to publish any part of the report of an inquiry, which imports selectivity. The present Minister will not always be the Minister.

Mr Carl Scully: What?

Mr MALCOLM KERR: This has come as a shock to the Leader of the House, but when the Leader of the House is Premier, he might move the Minister for Gaming and Racing to Transport, or some other portfolio area. I will say something else that will shock the Leader of the House: we are all mortal and will die. If the Minister at the table were to die, he would no longer be qualified to be a Minister. One of the qualifications for a ministerial commission is that they are given to people only if they are living.

Mr Alan Ashton: Is that a threat?

Mr MALCOLM KERR: No. It is a constitutional matter. It will come as a surprise to the honourable member for East Hills that the Government cannot have dead people in the Cabinet. The honourable member for East Hills would probably say, "With this Government, how can you tell?" That is a good question. Even with advanced medical science, with the current Cabinet, it may be impossible to tell. I urge the Government to conduct a few medical tests over the next few days because there might be a few Cabinet vacancies. Having established that the life of this Minister will come to an end, we may have a situation in which a person who may not share his principles and morality will exercise the power outlined in the bill. That situation is not addressed in the legislation.

Mr Carl Scully: What bill are you referring to?

Mr MALCOLM KERR: This bill. The Leader of the House should read it. I am referring to the reporting provisions in the bill, which is known as the clubbing the clubs to death bill.

Mr Carl Scully: For a minute I thought you did not know what you were talking about.

Mr MALCOLM KERR: No. The Leader of the House has been spending too much time with the honourable member for East Hills. I will conclude on this note—

Mr Grant McBride: Don't conclude! You still have one minute and thirty-five seconds left.

Mr MALCOLM KERR: Members opposite want to hear more. Mr Deputy-Speaker was the only one listening when I commenced my speech, but now they are all listening, and they all want more. However, we cannot be here all night.

Mr Grant McBride: Too much of Malcolm is not enough!

Mr MALCOLM KERR: That is right. Although members opposite may be disappointed, my function is to observe the rules. I will not be changed, unlike this bill and unlike this Government. I give an undertaking that when the clock shows zero, I will conclude my speech. This bill is the most incredible piece of legislation because it is contrary to everything that this Government practises or preaches. I have shown a number of circumstances in which the Government is changing the rules while an inquiry is taking place.

Mr Grant McBride: You are becoming boring again.

Mr MALCOLM KERR: No, this is my summation. This is very bad legislation that attacks the rule of law.

Debate adjourned on motion by Mr Andrew Fraser.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 15 September 2004 at 10.00 a.m.

The House adjourned at 10.17 p.m. until Wednesday 15 September 2004 at 10.00 a.m.