LEGISLATIVE ASSEMBLY

Thursday 16 September 2004

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

Mr Speaker offered the Prayer.

BUSINESS OF THE HOUSE

Order of Business

Mr SPEAKER: Order! As there was no callover of general business yesterday, the Clerk will call on items of business in the order in which they appear on the notice paper. If the member in whose name the item of business stands is not present when the matter is called on, the matter will not lapse; it will be postponed.

RURAL COMMUNITIES IMPACTS BILL

Second Reading

Debate resumed from 2 September.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [10.03 a.m.]: Prior to the debate being adjourned I was speaking of the impact of various government decisions, policies and legislation upon rural communities throughout New South Wales. I touched on decisions in the timber industry. Recently 15 new national parks have been created on the North Coast, which will result in a diminution of the quantity of timber available to local mills. This in turn will impact on jobs not just in the primary industry of timber getting and timber milling but also in associated industries, such as transport. It will also impact on the retail sector as the money flows to the smaller communities, such as my hometown of Wauchope, which is still known as a timber town even though it no longer has a timber mill as a result of government policy. Any government, regardless of its political persuasion, should take into account the social, economic and environmental impacts of its key policies and legislation.

Previously I referred to the estimated impact of the closure of the Grafton Agricultural Research and Advisory Station. The initial and related downstream job cuts will affect up to 4 per cent of the work force, which is a huge impact. If that were to happen in Sydney, it would equate to 50,000 jobs—people would not turn a blind eye. But it seems that in the pursuit of economic rationalism and centralisation the Government is prepared to turn a blind eye to the massive impacts of those policies on local communities. Country communities have weathered an unprecedented level of attack based on economic rationalism, and the centralisation of programs and services away from country communities, particularly smaller country communities. Their access to government services, government jobs, government programs and facilities is becoming increasingly difficult.

Anyone who lives in a smaller country community in New South Wales would wonder what is going on. From time to time parts of country New South Wales agitate to be declared a separate State because they are fed up with centralisation, which pulls services, programs, funding and jobs into the larger centres and cities. Ultimately rationalisation and centralisation have a city bias. People in country New South Wales, especially those in smaller country towns, wonder why the State has legislation to protect threatened species but it has nothing to protect threatened communities. I can tell honourable members that as I travel throughout regional and rural New South Wales I realise that many smaller country towns are under threat because they lose their critical mass when the government pulls funding for infrastructure.

Mr Thomas George: Trains.

Mr ANDREW STONER: They lose their critical mass when the Government pulls funding for trains, as the honourable member for Lismore said. The bill proposes that any government, whether it is Liberal-National Coalition or Labor, be required to stop and ask: What impact will our decisions have on these smaller country communities? After all, people are important regardless of where they live in this State. Whether it is Gwabegar in the north-west of the State—

Mr Daryl Maguire: Wagga Wagga

Mr ANDREW STONER: Or Wagga Wagga, as the honourable member for Wagga Wagga said, which is a great town that has produced many sporting champions, or in the Tweed close to the Queensland border, or down south close to the Victorian border or here in Sydney. The Government and any government has a responsibility to provide equity of access to its services, programs, infrastructure and funding regardless of where a person happens to live. The Rural Communities Impacts Bill will require an impact assessment to be undertaken before these decisions are made. Therefore before the Minister for Primary Industries goes ahead and closes down agricultural research stations at places like Temora—

Mr Thomas George: There he is. He's the man.

Mr ANDREW STONER: The honourable member for Mount Druitt was a good Minister for Agriculture. He resisted this economic rationalist cry of the Treasury. But the current Minister has rolled over like a weakling to the bureaucrats, the bean counters and the economic rationalists in Treasury and flogged off the agricultural research stations. It is an absolute disgrace. We wish that the Hon. Richard Amery were back. We really do. This bill would require that before the current Minister flogs off agricultural research stations at Temora, Trangie, Deniliquin, Shannon Vale and Narara, he would have to ask what the impact would be of the proposal—and the information would be available to the public.

Before the Minister for Road cuts $100 million out of the roads budget at a time when country roads are crumbling and dangerous and the road toll in country New South Wales is a scandal, he would have to ask what the impact would be on the community. Before the Minister for Energy and Utilities suspends the funding from country town water and sewerage programs and talks about cutting the subsidy available to local government to upgrade drinking water supplies to protect the environment, he would have to ask what the impact would be on the community and its people. Before the Minister for Local Government forcibly amalgamates local councils and shuts shire offices, he would be forced to do an assessment.

Before the Minister for Health merges area health services, taking resources out of places like Broken Hill and Tamworth, and relocates their health headquarters hundreds of kilometres away—and he has created an area health service in the west of the State that is bigger than Germany—he would have to ask what the impact would be on people in those country communities, as would the Treasurer before he milks $250 million in extra taxes out of country clubs alone, costing 3,500 jobs and closing many country clubs. The honourable member for Tweed ought to be listening, because more than 700 jobs from his electorate alone are predicted to go as a result of this decision—that is 700 jobs in a part of the State that the Premier does not seem to understand is part of New South Wales. The Premier of Queensland talks about taking over in that area, and the people in the Tweed say, "Please, anyone but Bob Carr, we want decent representation".

If this bill were already in place, the question would have been asked about the impact on the Tweed of losing 700 jobs and the charitable donations from a once healthy club industry. The Government would have been forced to make an assessment. Before the Minister for Regional Development cuts funding to business enterprise centres, forcing their closure in towns like Cooma and Inverell, and removing services to small businesses which, after all, are the backbone of regional communities and provide the most employment in country towns, he would be required to undertake a proper assessment of that policy.

Before the Minister for Transport Services closes country passenger rail services such as the Casino to Murwillumbah line and country branch lines such as the Gwabegar to Binnaway line and the Rankin Springs to Barmedman line, while borrowing $2.5 billion for CityRail, he would have to consider the impacts on those country communities. The people of the Tweed are saying it is a disgrace. They do not have many transport options, and that one has just been removed. The Government has treated country people like second-class citizens. I am giving the Government the chance to get it right, to make good on the Premier's promise in 1996, which he never fulfilled, to conduct rural community impact assessments.

Mr Steve Cansdell: Another promise!

Mr ANDREW STONER: It was another promise that was never fulfilled. I am giving the Government a chance by putting in legislation that these things have to be undertaken under appropriate conditions and have to be made publicly available. It will help the Government to undertake its responsibilities to all people of New South Wales, regardless of whether they live in the city or in the country. The Rural Communities Impacts Bill is not about politics. It will apply to the current Government and future governments.

It is good public policy and it is about people and local communities. If we are not taking people into account, we have lost our way as a government. We have to consider the impact on communities.

The communities in New South Wales that are struggling the most at the moment are small rural communities. One such community is in my own electorate on the mid North Coast, the community of Comboyne. Comboyne had a very high dependence on the dairy industry. It was a prosperous, beautiful community and it still is beautiful, but $1 million in revenue to that area has been removed by dairy deregulation that was implemented back in 2001. The loss of $1 million to a small community of around 500 people has had a massive impact. Now the shop and the club are feeling the pinch. I have grave concerns for the club, as its pressures will continue. The club has the only bowling green in the district. The club provides a sporting opportunity for the people and is also the only place they can go for a meal or a drink and some entertainment. I fear that club will close.

These impacts are cumulative in their effect on small communities. The process of economic rationalisation disadvantages small country towns and advantages the city. One only has to look at places like Comboyne and Gwabegar in the north-west. Gwabegar lost its hotel, the licence being moved to the city where there was bigger gaming turnover, so there is no hotel in Gwabegar anymore. This Government has just closed the rail line as well. All that is left in Gwabegar is a timber mill, and the Government is about to take a decision on access to the timber supply, which is cypress pine in the Pilliga region—what is called the Brigalow Belt South Bio region—and it seems the Government is again going to kowtow to the green movement and lock up vast sections of that forest. If the timber mill is gone, all the jobs in Gwabegar will be gone and there will be no town. I put that on the record, because history will use small country communities like Gwabegar and Comboyne to judge whether this Government had a heart and cared about country people.

This bill should not be about politics. I urge Government members to vote on the principle. Any member on the Government side who represents a small country community should support this bill in a bipartisan way. Those who do not will be clearly putting politics before people. This is about good public policy. This is about openness and transparency in government. It is about communities and people, and I cannot see any reason that could be put forward by the Government to oppose this bill. Again, I say that members who represent small communities and vote against the bill will be putting politics before their own people.

I already have the support of the mayor of Broken Hill and the Independent member for Northern Tablelands. This bill may be one of the most important pieces of legislation ever put before this Parliament. It is simply about giving a fair go to country communities. It is about equity of access to government and the services that government provides for country people. If we blindly follow this ideology of economic rationalism, as evidenced in the raft of Government policies I have detailed, it will be the death of small country community after small country community. I urge the Government to support this bill. I look forward to the bipartisanship of all fair-minded members of this Parliament.

Debate adjourned on motion by Mr Newell.

PUBLIC LANDS PROTECTION BILL

Bill introduced and read a first time.

Second Reading

Ms PETA SEATON (Southern Highlands) [10.20 a.m.]: I move:

That this bill be now read a second time.

We live in the best country in the world and in one of the most beautiful cities, if Sydney is your home. This bill gives life to the Coalition policy, which was announced on 24 September 2001 to protect significant public land. We are determined to back our policy with binding legislation that will give communities a real role in helping to protect significant public lands that become surplus to the government's requirements. This is a historic bill that, for the first time, will raise the bar of expectations of Ministers in this State to account for their actions in the stewardship of public land assets, to do so transparently, and to reverse the emphasis away from unilateral government decision making to a framework in which communities can take the initiative and challenge the government to put community, social and heritage considerations ahead of a fast buck.

This is a revolution in the way we deal with surplus significant public lands and will no doubt be one which makes certain Ministers in certain governments frustrated that there is now a transparent brake on their actions. If this bill, on becoming an Act, is an occasional burr in the saddle of future governments, I think we will know that it is a success. Our forefathers, especially those who ran public institutions, picked some of the most breathtakingly beautiful sites on which to locate schools and, in many cases, health facilities. Some of these selections were driven by practicality—being on the river or on the harbour made them accessible to river transport and boats, or on hills and on water to suit the current medical thinking for the treatment of tuberculosis and challenging diseases of the day.

Over time, the uses have changed. Not all sites have been adaptable to our changing needs. As Sydney and other cities have grown, greater residential density has occurred, as has greater demand for open public space and public recreational opportunities. All these factors combine today to make many public lands owned by the State Government very valuable sites. For a government like the Carr Government, which is a renowned tax and waste government, the idea of selling some prime public lands to plug a budget black hole is very tempting. It is so tempting that in recent years the Carr Government has attempted to sell off some of Sydney's most precious public lands for high-density residential development—public land that could be lost forever.

Examples include Callan Park at Rozelle, where the Government was determined to flog off the larger areas of historical harbourside landscape and buildings to the highest bidder; Hunters Hill High School, where, against the wishes of the local community, students were to be forced to attend other schools in distant suburbs as their harbourside school site was to be sold off; the quarantine station, where a private sector proposal would have alienated large areas of our equivalent to Ellis Island in New York—a historical heritage site which would have been off limits, unless people paid to go there; Erskineville Public School, which is one of the last potential pieces of public space in a residential area that is known for its high residential density and lack of sufficient public space for the community; Prince Henry Hospital, with its dramatic coastal landscape and historic medical precinct.

And a recent example is the Pyrmont Point former water police site, which was the subject of a disgraceful attempt by the State Government and the Sydney Harbour Foreshore Authority to ignore the well-researched pleas of local residents and the Council of the City of Sydney who were trying to make the point that increasing densities in the area had made it virtually impossible for families to offer their children any public open space at all within reach of their homes; yet it was to be flogged off and developed by the construction of huge residential tower blocks.

The Carr Government has lost sight of the principle that public lands belong to the public and that significant public sites have a value that goes beyond the space they occupy on a departmental asset balance sheet. The fact that the Department of Health might have contemporary ownership of a site that happened to fall its way after a decision that was made 150 years ago does not entitle a department to treat that significant public land with the same clinically actuarial indifference as it might in relation to some other assets in that portfolio. Government has a responsibility that includes an understanding of the social, historical and environmental values of the land of which it is custodian, not just for this generation and this budget, but also for future generations. In 2002 the Liberal-National Coalition was so concerned to see this rapaciousness by a money hungry Carr Government that it developed a policy to preserve significant public lands and involve the community in those decisions.

I acknowledge the strong advocacy at that time of the Protectors of Public Lands, who also held similar concerns about the potential loss of some of Sydney's most precious icon sites, especially Callan Park, and the many meetings and rallies we attended to try to get the Carr Government to change its mind. The work of the Protectors of Public Lands has significantly shaped the development of this Coalition bill. I recall meetings held with community members in Callan Park who were angry that local Labor members, including the Minister for Tourism and Sport and Recreation, and Minister for Women—Sandra Nori, Anthony Albanese and Tanya Plibersek—had turned their backs on those concerns. I attended a rally in the Domain where I stood next to people who are often at different ends of the political spectrum but who are passionate about saving significant surplus public lands and who were prepared to work together to shift public policy back towards community needs.

On 22 February 1991, someone who is well known to this Chamber said the following words: "I believe that the proper role of government must be custodial rather than entrepreneurial." He went on to say that his policy would include "leasing rather than selling surplus government land", and "maintaining public ownership of Crown land providing access to waterways and recreation areas". Now is the chance for the author

and speaker of those words to step up and support the Coalition's bill. The author of those words was none other than the Premier, Bob Carr. The Premier also made some interesting comments on 19 February 1990 when he announced that the then Labor Opposition would run some advertisements in newspapers of the day, including the *Daily Mirror*, to protest against contemporary government policy for the sale of government assets. He was prepared to stand up for surplus government land and public assets in 1990 and 1991, so this bill will be the test and his opportunity to stand up for the protection of significant surplus public land.

This bill is necessary because it will put a brake on the Carr Government's fire sale of significant public land. We need this bill now because the next round of big money Carr Government land deals is being worked out as we speak, following the Premier's announcement of the end of Sydney Harbour as a working harbour, the closure of working ports at White Bay and Darling Harbour, and the inevitable sell-off of prime harbourside land to high-rise development. On 6 October 2003 the *Sydney Morning Herald* reported:

> Sydney Harbour's life as a working port will end in 2012, with the Premier, Bob Carr, announcing yesterday the Government would not renew the leases of the three remaining container terminals.
>
> He said stevedoring leases at Darling Harbour East, White Bay and Glebe Island will end when they fall due in 2006, 2007 and 2012, respectively.

The report went on to state:

> The Government has flagged using the windfall for a combination of housing, open space and "iconic development".

The bill is an important step forward in protecting significant public land. The Coalition's Public Lands Protection Bill, together with our policy, responds to the model that the Protectors of Public Lands proposed, including the establishment of a State register, assessment of significance, public ownership and control, the requirement for no residential development on the land and leases over 10 years requiring Parliament's consent. The bill is important because it creates a coherent and consistent framework through which government and community can assess and advocate for the retention of significant public lands in a whole-of-government manner.

The bill will stop the need for legislated tussles over individual pieces of land, such as we have had to resort to in the past. In recent years there has been a proliferation of "save a site" bills as the only means of attempting to save land that is on the sale block. For example, there were the Save Calan Park Bill 2002, which was introduced by the honourable member for Davidson, and the Save Erskineville Public School Bill 2002, which was introduced by the Deputy Leader of the Opposition and supported in the upper House by the Hon. Patricia Forsythe. Further bills introduced were the Save Hunters Hill High Bill, Save Manly Hospital Site Bill, Save Prince Henry Hospital Bill, Quarantine Station Preservation Trust Bill 2002 and Quarantine Station Preservation Trust Bill 2003.

These bills have been the only means by which the Parliament can try to stop the rapaciousness of the Carr Government in selling off significant public land for a quick buck. The Coalition's bill will create a single framework in which to deal with all of these issues and through which the community can nominate significant public land for inclusion on the register. Never before has such a mechanism existed to enable direct community involvement. In line with our policy this bill will establish the Public Lands Protection Trust.

Pursuant to sessional orders business interrupted.

POLICE AMENDMENT (CRIME REDUCTION AND REPORTING) BILL

Second Reading

Debate resumed from 13 May.

Ms GLADYS BEREJIKLIAN (Willoughby) [10.30 a.m.]: At the outset I wish to commend the shadow Minister for Police, the honourable member for Vaucluse, for introducing the Police Amendment (Crime Reduction and Reporting) Bill. It demonstrates his obvious commitment to reduce crime in New South Wales and his continued and resounding support for the fine men and women who comprise the New South Wales Police Force. The objects of the bill are: to amend the Police Act 1990 to include as part of the functions of New South Wales Police the reduction of crime and the active encouragement of the reporting of all crime and incidents of public disorder in New South Wales; and to include those matters in the performance criteria contained in the contract of employment or any associated performance agreement between the Commissioner of Police and the Minister for Police.

I admit that I was taken aback when I listened to the Minister for Police in his contribution to the second reading debate. Rather than construct an argument as to why these amendments should not form part of the Police Act 1990, the Minister for Police launched into an emotional tirade using the cheap political tool of the politics of personality. He did not consider this worthwhile proposal on its merits. As noted by the shadow Minister for Police in his second reading speech, I was shocked to learn that according to the Australian Bureau of Statistics 61 per cent of robberies, 70 per cent of assaults, 84 per cent of sexual assaults, 69 per cent of attempted break-ins and 32 per cent of break-ins are not reported to police.

No member in this Chamber can dispute that these statistics are alarming. The high level of non-reporting is a fundamental issue in the administration of law and order in this State. The people of New South Wales need to feel confident that the actual level of crime reporting figures they receive through the media or through information channels are based more closely on actual levels of crime than on the proportion of crime that is reported. I am also concerned that the Government considers it is more important to include in the Commissioner of Police contract provisions that relate to high-visibility policy matters or perception rather than basic provisions that relate to the reduction in crime and crime reporting.

The non-reporting of crimes and the level of crime are definitely not the fault of the Commissioner of Police or his force. It is an unfortunate by-product of the Government's modus operandi of running major issues such as law and order through the veil of positive media spin rather than pursuing crime reduction objectives. Let me make it clear: the bill does not state that any existing provisions in the contractual obligations between the Government and the Commissioner of Police should be omitted. The Minister's arguments on that score are misleading and emotional. The bill makes the basic yet convincing argument that the reduction of crime and the active encouragement of the reporting of crime should be considered as reasonable performance criteria. That is, indeed, a difficult public policy point to argue against.

Why will the Government not let police do what they do best and have reasonable reporting benchmarks? Why will the Government not accept that the reduction of crime and an increase in the reporting of crime should be basic performance measures for the Commissioner of Police? Why is the Government afraid to include such provisions in any future contractual relationship with the Commissioner of Police? Regrettably, the answer seems to be that the Government would rather sell a positive media message than face these difficult issues. The Commissioner of Police has no choice but to emphasise the perception of crime in his major platforms because that is the centrepiece of his contractual obligations.

I take this opportunity to place again on the record the highest regard I have for our own local police in the North Shore Local Area Command. They are all extremely dedicated police officers who are totally focussed on their jobs and continue to make an outstanding contribution to the local community. All the local community is very proud of them. I have not discussed the bill with any of the officers and I would not presume to know their views on it. But from my personal observation, policing for them is all about preventing crime, reducing crime and having strong links and discussions with relevant community groups about both issues. That is what the community expects. Whether it is at a local level or at the highest levels within the force, crime reduction and an increasing emphasis on the reporting of crime are critical benchmarks. Why should these requirements and expectations not be formalised at the highest levels in the force?

Let me reiterate that this bill is not a reflection of the incumbent commissioner. It is a reflection of the Government's confusion over the priorities in the administration of its law and order policies. I support the shadow Minister for Police when he stated in his second reading speech:

> Currently, the commissioner's contract demands that he pursue a media strategy to push down the perception of crime. That is just plain wrong. It is not in the interests of the people of New South Wales. At present the reporting rates for crime and public disorder are low, and the Carr Government is preoccupied with media strategies instead of policing strategies.

The Opposition's amendments and inclusions will force the Government to appropriately focus on crime reduction and lifting the reporting of crime instead of its current obsession with positive spin and positive media strategies. Rather than consider this worthwhile suggestion, the Minister for Police launched an unwarranted and over-emotional attack on the shadow Minister in an attempt to suggest that the bill was a personal attack on the current commissioner. That is simply not the case. The Coalition is critical of the priorities set by the State Government in determining the contractual obligations with the New South Wales Commissioner of Police. The Government has failed to address why the provisions outlined in the amendment bill should not form part of the commissioner's contract. I ask all Government members to ignore the Minister's pathetic response and judge the bill on its merits, as outlined by the shadow Minister for Police and Coalition speakers. I urge them to consider the worthwhile amendments proposed in the bill and support these valuable inclusions in future contractual obligations between the Minister for Police and Commissioner of Police.

Mr ANDREW CONSTANCE (Bega) [10.40 a.m.]: I support the Police Amendment (Crime Reduction and Reporting) Bill and pay homage and respect to the shadow Minister for Police for introducing it. I note that the bill was introduced on 19 February, and seven months later it is being debated—an indication of how ineffectively this House is run under the Leader of the House, Minister Scully. I will outline my experience of the media unit within NSW Police. Prior to becoming a member of this House I worked in public affairs and public relations. In 1999 the Government issued a contract to public relations agencies throughout Sydney to undertake a media training program for upward of 650 police. Part of that program focused on ensuring that police were trained both in media and in sticking to a line, although that was not spelled out in the contractual obligations.

The bill addresses sticking to a line, and running a line, at the top. However, we should ensure that police from the top down address not only perceptions of crime but also actual crime. An object of the bill is to include in the performance criteria, as part of the contractual obligations between the Commissioner of Police and the Minister for Police, the requirement that police address both community perceptions of crime and crime statistics and facts. When Commissioner Ken Moroney was appointed in 2002, the then Minister for Police, Michael Costa, said that the commissioner's role and responsibility was to address the perceptions of crime. Quite frankly, we can all put a spin on any statistics, but the community wants the comfort of knowing that crime rates are being reduced and not just spun about by a Minister and his Commissioner.

In regional areas, particularly coastal New South Wales, people are reluctant to report small crime simply because they feel it should not be brought to the attention of police. However, the message from the police is to report all crime, no matter how small: a stolen garden gnome, a broken shop window or damage to a community notice board. If the Commissioner of Police is required by contractual obligations to address both crime and the perception of crime, what message will that send and how will it filter down to local communities? Police in my local area command, under the leadership of Rick Mawdsley, do a fantastic job. Recently I attended a meeting at Tuross Heads where a hundred people came together to discuss local community crime. That attendance clearly demonstrated that people are concerned and perceive that crime is on the rise.

Based on the statistics presented to me through the police accountability team meeting, which I attend as the local member, crime on the far South Coast is declining, but the community's perception is out of kilter with that decline. The challenge for the Government is to deal with facts. If the Commissioner of Police is required by contract both to focus on perception of crime and to deal with actual crime, that will send a very poor message to local communities throughout New South Wales. There is no doubt that the police media unit is politicised. The fact that the Government is not at arm's length from that organisation could make police in that unit and in the community who have to deal with media exposure vulnerable.

The intent of the shadow Minister for Police in introducing the bill is to amend the Police Act to include in the functions of NSW Police both crime reduction and active encouragement of the reporting of all crime and incidents of public disorder in this State and, importantly, to include those matters in the performance criteria contained in a contract of employment or any associated performance agreement between the Commissioner of Police and the Minister for Police. In 1999 I was concerned about the amount of money that the Government was willing to throw at media training for police, and no doubt that training is ongoing. The emphasis on public relations training for police is of continuing concern. That is clearly demonstrated in the contractual obligations between the commissioner and the Minister.

The Government, which has been built on spin, puts its public relations before the substance of debate and continually allows public relations to get ahead of the debate and the facts. That comment applies both to police and to other areas of State Government responsibility. An enormous challenge for the next New South Wales Government is to ensure that we do not allow public relations to get ahead of substance. Quite frankly, the community can see through that and it does not bode well for good government in this State.

Mr GREG APLIN (Albury) [10.46 a.m.]: I support the Police Amendment (Crime Reduction and Reporting) Bill, the objects of which are:

(a) to amend the *Police Act 1990* to include as part of the functions of NSW Police the reduction of crime and the active encouragement of the reporting of all crime and incidents of public disorder in New South Wales, and

(b) to include those matters in the performance criteria contained in the contract of employment or any associated performance agreement between the Commissioner of Police and the Minister for Police.

The honourable member for Vaucluse said in his second reading speech that in 2002 the former Minister for Police announced that he would target a reduction in both the perception of crime and the actual rate of crime, and that that had led to do a media-driven police model that encouraged high-visibility policing. I will outline some details that support the contention that the current Minister has driven the perception of crime rather than the actual containment and defeat of crime. Earlier this year I received a letter from the general manager of Corowa Shire Council about community concerns at the operation of the Police Assistance Line, which is used for reporting incidents such as vandalism. The letter stated:

> It has been found at times persons using this service have experienced long delays in being able to report their incident and in fact have become disenchanted with the service that is provided.
>
> With today's technology Council believes there must be far better alternatives such as web based reporting, which would provide a much more efficient service to the public.

Public perception must be taken into account. In the case I have mentioned, the council's perception reflected the view of the community, that the reporting of crime is not encouraged. In fact, reporting is made more difficult by the lack of technologically advanced services and the unavailability of people to respond at the other end of the line. One would have thought that that was the principal responsibility of the Police Force, to be available and to react. I thank the Minister for his reply, in which he acknowledged that some police assistance line inquiries are not responded to within the desired timeframe. However, he stated that there was general satisfaction with response times. That may well be a bureaucratic reply, but it is obviously at odds with the experiences of the people of Corowa and, I am sure, in many other areas in my electorate. The Minister also stated that a standardised facsimile medium for reporting malicious damage was being investigated. However, the idea of a web-based reporting system as suggested by Corowa Shire Council does not appear to have been taken up. I commend that objective to the Minister; more should be done to facilitate reporting and, in turn, timely responses.

Reporting is at the heart of this amendment bill. Mr Shabella, the proprietor of Kwik Kebabs in North Albury, is a regular visitor to my office. For more than six years Mr Shabella has reported numerous incidents of vandalism, assault, robbery and property damage. His main complaint is not only that these incidents are occurring regularly but also that there is a general lack of follow-up. This is a serious complaint. Mr Shabella recently reported an incident that we found very offensive, as I am sure all honourable members would. Four urine-filled condoms were thrown into his shop by youths and a couple of days later eggs were thrown in. Customers were sitting at tables inside the shop and witnessed the incident. Mr Shabella telephoned the police and officers attended the scene. However, unfortunately the lack of follow-up prevented his feeling any satisfaction that action was being taken.

Shortly after that, Mr Shabella experienced a similar incident of offensive behaviour. On this occasion he apprehended one of the youths and police officers attended and took names. He told the police officers that he had video recordings of youths carrying out the offences. Such was his concern and distress over the years—he was particularly concerned about his wife's safety when she was in the shop alone—that he installed video cameras. The police officers showed no interest in the tapes and did nothing about them until I pressed them. Some weeks later they attended the shop and took up Mr Shabella's offer to provide them. Unfortunately, in that case no arrest was made.

In response to serious vandalism, arson and brawling in our city—I am sure it also occurs in other cities across the State—we look to the Government to commit more uniformed officers to beat patrol so that people are reassured and offenders deterred. That is at the heart of this issue. Without accurate reporting, intelligence-based policing is disadvantaged because the police cannot develop important maps of hot spots to assist them in reacting appropriately. Our contention is that the number of incident reports is grossly unrepresentative, and the incidents I have referred to tend to support that contention.

The *Border Mail* has been following the local crime spree with a vengeance in recent months. One article, headed "Anger after vandals hit shop again", refers to the proprietor of an antiques shop whose premises has been the subject of numerous vandal attacks by drunken louts in the early hours of Saturday and Sunday mornings. The cost of these attacks is very high. The proprietor paid $400 to replace a pane of glass after having paid $1,400 a few weeks earlier to replace a plate-glass window. As a result, his insurance premiums have increased, and he has lost faith in the police attending and taking action. His story is repeated time and again across Albury's retail sector. Another headline states "Trouble 'worse in past 6 months'". Interestingly, the police believe that the number of officers on the street is sufficient and that if anyone wants to take further action they should, in the words of another article, "rent a cop". That is not the way to achieve effective policing in our State.

During a recent visit to my electorate, the shadow Minister for Police congratulated the media on highlighting issues in Dean Street. The area experiences the double problem of daytime misbehaviour by teenagers and late-night drunkenness and violence. The shadow Minister stated that the problem is based on a culture developed over the past 40 years of turning the other cheek, going softly softly and allowing people of bad character to show contempt for the law. Senior police officers assured us that these problems are the result of a lack of resources. That is intriguing because we have not only been told to rent cops but also that we have sufficient police officers to combat the problems in our area. Police officers referred to a recent graduation ceremony and said on the one hand that one probationary constable is to be appointed to the local area command in Albury, and on the other, after a close examination of staffing and the availability of officers to react, that 156 police officers were based in the Albury local area command. The March 2003 timing of that announcement is significant—the election campaign was in full swing. The police establishment in July 2004 was 148 officers, which is a decrease of eight.

The problems I have highlighted tend to indicate that antisocial behaviour incidents have increased, but the Minister's response has been to decrease police resources. We understand that Treasury's target is to reduce the number of police officers in the Albury local area command by a further eight, to 140 officers. Local communities suffer ongoing crime and antisocial behaviour because there are insufficient police officers on the beat. The number of police officers is already 261 less than last year's peak, and local communities are about to lose another 453 officers unless this Government increases police recruiting. Interestingly, the Minister for Police has increased his personal staff from 11 to 14 officers and his ministry advisers from 24 to 44. The latest decrease in the number of police officers and civilians working in police stations indicates that the Government is focused on media strategies rather than policing strategies. The perception is that crime is a media issue rather than a policing problem. One of the other difficulties is an issue highlighted by a senior local media commentator, Mr Steve Block, who states:

> How frustrating it must be for police 40 years on to have seen their powers exhaustively hosed down by bureaucratic political correctness—instead of being able to quickly impede the petty nuisances of this world.

He takes the Council for Civil Liberties to task for playing a significant role in diluting police powers and states:

> To those who think...[this] is a trifle harsh...take a quick peek at the extremist diatribe proudly displayed on the NSW Council for Civil Liberties website.
>
> "...in the years ahead the (council) will continue as a watchdog over legislature and the actions by authorities, particularly as technological developments facilitate crime control, affect youth street rights...but threaten our privacy and freedoms with electronic surveillance, phone taps and smart cards..."

Mr Block concludes:

> I suspect the bulk of honest folk venturing into the CBD on a Saturday night would have few problems with most of the above.

Police are being inhibited in the performance of their duties. Digital encryption of radios has been delayed since 1988, enabling malefactors in our community to purchase scanners cheaply and to listen in to the movements of police. When there have been incidents in school grounds, principals find that misbehaving students listen in to the movements of police, establish that they are on their way, make good their escape or alert other people. We have heard some incredible stories. One of the points to which I have referred before in this House is the delay of the installation of in-car videos to protect police participating in high-speed car chases.

The Minister for Police has seen fit to increase his staff and advisers rather than invest in front-line policing. This problem will not go away. I point to the need for additional reporting by stating that while crime rates have decreased significantly—that is great to note, that is the role of the police, we support their work and we will work hand in hand with them—I am concerned that this resorting to statistics is being used to water down the problem. Corowa council found that everyone had been drowned in statistics to such a degree that it was not able to obtain physical responses. At every police accountability team meeting I have attended a significant portion of time has been devoted to statistics.

It is significant to note in our local area command that while break and enter was marginally down, which is great, malicious damage to property was up 18 per cent, offensive conduct was up a massive 188 per cent and offensive language was up 75.7 per cent. Because of the action that we have taken—we pushed for responsible action to the concerns that have been expressed—police are now back on the street, which we welcome, and as a result they are identifying these problems. That proves—and this is what the bill sets out to achieve—that responsible reporting of all crime and incidents of public disorder is the way to go to achieve effective policing in New South Wales.

Mrs JUDY HOPWOOD (Hornsby) [11.01 a.m.]: I support the Police Amendment (Crime Reduction and Reporting) Bill, which was introduced by the shadow Minister for Police, the honourable member for Vaucluse. I congratulate him on the work he has done in introducing this important bill. I congratulate and thank all the police officers in the Ku-ring-gai Local Area Command for their valuable work, despite government policies and bureaucratic systems that have hindered or reduced their ability to perform their role. I will refer briefly to those issues that are still a problem in the Ku-ring-gai Local Area Command. They include issues such as high levels of assault, malicious damage to property—I will give an example later of incidents that have occurred in Brooklyn—possession and/or use of cannabis, offensive language, breaches of apprehended violence orders and some weapons offences. I refer to the earlier tirade and the emotional attack by the Minister for Police on the shadow Minister and condemn that tirade. The shadow Minister was only pointing out what this Government should be doing to reduce crime and encourage the reporting of crime. The Minister said in his speech:

> The mission of NSW Police is to have the police and the community working together to establish a safer environment by reducing violence, crime and fear.

That is an ideal that we would all like to achieve. High-visibility policing is good as long as it is effective. However, that is not possible if there are too few police officers to perform the necessary tasks. I do not condone the use of the media to give the impression that certain things are being done in an area when that is not the case. It was recently admitted that an additional five detectives were required in the Ku-ring-gai Local Area Command. When I attended a police accountability team meeting it was admitted that clear-up rates are poor. No wonder, with five detectives still required in that local area command.

A couple of weeks ago in Brooklyn several vehicles in the parking areas at the marina and at Parsley Bay were broken into at night. Brooklyn police station is staffed only eight hours a day, five days a week. That means that the station is not staffed for a significant number of hours every day. The perpetrator of the break and enters, vehicle damage and theft in the Brooklyn area came back three nights in a row. On the third night a marked police vehicle that was patrolling the area did not see him. Subsequent to that the commander of the local area command conducted another patrol in an unmarked police vehicle and apprehended the perpetrator of those crimes.

[*Interruption*]

It is unusual to have such police numbers at Brooklyn at night, which proves that more police are needed in the remote areas of my electorate, particularly in Brooklyn and Berowra. It is not enough to have the Brooklyn police station staffed only eight hours a day, five days a week. In 2002, when I was elected as the member for Hornsby, I remember momentarily seeing bike police in my electorate. They are no longer operating in that area; they have disappeared. The local area commander told me that bike police would resume their patrols in October. Apparently they have to undergo further training, and extra bikes had to be allocated to the command. There is no high-visibility policing in my electorate, which is appalling. Bike police would be effective if they were able to patrol these local communities. Business owners and others in my electorate said to me that years ago they used to have a good relationship with police officers but now they do not know who they are. People are not being encouraged to report things that they see on the ground and they do not want to ring up only to be spoken to by a computer. People are no longer reporting crime. The shadow Minister said in his second reading speech:

> In New South Wales 61 per cent of robberies, 70 per cent of assaults, 84 per cent of sexual assaults, 69 per cent of attempted break-ins and 32 per cent of break-ins are not reported to police, according to the Australian Bureau of Statistics... The Carr Government simply does not actively encourage the reporting of crime. Over recent years the Government's proliferation of police telephone numbers has probably also frustrated the process.

It has definitely frustrated the process. People are cynical about the Police Assistance Line. They only report crime if they have an insurance claim that has to be lodged. They are not willing to go through the rigmarole. Many thousands of people do not even attempt to call the Police Assistance Line. People in the community are not being encouraged to report crime. We have to be aware of these statistics if we are to put in place policies that will turn around crime. I have spoken repeatedly about Neighbourhood Watch and the need to encourage Neighbourhood Watch groups in the community. There are four Neighbourhood Watch groups in my electorate. Two of them are very active and the other two are semi-active. We desperately need Neighbourhood Watch groups up and running but this Government is not giving them any encouragement.

The Government is loath to pass on information to Neighbourhood Watch committees for publication in their newsletters. These committees are frustrated and some of them have given up because of lack of

government co-operation. It is almost impossible to find any reference to Neighbourhood Watch on the web site. That is totally appalling. People are fronting up to Neighbourhood Watch committee meetings, which are running like clockwork in many different areas. I believe the Tweed region has some fantastic Neighbourhood Watch groups. My local Neighbourhood Watch groups want to make a difference but they are not getting any encouragement from the Government. A local police officer is attempting to help them but he is not getting much backup from the hierarchy.

I reiterate the comments of the shadow Minister for Police about this bill. The amendments before the House will force the Government to focus on crime reduction—rather than obsessing about media strategies—and lift reporting rates of all crimes. The changes will also encourage the Government to simplify the multiple telephone numbers that are currently used for reporting crime. The Government's Police Assistance Line, which has become a glorified filing cabinet, contributes to the disconnection of local communities from police. That is a real problem in all metropolitan electorates. It does not occur to the same extent in regional and country areas but in metropolitan areas there is almost total disconnection of local communities from police. We must somehow make a reconnection—I cannot stress that too much. The shadow Minister is right: We must make a reconnection, get police and communities working together, re-establish public confidence in police and increase crime reporting rates. We must combat crime, not just the perception of crime.

Mr MALCOLM KERR (Cronulla) [11.11 a.m.]: I support the Police Amendment (Crime Reduction and Reporting) Bill, which is commonsense legislation that is long overdue. It is interesting that the Government's only response to this bill came from the Minister for Police.

Mr Peter Debnam: That whingeing, whining, carping Minister.

Mr MALCOLM KERR: That is the one. He has been identified accurately by the honourable member for Vaucluse, the shadow Minister for Police. The honourable member would make a good witness because that is an accurate description of the Minister. The police would have no trouble apprehending the Minister as a suspect if he were described in those terms. I will refer to the Minister's response but first I must express disappointment that no other Government member has spoken to the bill. I would have thought members who represent shire electorates would have a passing interest in reducing crime and want to debate the bill. The honourable member for Mount Druitt, a former serving police officer, was in the Chamber earlier. He is known locally as the "Premier in waiting". When the present Premier retires it may well be that the Labor Party will go to the mountain and appoint as leader someone with at least a grounding in policing, which is a central issue in this State. In the past the Premier of the day was often also the Minister for Police, as happened under Wran.

Mr Peter Debnam: It's been done before.

Mr MALCOLM KERR: Indeed. That would produce many savings. The honourable member for Albury referred to the manning of the police media unit and the police Ministry and how the associated costs have blown out. If the honourable member for Mount Druitt became Premier there would be economies of scale as it would not be necessary to duplicate those functions.

Mr Peter Debnam: There would be popular support for it.

Mr MALCOLM KERR: There would certainly be popular support for returning to the staffing levels sustained under the previous Coalition Government in the Ministry and the media unit. Extra resources could then be diverted back to the basic task of policing in this State. Would that not be a novel approach to policing? Instead of talking about it, the Government could actually do something about it.

Ms Katrina Hodgkinson: You could provide a second track for police driver training.

Mr MALCOLM KERR: That is exactly right. These are important issues.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! Hansard is having difficulty hearing the honourable member for Cronulla. I ask him to address his remarks through the Chair and not to backbench members.

Mr David Campbell: Or perhaps even to the legal opinion.

Mr MALCOLM KERR: Is a pity, Madam Acting-Speaker, that the Minister for Regional Development seeks to flout your ruling by interjecting. I will return to the leave of the bill despite my shock at

his behaviour. The objects of the bill are very clear. The bill seeks to amend the Police Act 1990 to include as one part of the functions of NSW Police the reduction of crime and the active encouragement of the reporting of all crimes and incidents of public disorder in New South Wales, and to include those matters in the performance criteria in the contract of employment or any associated performance agreement between the Commissioner of Police and the Minister for Police. I did not think anyone in this place would dispute those objects. But I was wrong.

The response by the Minister for Police is quite enlightening. In responding to the bill he sought not to discuss its term but to launch a savage personal attack upon the honourable member for Vaucluse—yet again. That is no way to respond to a serious problem. I am not surprised that, even as I am speaking about the Minister, the honourable member for Swansea has taken out his worry beads. I shall proceed, despite the concern that my remarks are obviously causing the honourable member. The Minister's response was not a contribution to the debates about crime in New South Wales but a personal attack. I have outlined to the House the objectives of this bill. When the Minister finally ventured to address those objectives, he said:

> The Opposition seeks to impose statutory duties on the commissioner under the guise of contractual duties, so that it can further politicise the role of the Commissioner of Police and accuse him of breaching the Police Act and his employment contract every time there is some seasonal variation in a category of reported crime or every time the rate of reporting crime increases, which the bill also seeks to promote. That is dirty pool at its worst and the Government will not play. I will discuss the commissioner's performance criteria with him when his performance is next reviewed, as required by the Police Act, and set the commissioner's future performance criteria according to the needs of NSW Police from time to time. In other words, I will do what every other Minister does, and every previous Minister has done, in determining the performance criteria in a public sector CEO's performance agreement. The Government rejects the bill and the stupidity that designed it.

That stupidity, as I outlined earlier, is to include as part of the function of NSW Police the reduction of crime and the active encouragement of the reporting of all crimes and incidents of public disorder in New South Wales. The Minister thinks those objectives are political and stupid.

Ms Katrina Hodgkinson: It's a reflection on him.

Mr MALCOLM KERR: I agree totally with the honourable member. If this bill were enacted it would be welcomed in my electorate. Cronulla police station is inadequate and does not have the correct manning levels. If one compared its current manning levels with the manning levels at the end of the Coalition Government in 1995, one would see that there has been a marked reduction in them. Police manning levels have an influence on the level of crime in the area. One does not have to take my word for that. Some time ago I held a public meeting at Cronulla to talk about crime in the area. Mr Geoff Schuberg, a former senior police officer and adviser to Minister Costa, spoke at the meeting and outlined a marked reduction in the extent to which Cronulla and the surrounding suburbs were policed compared to the time of the previous Coalition Government. He also subsequently advised the police Minister in that regard.

If we want to move away from the personal vilification in which the Minister for Police indulges, we should look at the basic area of policing. I refer to the size of the Ministry and the media unit of the present Minister for Police. Their manning levels should be reduced so that resources can be placed into active policing. That is why this bill is necessary. We have moved away from that and the statutory framework prevents that diversion of resources at the present time. When the Minister for Police announced the appointment of the Commissioner of Police he said that there would be a reduction in the perception of crime. We certainly have not seen that. As the honourable member for Albury and other members have said, actual crime gives rise to perceptions. If we can reduce actual crime there will be a subsequent reduction in the perception of crime, and therefore a reduction in people's fear.

The honourable member for Hornsby referred to Neighbourhood Watch, which was active under the former Coalition Government. It involved face-to-face community policing. Since this Government has been in office the Neighbourhood Watch component of policing has progressively reduced, and that has affected the levels of crime and the levels of reporting of crime. The best way to ensure that measures in accordance with what this bill seeks to set out are in place is to improve Neighbourhood Watch and to look at the plan that was instituted for Neighbourhood Watch. The NRMA was a principal sponsor at that time because, as an insurer, it had a vested interest in reducing house break-ins and thefts in the community. Neighbourhood Watch was successful, but its continual maintenance and encouragement has not occurred. That shocked everybody who had an interest in it.

Mr Steven Pringle: Support from the Minister might help.

Mr MALCOLM KERR: Yes, that might be helpful. The honourable member for Hornsby also spoke about difficulties with the police hotline and said that people give up attempting to report less serious crimes. In fact, if less serious crimes go unreported it has an impact on the whole area. New York had success when police apprehended people who had committed small crimes. Such crimes would not attract attention in New South Wales. Such apprehension can lead to further intelligence about larger crimes because of the connection in the criminal community, particularly in relation to the supply of drugs. Often people who are on drugs commit property offences and their arrest can lead to the apprehension of suppliers.

On a number of occasions people in my electorate who are addicted to heroin have broken into homes and, when apprehended, their information has led to the apprehension of a supplier or to the receipt of stolen goods. The drug scene has provided an expansion of organised crime. Rather than increasing staff in the police Ministry and the media unit, some thought ought to be given to establishing an advisory board on which people with experience and proven ability can be appointed to advise the community. That is what Minister Costa did when he was first appointed because of his lack of experience in policing. People in the community are prepared to offer their services in that regard, but at present we have the same Costa approach to policing. I do not think many people on this side of the House are fans of Minister Costa.

Mr Steven Pringle: What about the trains?

Mr ANDREW FRASER: That is right, especially anybody who catches the train to work. Minister Costa introduced a number of initiatives that this side of the House supported and that could have been built on by the present Minister, but he has chosen not to do so. The Minister has chosen the politics of vilification, rather than work constructively with the community.

Mr STEVEN PRINGLE (Hawkesbury) [11.26 a.m.]: What could be more fundamental to this Parliament and, indeed, to the safety of our local communities than to encourage the reporting of crime? Surely this is what it is all about.

Mr Milton Orkopoulos: Do you need a bill for that?

Mr STEVEN PRINGLE: We do need a bill for that. The honourable member for Swansea has hit the nail on the head: the Opposition has had to introduce a bill that the Government should have introduced. It is so obvious and fundamental. The reporting of crime needs a 100 per cent community effort. We need to know exactly what the crimes are in our local communities. This Government has neglected the fundamentals in the policing portfolio for far too long. I remind members opposite of the dilapidated state of most of the police stations in this State—Windsor being a prime example. Windsor is a lovely location but the police station is comprised of a number of ramshackle buildings that are simply unable to provide the type of service that a modern police force needs. How can police communicate effectively with their peers when they are contained in about 10 different buildings? It is not exactly easy. It is also not good for reporting, confidence and consultation between the various parts of that police station. In January 2003 police numbers were 98 and in July 2004 they had dropped to 97. The Government's target is 88 people to cover some 3,000 kilometres, which is not exactly acceptable. Lots of outlying areas around Windsor are difficult to police simply because of the geography.

I want to highlight two matters that so far have not been covered. One is the shared services model which we understand the Government will bring in. That is about centralising police functions in a smaller number of offices. This is yet another management fad. One minute we are getting the officers out where they belong, in the local station; but, whoops, we have had another change of mind and will be centralising police once again. Once more people's lives are to be changed: one minute they are working in Windsor, next minute they will be in Blacktown, et cetera. The benefit is supposed to be $10 million in savings. Given the track record of the Government, what are the savings likely to be? I suspect nil. In fact, there will be a cost to the community and to the police themselves.

Pursuant to sessional orders business interrupted.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [11.30 a.m.]: I move:

That standing and sessional orders be suspended to provide that:

(1) business before the House be interrupted to allow the introduction forthwith, up to and including the Minister's second reading speech, of the following bills:

Anti-Discrimination Amendment (Miscellaneous Provisions) Bill
Classification (Publications, Films and Computer Games) Enforcement Amendment (Uniform Classification) Bill
Police Integrity Commission Amendment Bill
Stock Medicines Amendment Bill; and

(2) following the introduction of these bills, the House resume consideration of General Business Notices of Motions (General Notices).

The second reading speeches on these bills would have been delivered last night but for the adjournment of the House for reasons that were set out yesterday. A short time will be taken today for the delivery of those second reading speeches. Rather than have the House sit tomorrow for probably 40 minutes to hear the second reading speeches, it is appropriate that they be delivered today. I understand the Opposition will not oppose the motion, and the Government commends their support for this proposal. I commend the motion.

Mr ANDREW TINK (Epping) [11.31 a.m.]: Normally, the Opposition would strongly oppose any intervention into a private members' day such as this. We understand these speeches were not delivered last night because the House adjourned as a mark of respect for the former honourable member for Dubbo. In those special circumstances, it is only appropriate that this Government business be dealt with today for the time indicated.

Motion agreed to.

POLICE INTEGRITY COMMISSION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [11.34 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Police Integrity Commission Amendment Bill. The Government established the Police Integrity Commission [PIC] in 1996 in response to recommendations by the Wood royal commission. The royal commission identified systemic corruption within NSW Police and found deficiencies with existing oversight mechanisms. The Government accepted the royal commission's recommendation that a permanent independent body be established to detect, investigate and prevent serious police misconduct and corruption. In order to fulfil the tasks set out for it, the PIC was given broad-ranging oversight and investigation powers.

The PIC's role in the detection, investigation and prevention of serious police misconduct and corruption remains as vital today as it was at the time of the royal commission's recommendation. The reforms proposed in this bill have come about as a result of the review of the Police Integrity Commission Act. As is now common, the Act required that its policy objectives and terms be reviewed five years after its assent. I am pleased to report that the review found that the Act, and the PIC in giving effect to its provisions, have proved effective in detecting, investigating and preventing police corruption and other serious police misconduct. The review did identify a number of potential improvements to the legislation. This bill gives effect to the recommended amendments.

The bill seeks to amend the Police Integrity Commission Act 1996 so as to confirm the independence and accountable nature of the PIC; enable a jury to convict a person who has made conflicting statements of which at least one must be false; enable the Police Integrity Commission to communicate information to the Commissioner of Police on the understanding that the information is confidential; replace the requirement for the PIC Commissioner to obtain the Minister's concurrence when authorising a police officer to exercise any investigative, surveillance or enforcement functions under the PIC Act with a requirement that the PIC Inspector be notified of the authorisation; enable the PIC to dispose of certain documents and things in accordance with the directions of the Local Court; provide for the service of documents by fax and by e-mail; and provide for a further review of the PIC Act at the end of five years from the date of assent to the proposed Act. The bill also amends the Police Act 1990 to require the Commissioner of Police to consult with the PIC or Ombudsman, as

the case requires, before taking management or disciplinary action against a police officer who is the subject of a complaint being dealt with by either of those bodies.

I would now like to take the opportunity to address some of the reforms in more detail. The bill proposes to give greater prominence to the PIC's independence and accountability. The amendments recognise that PIC's independence from NSW Police is not commonly understood in the broader community and, given the importance of this distinction, specifically acknowledges this independence by clarifying the principal objects of the Act. Regarding the disposal of documents, schedule 1 [2] of the bill will enable the PIC to seek the directions of the Local Court in connection with the disposal of documents and things seized pursuant to a warrant in the course of its investigations. The PIC's current inability to dispose of these items means that it is required to hold onto inadmissible and prima facie illegal material dating back to the Wood royal commission, including drugs and child pornography. This material should be destroyed.

A further reform relates to secrecy provisions. Currently, information that PIC refers to NSW Police or other agencies for investigation or action is automatically subject to secrecy provisions. These provisions prevent the recipient from recording or further disclosing this information unless the PIC Commissioner or Inspector provides specific permission. The automatic application of this provision may impede an agency from efficiently and effectively investigating matters. Schedule 1, in items [3] and [4], resolves this situation by providing that the secrecy provisions do not apply to referred material unless PIC specifically advises that they do.

Regarding conflicting statements, the courts have held that, where a person makes conflicting statements when providing evidence to the PIC or the PIC Inspector, the prosecution must specify which of the two items of inconsistent evidence is false. This presents a difficultly in obtaining a conviction for giving false statement of evidence under the existing arrangements as it is often not possible to know which statement is false. Accordingly, schedule 1 [5] applies the provisions of the Crimes Act 1900 that relate to perjury and false statements when false evidence is given to the PIC or the PIC Inspector. This will enable a jury to convict a person who made conflicting statements before the PIC of which at least one was false, even if it is not known which statement is false.

As to ministerial consent, the Act currently requires the Minister to agree before a police officer can carry out any investigative, surveillance or enforcement functions for PIC purposes. These matters are operational in nature and should not require ministerial consent. Arrangements that would require the concurrence of the Minister or the Commissioner of Police before a police officer can perform investigative functions on behalf of the PIC could hinder timeliness and effectiveness of an operation. The bill introduces a requirement for the PIC Commissioner to notify the PIC Inspector of the granting of any such authorisation. This recognises the important oversight role of the Inspector, who is well placed to inquire into and monitor the exercise of the power.

I turn now to the changes to the Police Act 1990. The Police Integrity Commission Act and Police Act 1990 prevent the Commissioner of Police from taking disciplinary action against members of NSW Police who are subject of PIC or Ombudsman investigations, as the case may be, unless either of those bodies consent, or are at the very least are consulted. The consent requirements interfere with the ability of the Commissioner of Police to properly manage NSW Police. The bill removes this consent requirement. In cases where an officer is subject to either an investigation by PIC or the Ombudsman, the Commissioner of Police may take appropriate criminal, dismissal or other management action against that officer following consultation with either the PIC Commissioner or Ombudsman. This bill will ensure that there continues to be appropriate independent and accountable oversight of police conduct in New South Wales. The proposed amendments will enable PIC to carry out its important functions in the most effective and efficient way possible. I commend the bill to the House.

Debate adjourned on motion by Mr Peter Debnam.

STOCK MEDICINES AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [11.42 a.m.]: I move:

That this bill be now read a second time.

The Stock Medicines Act 1989 is the principal Act that regulates the use of stock medicines in New South Wales. The Act is intended to ensure that animal products consumed by humans are not contaminated with stock medicines. It also aims to make sure that trade in animal products is not affected by residues. The Act is intended to ensure that stock medicines are used appropriately and to best effect. New South Wales is amending this Act for two main reasons. The first is to comply with national competition policy requirements for the adoption of agreed national controls over the use of veterinary chemicals. This covers all the proposed amendments dealing with the use of stock medicines and keeping records, plus the removal of the advertising provisions. The second is to implement recommendations arising from the State review. These are the new objects for the Act and the repeal of obsolete provisions to improve the effectiveness of the legislation. New South Wales is tied to the National Registration Scheme for agricultural and veterinary chemical products. The Agricultural and Veterinary Chemicals (New south Wales) Act 1994 applies the Commonwealth's Agricultural and Veterinary Chemicals Code Act 1995 as a law of New South Wales.

The Commonwealth's law is commonly referred to as the Agvet code. On a point of terminology, although we refer to stock medicines in New South Wales, they are known as veterinary chemicals elsewhere in Australia. In early 1999, the Commonwealth undertook a national competition policy review of the full suite of legislation that makes up the National Registration Scheme, including the enabling State legislation. The review identified a number of issues arising from a lack of uniformity in State legislation controlling the use of agricultural and veterinary chemical products. At the same time, the review acknowledged that the various jurisdictions were already well advanced in several ways, including developing a set of national principles for the control of stock medicines, and developing controls over veterinarians' rights to use stock medicines contrary to the label directions. The review went on to acknowledge that the adoption of these principles into legislation by each jurisdiction would satisfy the issues raised by the review.

In August 1999 the former Standing Committee on Agriculture and Resource Management endorsed a set of national principles for the control of stock medicines. It also endorsed a set of controls over veterinarians' rights to use stock medicines contrary to the label directions, and formally agreed to take steps to have them adopted into State legislation. Adoption of the national principles was also strongly supported by the Joint Expert Technical Advisory Committee on Antibiotics Resistance, which recommended that each jurisdiction pass legislation so that antibiotic use could be controlled adequately under all circumstances. Many of the national principles for the control of stock medicines, and for controlling off-label use or prescription by veterinary surgeons, already are reflected in the existing provisions of the Stock Medicines Act. The amendments contained in this bill will implement the remainder of the agreed national principles. These amendments will ensure that New South Wales legislation remains broadly consistent with controls over stock medicines in other States.

It is important that the House understand that these controls are not being implemented by New South Wales alone. Rather, they form part of an agreed national framework. All other jurisdictions have agreed to implement complementary controls. They have either done so or they have drafted legislation for this purpose. All States now have legislation in place, except the Northern Territory and Western Australia, which have drafted legislation but are waiting for its introduction into their parliaments. Importantly, the process for developing these nationally consistent controls involved extensive consultation. The veterinary profession was closely consulted through the Australian Veterinary Association. The main livestock industry bodies were also consulted, including the New South Wales Farmers Association.

Similar consultation took place with the former national registration authority, now known as the Australian Pesticides and Veterinary Medicines Authority, to make sure that the proposed controls would effectively integrate with the national risk assessment and registration process for stock medicines. In their comments the Australian Veterinary Association recognised the validity of the basic controls. The association was keen to see the introduction of consistent national controls. They also supported the identification of treated animals and the keeping of records of such treatment. The association raised questions about certain issues during the consultation process, including the wording of proposed controls where such wording may imply that veterinary surgeons were required to authorise uses of certain products. This was addressed in consultation with the association, which is now comfortable with the proposed amendment. Requests by the Australian Pesticides and Veterinary Medicines Authority regarding off-label treatment of food animals and appropriate use of label restraint statements were also addressed in the final proposal.

A number of additional amendments are required to give effect to the recommendations from the New South Wales competition policy review of the Act. I will now take the House through each of these amendments. The competition policy review of the Act recommended changes to its primary objectives. That

recommendation has been adopted and the primary objects are to appear in the new section 2A. Briefly, these new objects will promote consumer safety by ensuring that humans are not exposed to unsafe chemical residues in food. Another object is to facilitate international trade by ensuring our standards for chemical residues match those of our international markets. Lastly, but just as importantly, the Act aims to protect the animals treated with stock medicines.

The bill also makes changes to the definitions of food producing species under section 3. These are now categorised as either food producing species or major food producing species. Animals to be included in the latter category are cattle, sheep, pigs and chickens. There is provision for other animals to be prescribed in the regulations if their importance as food producing animals increases in future. This change reflects the importance of the major species as food in the Australian market and also their significance to our international trade. The bill also changes the definition of "prescribe" as it relates to a stock medicine. The term "prescribe" will now include any written instruction given by a veterinary surgeon to a person for the supply to that person of the stock medicine or the supply of stock food treated with the stock medicine. This change also specifies that the provisions of the Act covers stock food treated with stock medicine.

In general the Stock Medicines Act requires all users of stock medicines to use the medicine only on those animals included on the label and at the dose rates and by the methods indicated on the label. In particular circumstances under the Act, veterinary surgeons may issue instructions that differ from those on the label. The bill changes some restrictions imposed by the Act but will retain the ban on use of unregistered stock medicines in food producing species. This is to prevent illegal or unsafe residues. Owners of companion animals have used unregistered stock medicines in their animals for many years with no indication of any real risk to the animals or the community. Consequently, the bill will remove the previous restrictions on this use. For example, they will now be able to use human medications, such as aspirin, on their pet or they could use cat worm tablets to treat a dog.

Some additional restrictions are being implemented in accordance with the nationally agreed principles. The first is a prohibition on the use of oral or topical products by injection on the basis that this poses a risk to the animal and could also change the residue profile of the product. This may also cause illegal or unsafe residues in food producing animals. Secondly, all users of stock medicines, including veterinary surgeons, must comply with a new category of restraints set out in this bill. This provision will ensure that this State's controls, especially in regard to the use of important antibiotic products, properly reflect the risk assessments carried out by the Australian Pesticides and Veterinary Medicine Authority.

The legislation continues to allow veterinary surgeons to use and prescribe products off-label, but not in cases where there are specific restraints. This also reflects the need to prevent important human medicines, such as certain antibiotics, from being used in food producing animals. These restraints will give the community increased confidence that important medicines will not be misused. Thirdly, veterinary surgeons will only be permitted to treat animals of a major food producing species with a product that is already registered for the treatment of another major food producing species. This means that major food producing species will be treated only with products that have been assessed as suitable for use in animals producing food for humans. This amendment clearly states the intent and longstanding interpretation of the original Stock Medicines Act.

I am confident that these restrictions will not impact unduly on professional veterinary practice: They were supported by the veterinary profession during the consultation process. These restrictions are a positive means of ensuring that the risk assessment undertaken for each stock medicine is properly and consistently implemented in all jurisdictions. Despite these restraints, the States and the Commonwealth have determined that some latitude be provided to veterinary surgeons in dealing with individual food producing animals, particularly when an animal is very valuable or when registered treatments may be known to be ineffective.

For this reason the bill will allow veterinary surgeons to use unregistered stock medicines, or to use registered products, to treat an individual animal under their care, in spite of any restraint statement legislation. But this exemption has an important limitation: No other animal from the same property can be treated at or about the same time with the stock medicine. Only very low numbers of animals would fit this situation—for example, a stud bull, a prize milking cow, a top performing boar, or a donor animal used for artificial breeding. This exemption would not permit the more general use of stock medicines, for instance, in feed or water that is accessible to a number of animals, because only a single animal may be treated.

The amendments to the Act also provide some new flexibility in relation to minor or innovative livestock industries. There are few, if any, registered products available to treat unusual animals, such as deer,

alpaca or emus. The amendments allow the use of stock medicines registered for other species, provided that they do not increase the label dose. Farmers are also obliged to apply an appropriate withholding period using the label withholding period as a minimum. Generally, this withholding period will be set in consultation with their veterinary surgeon. Once the withholding period has been properly established in this way, farmers will not have to continually seek written approval to use the product. As previously indicated, there is provision for other animals to be prescribed in the regulations once the amendments are implemented, and if their importance as food producing animals increases in future.

The bill will require veterinary surgeons to keep good records when prescribing or supplying unregistered stock medicines, or using any off-label registered medicines, or retaining prescription-only stock medicines. Of course, the keeping of such records is good veterinary practice, and the majority of veterinary surgeons would already be keeping these records. This ensures that veterinary surgeons are accountable for any residues that may arise in circumstances where the veterinarian is responsible for determining the treatment administered to an animal. This also ensures that any residues arising from treatments to food producing animals can be traced, if necessary. Additionally, the bill requires buyers of stock, which have been treated and have an outstanding withholding period, to be informed. This requirement to inform also extends to those in charge of stock that have been treated.

Those who treat stock of a major food producing species on behalf of another person are obliged to identify the treated animals and pass on any related use instructions to the owner or person in charge. These requirements will cover situations when, for example, a veterinary surgeon or a contractor treats large numbers of animals with a stock medicine supplied by the vet or contractor rather than the owner. In this situation, it is essential that the veterinary surgeon or contractor provide written details, such as withholding periods. This will prevent stock being slaughtered before the withholding period expires and will avoid those handling the stock being unnecessarily exposed to the chemical.

The Act currently gives rights and responsibilities to veterinary surgeons. These rights are not available to the public and are given only on the basis of the professional knowledge and ability of the veterinary surgeon. The bill provides that veterinary surgeons can be held responsible where their treatment instructions result in residues that contravene the Food Standards Code. Specifically, this means that veterinary surgeons can be prosecuted. The change provides a strong incentive for veterinary surgeons to provide advice of the highest quality. Obviously, veterinary surgeons would not be responsible if the residues occurred because the instructions they provided were not followed—for example, if they specified a withholding period of 28 days but the owner sold the stock after only 14 days.

These are the major changes made in relation to the national competition policy review of the agricultural and veterinary chemical legislation. The other major change relates to the New South Wales Competition Policy Review of the Stock Medicines Act, namely to repeal the restrictions on advertising of certain classes of stock medicines. The repeal is to occur on a date to be proclaimed. The advertising of stock medicines included in schedules 2, 3 and 4 of the New South Wales Poisons List under the Poisons and Therapeutic Goods Act 1966 is restricted by the stock medicines legislation to publications circulating normally to veterinary surgeons only. This is in accordance with equivalent legislation in all other jurisdictions.

The National Competition Council has singled out the legislation in New South Wales, even though a national review of poisons legislation recommended against the blanket removal of such provisions. The decision was taken by Cabinet at its meeting on 8 March 2004 to accept the proposal of the Minister for Primary Industries to remove these provisions, but to give them effect only when there is appropriate national legislation to replace them. This will be in line with the national review of poisons legislation, which recommended the introduction of suitable national legislation to replace State controls. In July 2004, the Australian Health Ministers' Conference recommended to the Council of Australian Governments that all controls on the advertising of agricultural and veterinary products be included in the Agricultural and Veterinary Chemicals Code Act, which is administered by the Australian Pesticides and Veterinary Medicines Authority. The New South Wales advertising provisions can be repealed once the Federal legislation commences.

Finally, a number of further amendments are being made to improve the operation of the legislation. These include a change to the grounds under which the director-general may make an order controlling supply and use of stock medicines. These grounds have been extended to cover the control or eradication of diseases or pests and the impact of particular local climatic or soil conditions. The second is the removal of the requirement to prove a wilful breach of such an order made by the director-general. At present, a person must be shown to have intended to break the law and this can be impossible to prove. Instead it is proposed that they be expected to comply with it simply because they know about its existence.

The third is the inclusion of a provision for the use of penalty notices for minor offences. This mirrors the use of such notices in similar legislation administered by the Minister's department. Minor offences, or offences where little damage has been caused or anticipated, can be dealt with by the issue of an infringement notice. This saves major costs for all involved while still allowing a defendant to proceed to a court hearing if he or she wishes. In summary, I believe the bill introduces a number of significant reforms that will further protect domestic and export trade in animal products and ensure that public confidence in the use of stock medicines on food-producing animals is maintained and strengthened. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

ANTI-DISCRIMINATION AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [12.01 p.m.]: I move:

That this bill be now read a second time.

The New South Wales Anti-Discrimination Act 1977 is a vital plank in the Government's commitment to the protection of the human rights of members of our community. It was introduced in 1977 by the Wran Labor Government and has continued to evolve over the past 27 years into an increasingly important regime for protecting members of our community from prejudice and discrimination in key areas of public life, such as employment, education, the provision of goods and services and the provision of accommodation. There is growing evidence of its effectiveness in bringing about positive change and reducing discriminatory attitudes and practices in the broader community. The Government's resolve to support these fundamental rights remains strong, but one of the key tasks of Government is to take the opportunity to update and make laws relevant to changing times. The current bill does this in a number of important ways.

The bill represents a major step in the Government's response to the New South Wales Law Reform Commission's Review of the Anti-Discrimination Act 1977, which is Report No. 92. It follows on from the steps the Government has already taken to enact recommendations from Report No. 92 which prohibit discrimination in employment on the basis of a person's responsibilities as a carer. The Government introduced and this Parliament passed the Anti-Discrimination Amendment (Carers Responsibilities) Bill in 2000. These provisions provide protection for the many carers in our community who are unfairly treated in the workplace when they try to balance work and family commitments. The Anti-Discrimination Board reported in 2002-03 that it received 765 enquiries in relation to the ground of carers' responsibilities, and 88 complaints were lodged in the same period. The Government's reforms are making it possible for workers who are also carers to insist that employers take reasonable steps to accommodate these other important responsibilities.

Many of the reforms in the current bill also reflect or are consistent with the Law Reform Commission's recommendations for improving the operation of the Act. Of the 161 recommendations contained in Report No. 92, the bill addresses around 60 of them, most of which relate to the Anti-Discrimination Board's complaint handling procedures and the review of the president's decisions by the Administrative Decisions Tribunal. More recent consultations with the New South Wales Ombudsman and the current president of the board, Mr Stepan Kerkyasharian, have resulted in the inclusion of other provisions in the bill that will improve the capacity of the board to handle complaints fairly and expeditiously. I wish to emphasise that the other recommendations in the Law Reform Commission's report not yet addressed will be given full consideration by the Government and I expect that a further package of amendments will be put before this Parliament in due course. I turn now to the main purpose of the current bill.

The bill rewrites divisions 1, 2 and 3 of part 9 of the Act to provide a clear process for the lodgment, investigation and, where necessary, review of complaints. While it retains aspects of the current law that are working well, it also includes provisions which will bring about significant improvements to the processes governing the making and investigation of complaints of unlawful discrimination by the President of the Anti-Discrimination Board. It also streamlines and improves the processes of review of the president's decisions by the Administrative Decisions Tribunal.

I turn now to the lodgment of complaints. The capacity of an individual, or a group of individuals, to lodge a complaint of unlawful discrimination is crucial to the protection of their human rights. There are a

number of new provisions that provide greater clarity and seek greater levels of fairness in relation to the lodgment of complaints. Currently a person must lodge a complaint within six months of the alleged discrimination occurring. The president has discretion to accept complaints after the six-month period, on good cause being shown. Experience has shown that the six-month statutory limitation period has proven to be inadequate, as some victims of discrimination may not be aware of their rights under the present Act, or may feel unable to confront the alleged perpetrator within such a short time of the alleged unlawful conduct. That approach has also produced concerns in relation to complaints that allege a series of unlawful, discriminatory acts over a period of time.

The bill provides that a complainant must lodge a complaint within 12 months of the alleged discriminatory conduct. New section 89B (2) (b) will give the president a discretion to decline a complaint if the whole or any part of the conduct complained of occurred more than 12 months before the making of the complaint. That approach will double the period of time which complainants have to seek advice about their rights and to lodge a complaint, while at the same time encouraging them to bring complaints within a reasonable time frame. The majority of submissions received by the Law Reform Commission supported extending the limitation period to 12 months. This approach will also promote uniformity with the majority of other Australian jurisdictions in relation to time limitation provisions. There are times when, due to a person's vulnerability, it is appropriate for someone else to lodge a complaint on his or her behalf. New section 87A allows a complaint to be made by an agent, or by a parent or a legal guardian, if the person lacks legal capacity.

The president is given powers also to ensure that a complainant has consented where possible to the complaint being made on their behalf. The bill also provides that when the president is not satisfied that a person is acting in the best interests of the person on whose behalf a complaint is made, the president may appoint another person to act on their behalf, or may decline the complaint. The overall concern of this regime of provisions is to ensure that the best interests of complainants and potential complainants are protected. They are often the most vulnerable in our community and this bill seeks to uphold and protect their interests. New section 88A also gives the president the capacity to assist a person to make a complaint. It is envisaged that this might occur in circumstances where a person's disability, illiteracy, lack of English language skills or cultural background, including their Aboriginality, may make it difficult or impossible to lodge a complaint without such assistance.

I have received a number of representations from interested parties, including in particular Mr Jim Bond of Killarney Vale, a visiting lecturer at the Australian Catholic University in the area of special needs, about the need for people with dyslexia to receive assistance, where necessary, in compiling a written complaint. Without such help they are often not in a position to lodge a complaint under the Act. The bill allows the president to assist such people in the future. New section 89 proposes that a complaint must be in writing, but it does not have to take any particular form or to demonstrate a prima facie case. This ensures that there is no prescriptive form required for a person to lodge a complaint and that the lodgment of the complaint in its original form is a sufficient trigger for further investigation and refinement of the issues raised by the complaint.

Complaint lodgment will soon enter the electronic age. The bill allows for the establishment of an electronic system for lodging complaints and thus removes the requirement for a person to put his or her signature to a complaint. To ensure the authenticity of the complaint, the president has the power to satisfy himself or herself that the complaint is made by the complainant. New section 88B also makes clear that a person is not prevented from lodging a complaint with the board only because they have made a complaint or taken proceedings in another jurisdiction, whether in New South Wales or elsewhere.

I refer next to complaints handling by the Anti-Discrimination Board. Once the Anti-Discrimination Board has received a complaint, the bill proposes a number of changes to the way in which that complaint is considered and investigated, if accepted. Firstly, the president must determine whether the complaint is to be accepted in whole or in part. The capacity of the president to decline a complaint in part is a new feature and will address the situation that arose in the case of *MacDonald v Home Care Services of NSW* in which it was concluded that the president cannot decline part of a complaint. This has caused practical difficulties where some part of a complaint may be capable of investigation for a contravention of the Act, even if some other parts are not.

New section 89B sets out the circumstances in which the president may decline a complaint. Generally, the president is required to give notice of a decision to accept or decline a complaint, or part of a complaint, within 28 days of the decision. The president must provide regular reports to the parties about the progress of the investigation—at least every 90 days. This will ensure that all parties involved are given regular feedback

about the progress of investigation and the issues in the complaint that still need to be resolved. Once an investigation into a complaint has begun, different or additional issues are often identified to those originally raised in the complaint. In such circumstances, flexibility is required to ensure that all aspects of a complaint that come to light are dealt with fairly and in a timely way.

Therefore, to give greater flexibility to the complaint-handling process, new section 91C gives the complainant the capacity to amend the complaint, provided the president has not already declined or resolved it. The president will be required to inform the respondent and any new respondents about the substance of the amended complaint. The same time limits will apply as apply to the making of the original complaint. Currently when the president is investigating a complaint, he or she may request the production of documents and information relevant to an investigation, but has no power to compel their production. Other Australian jurisdictions have empowered the equivalent of their president to require the production of documents and have adopted sanctions for failure to comply.

Arguably, it is difficult to conciliate a case effectively if not all the relevant information about the alleged discriminatory conduct is made available. On the other hand, some have argued that the informal and generally co-operative nature of the conciliation process is undermined by giving the president a coercive power to produce material. The New South Wales Law Reform Commission ultimately recommended that the president should be given a power to require the provision of documents and information, backed by a penalty for failure to comply. New section 90B empowers the president to require a party to the complaint, or a person who has material relevant to the complaint, to provide information or documents to the president, generally within 28 days of the request. A person who fails to comply is guilty of an offence. Where there is non-compliance, the president may also refer the complaint to the tribunal.

In addition, new section 90A enables the president to require the production of a transcript of a broadcast that has given rise to a vilification complaint or an allegation that a serious vilification has been committed. Failure to comply also brings a criminal sanction in the form of a monetary penalty. The bill enables the president to endeavour to resolve a complaint by conciliation at any stage after it has been accepted. It also provides for registration and enforcement of an agreement reached after a successful conciliation. This is a new aspect of the conciliation process. New section 91A provides that where a party believes that the other party has not complied with the terms of a recorded agreement he, she or they will need to apply to the tribunal to have it registered, within six months of the date of the agreement. If the tribunal registers the agreement, it is taken to be an order of the tribunal and can be enforced accordingly.

New section 92 also sets out clearly, although not exhaustively, the president's powers to decline a complaint once the investigation has commenced. The factors included in the bill are designed to guide the president's discretion in deciding whether to decline the complaint. Where a complaint is declined, the president must advise complainants of the reasons for the decision and their rights of referral to the tribunal in certain circumstances. The bill also provides a clear basis for formally terminating complaints that have been withdrawn, abandoned, settled or resolved by agreement between the parties. These provisions will assist the president to bring closure to complaints for all parties, especially in the case of respondents, who may otherwise remain uncertain about the status of a complaint against them that has been withdrawn or not actively pursued.

The bill also addresses a significant issue raised as a result of the New South Wales Ombudsman's investigation into the handling of certain specific complaints by the former president of the board, Mr Chris Puplick. The Ombudsman's final report recommended that the current Act be amended to permit the president to delegate all complaint-handling functions to appropriate officers, other than the power of delegation. The Government has acted on the Ombudsman's recommendation. New section 94C broadens the power of the president to delegate his or her functions under the Act and will allow him or her to delegate any of the president's functions—other than the power of delegation—to a specified person or to the holder of a specified office.

As the president's complaint-handling functions extend to handling of complaints within my portfolio, it is appropriate that the bill provides for the president or his or her delegate to perform the president's functions without the concurrence of the relevant Minister. It is also important that the Minister plays no role in revoking the delegations made to designated officers. This will ensure that there is no actual or perceived bias in favour of persons within my portfolio who may be the subject of a complaint. There is one final matter in relation to complaints handling by the board. The bill also proposes an amendment to the general regulation-making power under the Act to allow for the making of regulations in relation to all aspects of the complaint-handling process.

I deal now with referrals to the Administrative Decisions Tribunal. The bill sets out the circumstances in which a complaint may be referred to the Administrative Decisions Tribunal, either by the Minister, the president or a party to the complaint. A new feature is that either party can request the president by notice in writing to refer the complaint to the tribunal if it has not been declined, terminated or otherwise resolved within 18 months after the complaint was lodged. This approach is designed to encourage resolution or conciliation of the complaint within an 18-month time frame, but recognises that there are some variables, often beyond the board's control, which will leave a complaint unresolved after this time.

In such circumstances, and in the interests of fairness to parties, referral to the tribunal for resolution will be possible. However, if the complainant objects to the referral of the complaint, the president must not refer the complaint but may terminate it if there are no reasonable prospects of a conciliated agreement. If the respondent objects to the referral of the complaint, the president will be required to refer the complaint, unless he or she is satisfied that there are reasonable prospects of a conciliated agreement.

I deal next with proceedings before the tribunal. The current Act requires a grant of leave by the tribunal for a party to be represented by a legal practitioner or agent. In report No. 92 the New South Wales Law Reform Commission recommended that this situation be maintained, notwithstanding that the Administrative Decisions Tribunal Act generally allows for representation before the tribunal as a matter of right. The current bill maintains the position that there is no automatic right to representation in proceedings before the tribunal. Leave by the tribunal will be required. This is to ensure that an unrepresented litigant is not disadvantaged if he or she cannot find or afford representation. This is a significant issue, particularly for complainants in anti-discrimination matters, many of whom come from disadvantaged groups who may not be able to afford legal services and may otherwise be deterred from proceeding to the tribunal to have their complaints determined.

New section 98 outlines the relevant factors that the tribunal is to determine when considering an application for leave to be represented. These include: the complexity and importance of the proceedings to each party and their importance in the public interest, the likely length of the proceedings, and the likely cost of representation as compared to the financial benefit of the relief sought. New section 105 also makes clear the powers of the tribunal to make interim orders which preserve the status quo between the parties to the complaint, preserve the rights of the parties to the complaint or return the parties to the circumstances they were in before the alleged discrimination occurred, pending the determination of the complaint.

I turn now to orders of the tribunal. The bill also sets out clearly the powers of the tribunal to make orders and other decisions. It extends the current law to provide that where the tribunal finds a complaint substantiated, it may order the respondent to publish an apology or a retraction in a suitable publication. Previously this kind of order applied only to complaints of vilification. In addition, an order may extend to conduct of the respondent that affects persons other than the person who lodged the complaint. This will allow the tribunal to address identified situations of systemic discrimination. The tribunal will also be able to order a respondent to pay damages not exceeding $40,000 if they do not comply with an earlier order of the tribunal. If the tribunal makes an order that affects an 'industrial agreement', it must give notice in writing to the president as soon as practicable. This will ensure that steps are taken to inform the Industrial Relations Commission of the relevant parts of the order.

In relation to enforcement of orders there are two new features to be added to the current enforcement regime. The Law Reform Commission proposed that the president be given a role in the enforcement of some orders. As a general rule, enforcement of tribunal orders will be a matter for the parties. However, there are some circumstances where the public interest might demand that the president take some action to enforce an order. It is envisaged that this might occur in situations where a complaint demonstrates systemic discrimination by a particular respondent and the complainant lacks the necessary resources to initiate enforcement proceedings. In addition, the bill provides for the enforcement of non-monetary orders of the tribunal as a judgment of the Supreme Court once the registrar of the tribunal has filed a certificate outlining the terms of the order.

Presently, the penalty for non-compliance with a non-monetary order of the tribunal is a small monetary fine. This is a serious limitation on the effectiveness of the kinds of relief granted by the tribunal, which are specifically designed to change or eliminate discriminatory attitudes and conduct. These new powers of civil enforcement seek to ensure that justice is actually brought about for complainants whose complaints have been proven and where non-monetary orders are an appropriate form of relief. Interest will also accrue on damages ordered to be paid by the tribunal from the date on which the order takes effect until payment. It will accrue at the same rate as that applicable to a judgment of the District Court.

I turn now to the issue of codes of practice. Another new feature contained in the bill relates to the development and promotion of codes of practice by the Anti-Discrimination Board. The board already develops guidelines to assist others, such as employers, to comply with the Anti-Discrimination Act. Proposed section 120A formalises this role in legislation. A code of practice is designed to provide guidance in relation to the conduct that constitutes discrimination under the Act and ways in which it can be avoided. The codes will not be legally binding, but evidence of compliance with, or contravention of, a code may be taken into account by the president or the tribunal during the investigation or review process. The development and promotion of codes of conduct, which will be done in consultation with relevant representative bodies and industry groups, is consistent with the board's educational role on human rights and discrimination matters. In the past such assistance has been well received by industry groups and has helped employers to eliminate many discriminatory practices from their workplaces.

I turn to the protection of information. The bill also contains a new secrecy provision that contains the duties and obligations of employees and agents in respect of information about a person's affairs that they acquire in the course of their duty as employees or agents of the board. Currently, information acquired or held by the board about a complaint, other than information that is protected from disclosure under section 94, may be subpoenaed by a court or may be subject to a request for production pursuant to the Freedom of Information Act 1989. The board has reported that its documents are regularly subpoenaed in relation to proceedings in other jurisdictions. It has limited grounds on which to oppose production under existing laws.

The result is that the current law fails to recognise the importance of ensuring confidentiality for persons lodging complaints. There is a risk, albeit a small one, that details of a complaint could be disclosed by officers of the board to the media, a relative or a prospective employer without sanction. Most other equal opportunity jurisdictions in Australia have provisions in place to govern the actions of public officers in relation to personal information contained in the complaint and acquired during its investigation. It is appropriate that New South Wales does also. Therefore, to protect the integrity of the complaint resolution process and to encourage persons to bring complaints, this bill will make it an offence for a member or officer of the board to make a record, disclose or communicate to any person information concerning the affairs of any person obtained while exercising the functions under the Act, unless it is already publicly available or where the disclosure is required under the Anti-Discrimination Act or authorised by any other relevant law. Information concerning the affairs of a person will also be inadmissible in a court and cannot lawfully be the subject of a subpoena.

One exception to these strict non-disclosure requirements is included in the bill. Where the president of the board certifies in writing that it is necessary to provide information to the Minister, and it is in the public interest to do so, the relevant material may be disclosed. This provision will ensure that the president has a discretion to convey relevant information about the affairs of a person to the Minister where the public interest demands it. Relying on the exception under the Freedom of Information Act 1989 for documents containing confidential information has also proved to be inadequate in relation to information provided to the board to assist in investigating the complaint. The bill contains an amendment to exempt the president of the board from the operation of the Freedom of Information Act in relation to the president's complaint handling, investigative and reporting functions while the complaint is in the course of being dealt with by the president. This puts the president of the board on a par with other New South Wales government agencies with similar complaint handling and reporting functions, such as the Independent Commission Against Corruption and the Ombudsman's office.

The president of the board has drawn to my attention that it is presently unclear whether the board can lawfully charge fees for the education services it provides to the public. These services include the holding of workplace training seminars for employers about their obligations under the Act, and how they can best meet these obligations. This is a situation that ought to be remedied. A provision has been included in this bill to make it abundantly clear that the board is able to enter agreements and to receive payments for the services or materials it provides while exercising its education functions under the Act.

I turn finally to the question of disability discrimination. The bill also extends the operation of the disability discrimination provisions of the Act to prohibit discrimination arising on the basis that a person with a disability is accompanied by another person whose role it is to assist them with his or her disability. This would include an interpreter, a reader, an assistant or a carer. The new section also prohibits discrimination on the basis that a person uses or possesses a palliative or therapeutic device or other mechanical or electronic equipment to alleviate the effect of their disability. These are sensible amendments that seek to protect a person with a disability from discrimination in public life on the basis of a characteristic that appertains generally to people who have that disability. This amendment is designed to bring New South Wales into line with the definitions of "disability" contained in the Federal Disability Discrimination Act 1992.

I mention in passing one other matter relating to the definition of "race" within the Act. In 1994 the then Attorney, Mr John Hannaford, MLC, in moving the second reading of an earlier bill to amend the Act, noted that the term "ethno-religious origin" was being added to the definition of "race", and I quote:

> to clarify that groups such as Jews, Muslims and Sikhs have access to the racial vilification and discrimination provisions of the Act.

Since that time the term "ethno-religious origin" has been given a narrower judicial interpretation. However, it is important to reiterate the Government's clear position that the original intention of these provisions should continue to apply—that is, that members of specific groups who share a common religious and cultural identity, such as Jews, Muslims and Sikhs, should continue to be protected by the racial discrimination provisions of the Act. Recent international events have highlighted the importance of ensuring that the flames of irrational prejudice are not directed towards the vast majority of law-abiding citizens in New South Wales, regardless of their ethno-religious origin. The Anti-Discrimination Act is designed to protect all such citizens from prejudice and bigotry. It is my pleasure to commend the Anti-Discrimination Amendment (Miscellaneous Provisions) Bill to the House.

Debate adjourned on motion by Ms Katrina Hodgkinson.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT (UNIFORM CLASSIFICATION) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [12.30 p.m.]: I move:

> That this bill be now read a second time.

Since 1996 Australia has had a national classification scheme for films, computer games and publications. Under this scheme the Commonwealth classifies films, computer games and publications, and the enforcement of classification decisions is the responsibility of the States and Territories. Accordingly, when agreement is reached to amend the scheme, complementary amendments are often required to be made by the Commonwealth, and all States and Territories, to their classification legislation. This bill is the result of such an agreement between the Commonwealth, States and Territories. Under the national classification scheme the guidelines for the classification of films, publications and computer games are periodically reviewed. This is to ensure that the guidelines continue to reflect current community attitudes and standards.

In 2000 censorship Ministers agreed to a combined review of the Guidelines for the Classification of Films and Videotapes and the Guidelines for the Classification of Computer Games. A combined review was thought necessary to deal with issues then arising from the convergence of media in digital recordings. Following the launch of the review of the Guidelines for Films and Computer Games a discussion paper was prepared by the Office of Film and Literature Classification [OFLC], public submissions were called and stakeholders were given the opportunity to comment. In early 2002 an independent expert, Dr Jeffrey Brand, from the Centre for New Media Research and Education at Bond University, was appointed to analyse the submissions.

Dr Brand's report emphasised that the difficulties of classification in a dynamic media environment needed to be addressed by the national classification scheme. The issue of convergence pointed very strongly to the conclusion that the guidelines for the varying media forms needed to be combined. Consistent with the recommendations of Dr Brand's report, censorship Ministers agreed to redraft the guidelines used to classify films and computer games. The new guidelines contained merged classification guidelines for films and computer games, although the terms used to describe each classification category were still different for films and computer games. These new guidelines came into effect in March 2003. To support the new guidelines, it was recognised that legislative change was required to enable a consistent set of classification symbols and descriptors for films and computer games.

In March this year State, Territory and Commonwealth censorship Ministers agreed to amendments to the classification descriptors in the Commonwealth Classification (Publications, Films and Computer Games)

Act 1995, that is to say the Commonwealth Act, and to consequential amendments to State and Territory classification enforcement legislation. In May this year the Commonwealth passed the Classification (Publications, Films and Computer Games) Amendment Act 2004. The Commonwealth amendments make the descriptors for film and computer game classifications in the Commonwealth Act consistent. This complements the Guidelines for the Classification of Films and Computer Games previously agreed to by censorship Ministers.

This bill, which is to commence at the same time as corresponding Commonwealth, State and Territory legislation, amends the Classification (Publications, Films and Computer Games) Enforcement Act to implement uniform classification categories for films and computer games in New South Wales. These amendments are consequent on the Commonwealth amendments passed in May. The bill makes amendments to various sections of the Classification (Publications, Films and Computer Games) Enforcement Act by removing references to old classifications and replacing them with the appropriate new classifications. Accordingly, references to computer game classifications of G (8+), M (15+) and MA (15+) are replaced by classifications of PG, M and MA 15+ respectively. Similarly, references to film classifications of MA, R and X are replaced by MA 15+, R 18+ and X 18+ respectively.

The proposed amendments will achieve a number of objectives: they will enhance community awareness of the computer games classification scheme through the use of the well-known and understood classification types for films; they will enhance the distinction between the advisory and legally restricted classifications, through the inclusion of age descriptors on the restricted classifications only; and they will address the confusion regarding the difference between the current M and MA classifications. Research by the Office of Film and Literature Classification indicates that less than half of the population is aware of the computer games classification scheme. Renaming the computer games classifications to mirror the well-known film classifications will assist parents in choosing games for their children.

Consumers are also very confused about the MA classification. The OFLC conducted in-depth consumer research examining the extent to which consumers are able to differentiate between the M and MA ratings for films. This research concluded that the MA classification category is largely invisible to consumers, being seen as the same as the M classification category. More specifically, while there is a high degree of public recognition and understanding of the film classification scheme, very few people correctly understand the MA classification. A large percentage think MA means the same as M. This research strongly pointed to the value in changing the name and label for the MA classification category to clearly distinguish it from the M classification category.

The use of age descriptors for those classifications, where there exists a legal restriction on who may watch a film in the cinema, or who may hire or buy a film or computer game, for example, will help to distinguish the various classification types. For example, the film classifications of MA and R are to be replaced by MA 15+ and R 18+. The use of 15+ and 18+ indicates legally enforceable age restrictions apply. MA 15+ rated films and computer games will therefore be more clearly differentiated from M rated films and computer games. Transitional provisions will also apply to ensure that films and computer games that have been previously classified will be covered under the new regime.

It is important to note that the change to the names of the classification types does not affect the type of material that is permitted within each classification. The type of material that is permitted within each classification is assessed by the Classification Board and the Classification Review Board using the criteria set out in the National Classification Code and the guidelines. The bill responds to community demands for a simple, commonsense system that is the same across all classified products. Many parents are too busy to learn different classification systems, so a universal classification scheme is in everyone's interests. I commend the bill to the House.

Debate adjourned on motion by Ms Katrina Hodgkinson.

KENMORE HOSPITAL SITE SALE

Ms KATRINA HODGKINSON (Burrinjuck) [12.40 p.m.]: I move:

That this House condemns the Government for the secrecy, lack of transparency and lack of accountability to the taxpayers of New South Wales over the sale of the Kenmore Hospital site.

This issue goes to the very core of the lack of openness and transparency for which this Government is becoming renowned. Goulburn is a beautiful city, steeped in heritage. The Kenmore hospital site forms the largest single group of heritage-significant buildings in Goulburn. It is located on 75 hectares, between the Taralga Road and the Wollondilly River. The saga of the future of the Kenmore site has been dragging on for almost four years, and there is still no end in sight. During a rare and fleeting visit to Goulburn on 7 February 2003 the Premier promised that the Kenmore redevelopment would inject $150 million into the local economy, and generate 500 new jobs and up to 200 construction jobs. But the reality seems to be that now, after the tender process was shrouded in secrecy and questionable practices, development of the site will be further delayed by incompetence and mismanagement by the Carr Labor Government's planning processes.

In 2000 the Kenmore hospital site was declared surplus to the requirements of the Department of Health, and it was handed over to the then Department of Public Works and Services for disposal. Tenders were called for in March 2001. As soon as this happened an iron curtain of secrecy dropped across any discussion of the future of the site. The lack of any consultation with the broader community about this significant and well-loved icon, before major decisions about the future of the hospital were made, has raised serious concerns about the probity of the tendering process. I have raised many questions in this place about the sale process, and my parliamentary colleagues also have raised similar questions in another place. Each question has been met with a wall of obfuscation as members of the Government try to hide behind commercial in confidence rules and probity requirements. Well, probity in the sale of the Kenmore site is more like a joke to the local people, except it is such a serious issue that no-one is laughing.

On 24 June last year in this place I asked the Premier this question without notice: Why were Australian Labor members of Goulburn City Council, surplus to the mayor, aware of the confidential details of the sale of the Kenmore hospital site before they were made public by the Premier in March 2003? The Premier promised to seek information and, in his own words, "report back to the House". Where is the Premier's answer? Where is his report back to the House? Why does he not come into the Chamber and tell the people of Goulburn the truth? What is he trying to hide? We are left with the image of the Premier trying to hide from something. By failing to answer the question he is continuing to treat this House and the people of Goulburn with contempt, as we have come to expect from him.

My office regularly fields questions and calls from Goulburn residents concerned about what they have observed and what they have heard about the sale process. An editorial in the *Goulburn Post* of 13 August this year referred to the sale of the Kenmore hospital site and said, "Stop playing us for fools, Premier." A nine-member assessment panel, which included the former mayor of Goulburn, made the decision on the preferred tenderer for the site. This was announced in February 2003. But the process was so secretive that it was not until months later that I was able to find out even who the other members of the selection panel were—and that was despite constant questioning! The call for detailed proposals to purchase the Kenmore site specifically forbade any lobbying for any proposal.

Only the nine-member selection panel should have known details of the competing proposals. But, for the past two years, the *Goulburn Post*—the local newspaper that comes out three times a week—has reported regularly on how former Goulburn councillor Roger Lucas, who is also a member of the Labor Party, has been actively involved in promoting the preferred tenderer. These reports have been inserted in our local paper. This has led to the unedifying sight of a member of the Labor Party refusing to let another member of the Labor Party answer questions about the propriety of the sale process during a meeting of the Goulburn City Council. The Carr Labor Government's secrecy about the sale of the Kenmore site has been such that the former mayor of Goulburn, who was a member of the selection panel, was quoted in the *Goulburn Post* of 23 May 2003 as saying:

> I'm sick and tired of all this secret society stuff and I'm not fully aware of what I have signed off on. I would like to know what's going on before it hits the media.

Those comments raise further concerns about the probity of the tender process. If a member of the selection panel felt compelled to say he was not fully aware of what he had signed off on, then where were the real decisions being made? Who was it that in actual fact made the decision to sell a very valuable Goulburn asset at a bargain-basement price? Why has the Government continually refused to justify its decision and the selling price? I have received feedback from citizens of Goulburn alleging other direct lobbying between local Labor Party members and Minister Della Bosca and a person close to Goulburn-based Australian Labor Party Senator Stevens. I would appreciate it if Labor could tell us whether there is any justification to the speculative feedback that I have received.

Another significant concern is the reported sale price, about $2.8 million, which has yet to be confirmed by the Carr Labor Government. Late last year I asked why there was so much secrecy surrounding the asking price for property owned by the people of New South Wales. I was informed, after the tender process had been completed, that the losing tenderer had offered about twice the reported sale price. Local real estate agents have independently valued the site at a conservative $6 million. But the Carr Government has consistently refused to reveal the price paid for the site or the official valuation of the site by the State Valuers Office. Then the Auditor-General let the cat out of the bag when he revealed that the Kenmore site had been valued at $6.7 million as at 1 July 2002. This can only be described as the successful tenderer being given what will be known as "mates rates". We have all been wondering what is the deal there.

To recap: In February 2003—just a month before the elections in March—in my electorate, a seat that Labor desperately wanted, Premier Bob Carr said the State Government's Health budget could not afford to spend $3 million on buildings that stood empty. How ridiculous was that, given the Auditor-General's later report revealing that the value of the Kenmore site was $6.7 million? That is the crux of the concerns about the sale of the Kenmore hospital site. Why, if the Premier is so concerned about drains on the Health budget, has he given away a valuable State asset for less than half the valued price? Yet with all this publicly available information, the Premier has seen fit to refuse to answer my question about why confidential information was available to Labor members of the Goulburn City Council. What is he hiding?

On 4 September last year in this place I sought to raise the Premier's blatant contempt for this House in refusing to answer my question about how members of the Labor Party were aware of confidential information. That was information that they would not have had if the tender process had been aboveboard. But, again, a member of the Labor Party moved to protect the Labor Government from being held accountable to the people of Goulburn. What confidence can the voters of New South Wales have in a government that squanders millions of dollars on media research and consultants while flogging off valuable State assets to the lowest bidder? What confidence can the people of Goulburn have in a government that refuses to come clean about the details of the sale of a historic heritage site? If the process was aboveboard, I for one would welcome the public accounting by this Labor Government as to why it is in the interests of the people of Goulburn to sell off Kenmore hospital for less than half its real value.

Kenmore is an integral part of Goulburn's history, and the residents of Goulburn deserve to be, and should have been, consulted by the State Government before any decision was made as to the future of the site. I would welcome any development of the Kenmore site that is sympathetic with its heritage values and that would bring increased employment and development for Goulburn. But, after all the secrecy surrounding the tender process, the development of the Kenmore site is currently being plagued with what can only be described as incompetence by the State Government planning authorities. An important specification in the contract for the sale was that the Kenmore master plan would be approved before settlement of the sale. State environmental planning policy 8 states that the approving authority for land in public ownership is the State Government. Unfortunately, the Minister for Planning appeared to be unaware of his own rules, and for almost two years maintained that the Goulburn City Council, and then Greater Argyle Council, was the approving authority.

Although it disagreed with the Carr Labor Government, the council proceeded with the planning approval process for the Kenmore redevelopment. The council has, conservatively, spent up to $20,000 of taxpayers' money and many hundreds of staff hours processing the redevelopment. Council was aware of the concerns about who was the approving authority, and so it took the sensible step of negotiating with the developer and the Department of Planning to ensure that none of the work that council had done would be wasted. Then, after 20 months of denial, the planning Minister finally read his own rules and decided that he was the approving authority for this development. The Department of Planning has now told the developer that the developer will have to go back to square one in the approval process and that all of council's administrative work and public consultation will have to be redone.

Mr Thomas George: Kenmore Grove!

Ms KATRINA HODGKINSON: It is starting to sound like Orange Grove. The developer is furious at the prospect of further delays, and it looks as though all of council's hard work has been wasted by the Carr Labor Government's intransigence. The developer has now stated that he wants to renegotiate the sale contract to allow for settlement before approval of the Kenmore master plan. While this would save much time and money, I have considerable concerns about this course of action, because if it were to happen there would be no significant protection for this important heritage site in Goulburn.

Council would have no legal grounds for refusing any development that fitted into the very broad permissible uses for the Kenmore site in the local environmental plan. In short, from the start the Carr Labor Government has mucked up the whole Kenmore redevelopment process. The bottom line is that this New South Wales Labor Government has a firm and solid responsibility to the people of Goulburn and the rest of New South Wales to dispose of unwanted State assets in an open, accountable and judicious manner without fear or favour. The Government has miserably and demonstrably failed in that regard. Where is the transparency and democracy? It has gone entirely from New South Wales. It has certainly gone entirely from the Government. The people of Goulburn are sick to death of Labor abrogating its responsibility, particularly in relation to this very important matter.

Mr STEVE WHAN (Monaro) [12.50 p.m.]: It is important that I oppose this motion on a number of sound grounds, but also that I be critical of the honourable member for Burrinjuck, who has taken the opportunity under parliamentary privilege to give a spray to and attack the reputations of a lot of hard-working people in the Goulburn area. Obviously the Kenmore hospital site sale has a fairly long history. The Government formed a panel, which included local community representatives, to consider the bids. Longreach Capital was the successful tenderer for the Kenmore hospital site and received a unanimous recommendation from the committee, which decided it was the best tender for Goulburn. The proposal is for a mixed use of the site, which includes economically valuable proposals for the area—aged-care dwellings, a possible call centre, high-density dwellings, up to 70 medium-density dwellings, commercial areas, boutique hotel, conference centre, 120-room hotel, golf course and education facility.

The proposal, which will mean a massive investment in the redevelopment of the site and employment from the site, will bring a lot of benefit to the Goulburn area. Almost exactly one year ago and today we heard a lot from the honourable member for Burrinjuck questioning the probity of the tender process. Today she talked about questionable practices, which are serious allegations. If the honourable member believes there were questionable practices she should put that to the ICAC rather than stand up in this place and make allegations under parliamentary privilege.

Ms Katrina Hodgkinson: Point of order: The honourable member would be aware that the matters have been referred to the ICAC, as he has just suggested.

Mr ACTING-SPEAKER (Mr John Mills): Order! That is not a point of order; it is a debating point.

Mr STEVE WHAN: The honourable member for Burrinjuck, who is happy to stand up in this place and under parliamentary privilege attack people in the Goulburn community, has a glass jaw when it comes to criticism of her and what she says. Personal insults are about her standard. She regularly has criticised Roger Lucas, former councillor from the Goulburn City Council, a person who has worked very hard for the community. Yet the honourable member for Burrinjuck, who has shown no interest in Goulburn over the years, has been happy to stand up in this place on numerous occasions and denigrate his reputation. She accused him of having information that he should not have had about the tender process. I would like to know why the honourable member for Burrinjuck was able to talk about the alternative tenderers before they were supposed to be known. She stood up in this place and asked a question about them. Was she briefed about them? Was she privy also to that sort of information from the alternative tenderer?

The development attracted two tenders. The site has a number of historical features that need to be preserved. The honourable member for Burrinjuck does not seem to have any interest at all in whether the tenderer for the development proposes to preserve those features and how much that is worth. Do we know whether the alternative tenderer took into account preservation of the historic features on the site, such as the historic cricket ground? Do we know whether their price, which the honourable member for Burrinjuck suggested was much higher than the winning tenderer, was for a greenfield clear site or whether it included preservation of heritage buildings? Would they have come back to ask for that money? The honourable member for Burrinjuck seems to be quite happy to give people a spray and call into question their integrity on the basis of private briefings from the unsuccessful tenderer. My understanding is that the offers for the site were very different. The tender panel would have taken into account and gone for the tender that brought the greatest benefit to Goulburn, as it should.

The responsible thing for a local representative to do would be to look for the greatest benefit for Goulburn. It is not always about how you can get the most money for the sale of the site, but rather what will produce the best benefit for the Goulburn community and its surrounding regional community. Here we have a proposal that offers hundreds of jobs to the local community, but The Nationals are not interested in hundreds of

jobs for local regional communities because it gets in the way of making a political point. When speaking to her motion the honourable member for Burrinjuck took the time to tell us about the heritage buildings on the site, but does she care whether the alternative tenderer proposed to keep and maintain those buildings on the site? It does not seem to come into her consideration, but it should. We know that the successful tenderer proposes to restore the heritage buildings on the site, which is are very important assets for the community and something the community cares a lot about.

The Goulburn community has always been a solid Labor-voting community—something for which the Labor Party is always grateful—and my father was proud to represent the Goulburn community from 1972 to 1975. No doubt that is why the honourable member for Burrinjuck cares so little about the overall benefit for Goulburn from the proposal, which will have great benefits for the area. The honourable member for Burrinjuck referred to the successful tenderer being given what she said, "can only be described as mates' rates". For the honourable member for Burrinjuck to suggest that the committee of nine people has somehow improperly awarded a tender is another disgraceful and unfounded accusation. The honourable member for Burrinjuck brought the former mayor of Goulburn, Max Hadlow, into the debate. Max Hadlow is a very loyal and hard-working person in the Goulburn community who—I know because I have spoken to him—has been offended by the comments of the honourable member for Burrinjuck. He thinks they are an absolute disgrace and a slur on his reputation. How dare a member of Parliament use parliamentary privilege to slur good people like Max Hadlow and Roger Lucas. The comments of the honourable member for Burrinjuck about Max Hadlow are in *Hansard*.

Ms Gladys Berejiklian: Point of order: My point of order relates to relevance. The honourable member for Burrinjuck did not even mention the person's name the current speaker is accusing her of mentioning. He should address his comments accurately and not mislead the Chamber.

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

Mr STEVE WHAN: Clearly, the honourable member for Willoughby did not listen to the honourable member for Burrinjuck or read the speech she gave on 18 September 2003 when she mentioned the then mayor of Goulburn, Max Hadlow. She mentioned him again today, which the honourable member for Willoughby would realise if she cared to read her speech. Max Hadlow has told me how offended he is by the gall of this member, who supposedly represents the area but instead insults him. The reality is that Max Hadlow and Roger Lucas have done only one thing wrong in the eyes of the members opposite: they are members of the Labor Party. According to The Nationals anyone who is a member of the Labor Party has no redeeming features. We have hard-working people working for the Goulburn community to reap the benefits from this development, include anything up to 2,000 jobs over a seven-year period. It will be of great benefit to the area and provide income to the State Government, which will allow us to better develop health facilities.

It should be noted that the Kenmore hospital still offers important services. That is a matter that was taken into consideration as part of its handover. The small residential mental health facility will continue, and that is important for Goulburn as well as the rest of the region I represent. The Department of Ageing, Disability and Home Care also will continue to offer some services from the site. It is an important site and that is why some of those services will continue. But it was identified as being surplus and that was why the initial decision was made to sell it. Recently I noted that community consultation has taken place. There is a lot of information in the community about the details of the proposal and what will happen to the site. I note also that the Goulburn community is keen to have the proposal come to fruition. So is the Government, which wants to assure the Goulburn community that the best benefit possible is derived from the sale of the Kenmore site.

Pursuant to sessional orders business interrupted.

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

BUSINESS OF THE HOUSE

Routine of Business

[*During notices of motions*]

Mr SPEAKER: Order! The use of inflammatory and argumentative language in notices of motions is dealt with in the standing orders. I will ask the Clerk to examine the terminology used by the Leader of the Opposition in his notice of motion. I will then make a determination as to whether it is in order.

PUBLIC ACCOUNTS COMMITTEE

Report

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the report entitled "Inquiry into the Infringement Processing Bureau", dated September 2004.

PETITIONS

Lachlan Electorate Abolition

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

Manning Valley Electoral Boundaries

Petition opposing the proposed electoral boundary changes affecting the voters residing in the Manning Valley, received from **Mr Robert Oakeshott**.

Murrumbateman Public School

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

Milton-Ulladulla Public School Infrastructure

Petition requesting community consultation for suitable public school infrastructure in the Milton-Ulladulla districts, received from **Mrs Shelley Hancock**.

Wagga Wagga Electorate Schools Airconditioning

Petition requesting the installation of airconditioning in all learning spaces in public schools in the Wagga Wagga electorate, received from **Mr Daryl Maguire**.

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 Daryl Maguire**, **Mr Barry O'Farrell**, **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 at Narara and Somersby, received from **Ms Marie Andrews**.

Crime Sentencing

Petition requesting tougher sentencing to fit the crime, received from **Mrs Shelley Hancock**.

Lake Woollumboola Recreational Use

Petition opposing any restriction of the recreational use of Lake Woollumboola, received from **Mrs Shelley Hancock**.

Willoughby Traffic Conditions

Petition requesting a regional traffic plan for the Pacific Highway at Willoughby, received from **Ms Gladys Berejiklian**.

Heavy Vehicle Speeding and Tailgating Penalties

Petition requesting amendments to the Motor Traffic Act to penalise heavy vehicle speeding and tailgating, received from **Mr Thomas George**.

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**.

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**.

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**.

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**.

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**.

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**.

Blacktown Hospital Children's Ward

Petition opposing the closure of Blacktown Hospital Children's Ward, received from **Mr Paul Gibson**.

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**.

Alcohol and Drug Services

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

Mental Health Services

Petition requesting urgent maintenance of and increased funding for mental health services, 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** and **Mr Barry O'Farrell.**

Autism Spectrum Disorder

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

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**.

Country Rail Booking Offices

Petition opposing the closure of country rail booking offices, received from **Mr Daryl Maguire**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast line, received from **Mrs Shelley Hancock**.

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 Daryl Maguire**, **Mr Andrew Stoner** and **Mr John Turner**.

Murwillumbah to Casino Rail Service

Petition requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Donald Page**.

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**.

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**.

Horticultural Industry Water Restrictions Assistance

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

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**.

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**.

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**.

Water Tank Subsidy

Petition requesting that the water tank subsidy be extended to rural residents of Baulkham Hills, Hawkesbury and Hornsby local government areas, received from **Mr Steven Pringle**.

Social Program Policy Subsidy

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

Small Business Overregulation

Petition opposing the overregulation of small business, received from **Mr Andrew Fraser**.

Business Enterprise Centres

Petition requesting the reinstatement and funding of business enterprise centres, received from **Mr Steve Cansdell**.

Temora Agricultural Research and Advisory Station

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

Department of Primary Industries Budget

Petition requesting support for primary producers and opposing Department of Primary Industries budget cuts that may affect key field staff, front-line services and research and development, received from **Ms Katrina Hodgkinson**.

Grafton Agricultural Research and Advisory Station

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

Wagga Wagga Electorate Fruit Fly Campaign

Petition praying that the Government resource the Fruit Fly Campaign for the years 2000, 2001, 2002 and 2003, upgrade the Wagga Wagga electorate to a fruit fly control zone, and develop and implement a fruit fly strategy to eliminate fruit fly from the electorate within the next five years, received from **Mr Daryl Maguire**.

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**.

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**.

QUESTIONS WITHOUT NOTICE

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DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Mr JOHN BROGDEN: My question without notice is directed to the Assistant Minister for Planning. What conversations has she had with the member for Fairfield, Joe Tripodi, about Orange Grove? When did she have them? What did she say and what did he say?

Ms DIANE BEAMER: I made this decision on strong planning grounds without external influence. It was a decision that was described in the Premier's estimates committee as a corrupt rezoning. Who were the sponsors of that? The Opposition.

Mr John Brogden: Point of order: My point of order relates to relevance. I asked the Minister what conversations she had with Joe Tripodi. She has not answered any of those issues.

Mr SPEAKER: Order! There is no point of order. The Minister has concluded her reply.

MAJORITY VERDICTS

Mr GEOFF CORRIGAN: My question without notice is directed to the Premier. What is the Government's response to recent comments by New South Wales Supreme Court Justice John Dunford at the 2004 Criminal Law Conference on the issue of majority verdicts?

Mr BOB CARR: One of the central planks of the New South Wales justice system is unanimous verdicts—long accepted as one of the key guarantees of a fair trial, and certainly the position to which I have always subscribed. But I was interested to hear Supreme Court Justice John Dunford recently make the case for a specific form of majority verdicts. At the annual criminal law conference on 2 August the judge said that Parliament should consider 11 to 1 majority verdicts "where the jury has deliberated for a specified period of time." Given that the last Law Reform Commission report on this issue was back in 1986, the Attorney General and I have agreed that this issue may justify another look.

Certainly in those two decades a lot has changed here and overseas. In New South Wales the percentage of hung juries has more than doubled, from 3.55 per cent in 1985 to around 8 per cent today. Majority verdicts were introduced in Victoria in 1994 for all criminal cases except murder or treason, allowing an 11 to 1 majority if the jury remains deadlocked for six hours. Majority verdicts are also now permitted in Western Australia, South Australia, Tasmania and the Northern Territory, as well as in three American States and in the United Kingdom. In fact, in the United Kingdom a 10 to 2 majority verdict may be returned after just two hours of deliberation ending in deadlock.

So there are emerging precedents for majority verdicts and there are questions that need to be answered. Should there be a majority of 10 or 11? Should there be time limits and, if so, how long? Should murder or other serious crimes still require unanimity from the jury? In addition, we must consider the impact of long trials on hung juries. A 1997 study by the Bureau of Crime Statistics and Research [BOCSAR] found that long trials are more likely to end with hung juries, so there may be a problem with jurors becoming confused or tired and that may cause mistrials. We might be able to fix that problem without letting go of the requirement for unanimous verdicts. Interestingly, the same BOCSAR report also found that majority verdicts could result in only very modest savings in court time, which tempers any enthusiasm for majority verdicts.

There are arguments on both sides. We do not want to relinquish an ancient institution lightly. That is why the Government will refer the issue of majority verdicts to the New South Wales Law Reform Commission for report back within six months. The commission will consult with senior members of the judiciary, study local and overseas experience, and invite submissions from interested parties and the general public. I am sure the House will approach the commission's findings with an open mind.

KARIONG JUVENILE JUSTICE CENTRE INMATE BEHAVIOUR

Mr JOHN BROGDEN: My question is directed to the Minister for Juvenile Justice, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration). Is it true that a child and a baby were present in the visitors room at the Kariong detention centre when convicted gang rapist MMK was engaged in a sexual act with his girlfriend?

Ms DIANE BEAMER: The Kariong Juvenile Justice Centre houses the State's worst and most difficult young offenders.

Mr Andrew Stoner: Yes or no?

Mr SPEAKER: Order! The Minister will be allowed to answer the question.

Ms DIANE BEAMER: It was designed and commissioned by the previous Coalition Government and has a history of design problems and shortcomings. As to the specific incident involving a detainee convicted of serious sexual assault, I have suspended contact visits for the detainee, ordered a review of visiting procedures at Kariong and am seeking urgent advice as to the possible transfer of this detainee to Corrective Services. Juvenile Justice transferred 33 juvenile detainees—

Mr John Brogden: Point of order: My point of order relates to the relevance of the Minister's answer. I specifically asked the Minister whether a child and a baby were present when this sex act took place—yes or no?

Mr SPEAKER: Order! There is no point of order. The Minister is answering the question.

Ms DIANE BEAMER: Juvenile Justice transferred 33 juvenile detainees to Corrective Services in 2003-04.

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

Ms DIANE BEAMER: However, this detainee was ordered by the courts to remain in a juvenile centre until he turns 21. My greatest concern is that a detainee convicted of a serious sexual assault was allowed to be in a room alone with a woman and my office was not informed of this.

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

Ms DIANE BEAMER: I will be visiting Kariong tomorrow to meet with management—

Mr John Brogden: Point of order: Once again, my point of order is about relevance. It is clear from this video from the Kariong detention centre that there was a child and a baby present—

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

[*Interruption*]

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

[*Interruption*]

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

Ms DIANE BEAMER: I will be meeting with staff and, as I have said to all staff members at Kariong, my door is open to them—and has been open all year for them—to talk to me in confidence about any security or safety issues.

LIVERPOOL CITY COUNCIL REDEVELOPMENT AND MR NABIL GAZAL

Mr GERARD MARTIN: My question is addressed to the Premier. What is the Government's response to community concerns about the plan to redevelop Liverpool council chambers, Orange Grove and related matters?

Mr BOB CARR: The Leader of the Opposition has tied himself to the character of the salubrious Mr Nabil Gazal. He wants to pass special legislation to give Mr Gazal a multimillion-dollar windfall gain.

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

Mr BOB CARR: He wants to give a retrofit planning approval to an illegal development, which was branded unlawful by the Land and Environment Court and the Court of Appeal. He wants to give Gazal legislative backing for an illegal development.

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

Mr BOB CARR: He wants to give Gazal a multimillion-dollar reward for having deceived tenants and workers. He wants to give Gazal's development—but not the other 12 on the list—a one-off windfall gain from a retrofit planning approval. He wants to give Gazal, but no-one else, his own—

Mr Andrew Tink: Point of order: The Leader of the Opposition wants to give effect to the recommendation of the senior town planner—

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

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Epping has repeatedly and deliberately contravened the standing orders by taking totally irrelevant points of order. On a number of occasions I have warned him about his gross misbehaviour. I place him on three calls to order. The Chair will show him no leniency if he again behaves in that way during question time. The Premier may continue.

Mr BOB CARR: So why this favoured treatment for Mr Gazal? The answer is obvious to everyone: You buy the Liberal's public relations firm, Flagship Communications, and along with it you get the guaranteed piece of legislation—legislation for a fee. There is an interesting report in this morning's edition of the *Sydney Morning Herald* that makes a direct link between Liverpool council's plan to build new council chambers on land owned by Mr Gazal and the approval given to the Orange Grove development. Mr Gazal says there was no link between the two but perhaps the upper House committee into Orange Grove ought to explore the truthfulness of that claim. For the upper House committee to have any credibility it ought to recall Mr Gazal and Mr Mosca separately. Both men should be asked if they had discussions with any employee or contractor working at the council in which they linked council's approval of the Orange Grove development with a threat to not proceed with the new council chambers development on Gazal's land.

The committee ought to ask the council whether it has knowledge of any employee or contractor who had discussions with Mr Mosca and Mr Gazal along these lines. They might ask whether these conversations were in June 2002, at precisely the same time that Mr Mosca and Mr Gazal were seeking to fast-track the Orange Grove development. They ought to invite the council officer or contractor to give evidence next Monday at 10.00 a.m. A confidential report was provided to Liverpool council on 25 February 2002 on the proposed new site for council chambers. It confirms the proposal is linked to the Oasis commercial agreement—so important, of course, to those running Liverpool council at this time.

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

Mr BOB CARR: A memorandum of understanding [MOU] attached to the document confirms that the matter was being negotiated between Liverpool City Council and Gazcorp Pty Ltd.

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

Mr BOB CARR: This confirms that Liverpool council was engaged with Gazcorp at the same time on these two matters: the redevelopment for the council of the Gazcorp-owned land—so important, linked to the Oasis development, so vital to the then Liverpool council—and the request to get that development approval for Orange Grove. The officer identified as the author of this report is a Mr Murray Douglas, consultant manager, major projects. I suggest that the upper House committee ought to invite Mr Douglas to attend so that he can be asked whether he discussed Orange Grove and the council chambers MOU with Mr Mosca and Mr Gazal. And further, Mr Douglas might be able to tell the committee whether, in response to his discussions with Mosca and Gazal, he in turn had to speak to council planners, like Gerard Turrisi, or any other council officer or councillor. And while they are at it, the committee ought to ask the council whether it has ever received any formal complaint, like a protected disclosure, from anyone at any time concerned about Orange Grove and, as they say, related matters.

Remember the council planner Chris Weston's memo dated 6 June 2002, which was the very same day Gazal's development application was lodged for Orange Grove? Well, Chris Weston wrote to the senior planner, Gerard Turrisi, that day and said Mr Gazal's project could not possibly be approved—wait for it—in two weeks. But Mr Weston has also told the upper House committee several times that the memorandum written to him by Gerard Turrisi on 6 June, was clear advice that Gazal's development should not be approved. Mr Weston told another planner involved in approving the development that "it was not an appropriate use. It could not be defined as bulky goods salesroom or showroom." Weston says he said this to another planner involved in this, Mr Geoff Hunt. Mr Hunt's letter to Frank Mosca dated 13 June 2002 makes it plain that retail shops are not an approved activity on Gazal's site according to Liverpool council's local environmental plan [LEP].

But something happened in council between the 6 June memorandum, the 13 June letter to Frank Mosca and the development application approval granted under delegation in November 2003. And that is what has not yet been fully or adequately explained by anyone who knew about this at the council. But let us return to

the Leader of the Opposition's heroic efforts on behalf of Mr Gazal. One development out of a list of 13, the only one to get special legislation—13 identical developments but one warrants special legislation.

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

Mr BOB CARR: On Thursday 9 September 2004 Gazal's solicitor, a Mr D'Agostino, told the upper House committee that there are already 13 tenants at Orange Grove who have initiated action against Gazal: two matters before the Retail Tenancies Tribunal, another matter where legal proceedings are imminent and another "10 matters in which tenants will be potential plaintiffs against" Gazal. Gazal has refused to waive confidentiality. And under Gazal's instruction, his lawyer refused to say more. But I can reveal to the House that a lease document and a disclosure statement have been sent to the Government. The lease and disclosure statement are dated September 2003, three months after legal action was commenced. And there is not a single word in either the lease or the disclosure statement that warns tenants of court action against the centre.

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

Mr BOB CARR: We had to get the lease. They would not have the committee insist on production of any of the leases. There is not a single word in the lease that alerts those tenants of the legal action under way. This and the restricted statements of Gazal's lawyers last week confirm that Gazal has deceived the tenants at Orange Grove. He failed in his duty to provide a disclosure to tenants of the court action. And now the tenants are taking legal action against him. Mr Gazal, in other words, knew his centre was illegal when he lodged the development application [DA]. Gazal knew the DA was illegal under Liverpool's local environment plan. That is what he told the Hon. Arthur Chesterfield-Evans and that is what the member in another place has told the Parliament. Mr Gazal deceived his tenants; he held them as hostages. He attempted to blackmail the Government, and we refused on sound planning grounds to give in to his blackmail, but by hiring a Liberal public relations firm he got his way with the Opposition.

WAUCHOPE DISTRICT MEMORIAL HOSPITAL EMERGENCY DEPARTMENT

Mr ANDREW STONER: My question is directed to the Minister for Health. How does the Minister reconcile his department's explanation that the partner of a woman who gave birth in the carpark of the Wauchope District Memorial Hospital was turned away because he did not use the intercom and he declined service, with the parent's statement that he desperately buzzed the intercom and yelled for help, only to be told he should drive mother and baby—with cord still attached—20 minutes to Port Macquarie?

Mr MORRIS IEMMA: I am advised that a distressed man arrived at the door of the emergency department of Wauchope hospital at 2.40 a.m. on Thursday 8 September. That advice states further that he began banging on the door.

Mrs Jillian Skinner: He didn't press the buzzer?

Mr MORRIS IEMMA: We will come to the buzzer in a second. Further, the advice states that unfortunately, and despite clear signage, the man was unable to use the intercom system at the hospital entrance. That is the advice from the hospital. I am further advised that the nurse on duty carried out the correct security procedures and, under those security procedures, alerted a second nurse at the hospital before opening the doors of the emergency department. They are the correct security procedures put in place to protect the staff and to ensure that staff and patients within the hospital are safe at night. The advice further provides that the man spoke with nurses. I now come to the issue raised by the Leader of The Nationals. The advice states that when spoken to the man declined for his wife to be treated there at the hospital and that the man spoke with the nurses and declined.

Mr Andrew Stoner: That’s not true.

Mr MORRIS IEMMA: That advice, coming from the hospital, further states that he insisted on taking his wife to Port Macquarie hospital, where the baby and the mother are being cared for. This is an unfortunate incident, which I am further advised has not occurred in the past. As the Leader of The Nationals has indicated, there is a conflict in the two versions of events. The advice that I have presented to the Parliament is the advice from the hospital. I am undertaking to have that double-checked for the honourable member and for the family. As I have stated, this is an unfortunate incident, but one arising out of the nurses carrying out the proper security measures put in place to protect both staff and patients.

CLASS SIZE REDUCTIONS

Ms VIRGINIA JUDGE: My question without notice is directed to the Minister for Education and Training. What is the latest information on the State Government's class sizes plan?

Dr ANDREW REFSHAUGE: I thank the honourable member for her question and commend her ongoing interest in education. One of the Government's major commitments at the last election was to reduce class sizes in the early years of primary school—a very important commitment, made by the former Minister, now the Minister for Police, along with the Premier. That commitment made clear that we would deliver improvements in literacy and numeracy for children in their early years. The Government is rolling out its four-year program, costing $462 million, to reduce those class sizes. We have done an audit of class sizes for 2004, the first year of the program. Honourable members will recall that our commitment was to reduce the size of kindergarten classes to an average of 20, starting with priority schools, and the following year to kindergarten year in all schools. In the priority schools, year 1 would start in the second year, and so forth. Our audit shows that the statewide average for kindergarten classes in priority schools has been reduced to 19.3, which is better than was targeted.

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

Dr ANDREW REFSHAUGE: I thank the honourable member for her praise for this very well delivered program. The statewide average has been reduced by more than two since the program began last year. In 2003 the average size of kindergarten classes in priority schools was 21.7. So it has gone from 21.7 to 19.3. This is a very well designed program and it is delivering the results. The average size of all classes of kindergarten students in all schools, not just priority schools, across the State this year was 22.1. We will be bringing that down next year to an average of 20.

We are continuing to monitor our program. We are finding that parents, teachers and principals are telling us about the benefits for the schools and the students. Many would know that the first day at school can be traumatic for a young one. One mum in the State's central west was particularly worried about her very shy daughter's first year in kindergarten. The daughter found it very hard to talk to adults. The mother was also worried about how the daughter would cope with school. But those concerns have been eased, in part, by the Government's reduction in class sizes, with the result that the young girl fitted much more easily into the class. Now the teacher is able to spend extra time to sit down and talk with her and get to know her, and the young girl is writing letters from kindergarten to her relatives in the Hunter. That is marvellous. It is good to see kindergarten children writing letters to their family members.

The anecdotal evidence about the success of the class size reduction program is mounting. A teacher in Sydney's south-west has told us, "… I just don't want to leave the classroom because I'm so passionate about what my students are doing." She loves being there and teaching those students. At this school, more than three-quarters of the kindergarten students are already reading above the school's target for the end of the year—because of the Government's program to reduce kindergarten class sizes in priority schools this year.

This is the first year of our four-year, staged program. Across the State, kindergarten class sizes in priority schools were reduced. Next year the program expands to include every school kindergarten, and year 1 in the group of identified priority schools. By 2007 the statewide average will be reduced to 22 for year 1 and 24 for year 2. Planning is well advanced for next year, the second year of our class size reduction program. Already 181 extra teaching positions have been provided in primary schools. This includes 88 teachers who got a job this year, and a further 93 who were due to move from their primary schools but stayed on because their school was part of that class size reduction program. By next year more than 800 extra teaching positions will have been dedicated to the class size reduction program. By 2007 we will have almost 1,500 extra teachers under the class size reduction initiative.

While some schools already have the space to cater for the extra classes, other schools will need more classrooms. By next year we will have provided more than 300 extra classrooms—a mixture of the new modular double classrooms and also the demountable single classrooms. As I said, we are continuing to monitor the educational benefits of our program. A five-year evaluation of the program is being undertaken under the supervision of Professor Bob Meyenn from Charles Sturt University. The study is comparing the success of students in smaller classes with their counterparts from earlier larger classes. It is measuring aspects of literacy, numeracy, behaviour and social skills. It is also surveying the principals, teachers and parents.

Initial evaluation of class size projects have teachers telling us that children are learning more, and learning faster, because of class size reduction. The report also shows that those children are behaving better and are more confident. Several schools reported that smaller classes meant kindergarten students had progressed more quickly than their counterparts in the larger classes in the previous year. Their data showed that kindergarten children were reading at higher levels and had an improved understanding of numeracy concepts.

The evaluation of the projects revealed that smaller class sizes meant accelerated learning, more time for individual attention to students, more effective and varied teaching, improved assessment of students, increased staff morale, positive relationships with parents, and an easier transition to school for kindergarten students. There has been resounding success in the first year of this very important program, one that was announced before the election and that we are delivering on.

BUSINESS ENTERPRISE CENTRES

Ms KATRINA HODGKINSON: I direct my question to the Minister for Regional Development, and Minister for Small Business. With the full impact of the Minister's business enterprise centre cuts now becoming clear, including the closure in two weeks of the Goulburn Business Enterprise Centre, and with other centres such as those in the Snowy-Monaro, Deniliquin and Inverell facing downgrades and job losses, how does the Minister justify remaining the Minister for Regional Development, and Minister for Small Business?

Mr DAVID CAMPBELL: You really have to wonder what is going on over there! This decision was made and announced as a consequence of the Federal Government taking more than $300 million out of the New South Wales budget through the Grants Commission process. That was announced in the first week in June, yet here we are in the second half of September and the shadow Minister asks a question in this House! Where has she been?

Mr Gerard Martin: She's been asleep.

Mr DAVID CAMPBELL: As the honourable member for Bathurst says, she has been asleep. She has had nothing to say on this issue in the House. It took her a month to say anything about it publicly. Four months later she asks a question in the Parliament. Goodness me! The point is that the Howard-Costello Government took more than $300 million out of the New South Wales budget. The Carr Government said, "What we will do is quarantine Health, Education, DOCS and Police from budget cuts, and we will make some other savings to ensure that we can continue to run a proper budget in this State."

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

Mr DAVID CAMPBELL: As a consequence, $1 million less is available for business advisory services. The honourable member for Burrinjuck has been asleep for four months. First question, and that is it. It is quite amazing that she would have the temerity to ask a question about this. But it is important to note that as of 1 October business advisory services will be provided around the State by 18 organisations at 35 locations, which will ensure some sound business advisory services across the State based on a regional basis. I know that will be the case.

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

Mr DAVID CAMPBELL: It is interesting to note that three services that the honourable member for Burrinjuck mentioned did not bother to lodge a tender submission for their locations.

Ms Katrina Hodgkinson: Point of order: The Minister said that no business enterprise centre [BEC] would close as a result of this, not whether they had applied to become business advisory services [BASs].

Mr SPEAKER: I cannot hear the honourable member for Burrinjuck. Is she taking a point of order or asking a supplementary question?

Ms Katrina Hodgkinson: It is a point of order.

Mr SPEAKER: What is your point of order?

Ms Katrina Hodgkinson: The point of order is that the Minister said that three BECs are closing down. He never said that they should become BASs. He has totally misled the House.

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

DEFAMATION LAW REFORM

Mr DAVID BARR: My question without notice is to the Attorney General. How far have the States progressed in a uniform national defamation law?

Mr BOB DEBUS: Recently the Commonwealth Attorney General, Philip Ruddock, released proposals to establish a national defamation law. In doing so he has sought to override a remarkably co-operative process that is taking place between the State and Territories as they seek to harmonise the law of defamation across this country. The Commonwealth Government's proposal has glaring deficiencies, such as the proposal to give relatives of the dead a right to sue in defamation and to attempt to provide large corporations with the right to take defamation action. Defamation of the dead is a right of action available almost nowhere in the common law world. As for corporations, two years ago this Parliament quite specifically legislated to remove their right to sue for defamation. It would be an extraordinarily retrograde step to allow again for the right of corporations to sue for defamation.

A leading media commentator has said that a new, bad uniform defamation Act is potentially worse than the mishmash of laws we have, the mishmash that so concerned the honourable member. But without question, uniform law that is a bad law will have worse effects than the present, admittedly unsatisfactory, arrangements. That is why State and Territory Ministers do not support uniform Commonwealth defamation law.

Different laws, including defamation laws, in different jurisdictions create practical difficulties for publishers and broadcasters. Those difficulties have been exacerbated by the advent of the internet because it is now possible for an individual of quite limited means to reach an audience as large as that of any media magnate, but it is much less likely that the individual will give any thought at all to his or her potential liability under defamation law in any Australian jurisdiction. Different laws mean that the courts must consider the laws of several States and Territories when considering defamatory matter published widely in Australia.

The States and Territories, led by New South Wales, have released a paper setting out a proposed framework for uniform State and Territory defamation laws. The basis for the uniform laws will be the existing common law supplemented by statutory provisions that provide a solid framework of harmony between the laws of the States and the Territories. Obviously the differences that exist attest to the various perspectives on the correct balance between the protection of personal reputation and the safeguarding of freedom of expression that have held sway throughout the States over the last century or so. The State and Territory Ministers are now committed to eliminating all of the unnecessary and unhelpful differences that exist between our present laws, and developing and implementing uniform laws that discourage forum shopping. Each State and Territory—and this is the key to the reform—will enact textually uniform core provisions to complement the common law with the capacity to accommodate more local procedures and institutions without detracting from uniformity.

There are at least three reasons for that position having been taken by the States and Territories. First, the Commonwealth acknowledges in its outline for a national defamation law that it lacks the constitutional power to cover the field. Therefore they would demand under the constitution of this country that the States and Territories refer all the existing powers up to the Commonwealth so that the Commonwealth effectively could exercise a defamation jurisdiction. Second, because the Commonwealth cannot cover the whole field of defamation, the actual effect of the Ruddock proposal would be to add a ninth jurisdiction to the law of defamation—an additional set of laws to the already-too-complicated system of defamation law in this country. Third, the establishment of a national defamation law would mean that the balance presently maintained between the States and the Territories would be lost forever.

Public comment is being sought by the end of this month on the proposals contained in the State and Territory paper, which will be considered at the next meeting of State and Commonwealth Attorneys-General in November. I have every hope that we will move much closer to the establishment of a harmonised defamation law throughout Australia as a result of that meeting. To the extent that we do so we will have achieved something that has never occurred in the previous 200 years of legal history in this nation.

METROPOLITAN STRATEGY

Ms ANGELA D'AMORE: My question without notice is directed to the Minister for Infrastructure and Planning. What is the latest information on planning for Sydney's growth?

Mr CRAIG KNOWLES: Over the next 10 weeks we will meet with people from all over Sydney, the Central Coast, the Hunter, and the Illawarra to talk about the shape of the city both now and into the future. Residents from Wollongong to Newcastle and from the Blue Mountains to Waverley will be asked to participate in a conversation to discuss the most fundamental issues for Sydney: how we manage our growth of 1,000 people a week, how we maintain our high standards of living, how we underpin what is Australia's only global city and the economic powerhouse of the nation—

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

Mr CRAIG KNOWLES: And how we do all that and maintain and sustain our lifestyle and our environment in the best city in the world. The Metropolitan Strategy has already produced $2 million for councils along Parramatta Road to commence a rethink and revitalisation of that important part of our city. That means there will be $200,000 for each of the nine councils to assist them in the planning of their centres, as part of the reinforcement of a critical centres policy; to assist the roll-out of more employment land in Western Sydney; to capitalise on $1.5 billion in infrastructure expenditure on the M7; to finalise the nearly completed metropolitan water plan; to engage more than 400 leaders of business, the community and industry in the process of thinking about our future; and, importantly, to engage in direct dialogue with our local government colleagues right across Sydney, engaging them in a partnership of planning for and managing Sydney's future growth. The real challenge there is to recognise that Sydney will grow and that, for the foreseeable future, the rate of growth will be approximately 1,000 people every single week. The fact is that in 20 years from now, our community unfortunately will be much older and households will be considerably smaller.

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

Mr CRAIG KNOWLES: The exception to the latter is the honourable member for Wakehurst, who will get bigger and bigger because of all his hot air. The number of people aged over 65 years will double over the next 25 years. Demographic changes in Sydney will mean that the city will need approximately 23,500 new homes every year comprising different types of homes, flats, units, and villas to accommodate older people, and fewer people occupying a dwelling. That is why the Metropolitan Strategy is not about writing a plan; it is about doing things that will keep Sydney on the right track.

Earlier today I released a discussion paper that will be available to the community when community meetings take place. The paper points out some of the key issues of concern that confront us all: how we balance growth within natural resource constraints, how we plan for the great regions of the Illawarra, lower Hunter and the Central Coast in their own right, how we limit urban sprawl, how we revitalise and renew existing areas, how we build liveable, new communities, how we strengthen employment areas, how we link all that to a competitive transport network and how we underpin all of that with properly targeted infrastructure, funding, and governance arrangements.

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

Mr CRAIG KNOWLES: Members of the Opposition are becoming very excited by this, I can tell. They are being whipped into a frenzy! And the honourable member for Swansea cannot wait another minute to get to the forum. He cannot wait to get out there and become involved. He wants to know about targeting infrastructure, funding, and governance arrangements. I know he does. Based on all the best evidence, it is clear that 30 per cent of Sydney's growth will occur in greenfield locations. The balance of 70 per cent will be accommodated by revisiting our existing centres and capitalising on existing services and facilities. For example, in places such as Bankstown and Blacktown, work is already under way on revitalising and reconfiguring opportunities for new homes and new jobs. In Fairfield, the council has effected the progress of some excellent plans to encourage the revitalisation of its own town centre.

But when we think about it, we need to go further: why should we not reinvest in places such as Yagoona? Yagoona is a good idea because it has a railway station and the Hume Highway is nearby. It is a great little precinct that used to be pretty vital in providing services, but these days there is a much lowered standard of service. There is also Granville, and I am sure the honourable member for Granville will agree that smaller centres offer real hope for the future. There will be a test later for the honourable member for Granville because I know that he was paying attention. At present, many smaller centres are typically run-down and degraded, but they have railway stations and they are close to employment centres.

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

[*Interruption*]

Mr CRAIG KNOWLES: I do not feel as though I am in trouble. I just do not feel that way.

Mrs Jillian Skinner: No, because you just do not feel. That is why.

Mr CRAIG KNOWLES: Jilly, don't ever change! The honourable member for North Shore is the constant in my life, the rock to which I am anchored—Jilly Skinner, silly Jilly Skinner. These small centres have railway stations and they are close to employment centres. Not too long ago, they were places that had real heart and soul. If Sydney is to work, if Sydney is to accommodate 1,000 additional people a week, we all need to plan to return their heart and soul to those areas and let them play their part, as they once did, in our future growth. However, the centres need to go much further. As the Metropolitan Strategy is discussed by local communities and local councils, we will ensure that people's views are taken into account and that when they have their say, they will, of course, be heard.

ORANGE CARDIAC CATHETERISATION LABORATORY

Mrs BARBARA PERRY: My question without notice is directed to the Minister for Health. What is the latest information relating to the diagnosis of heart disease in the Orange area?

Mr MORRIS IEMMA: I thank the honourable member for Auburn for her question, her interest in heart disease, and her interest in health services in the Orange electorate. This question follows the question she asked last week relating to doctors in rural areas. By her second question on rural health services today, the honourable member for Auburn shows she is deserving of honorary membership of Country Labor and that her question is the type of question I should have been asked by the honourable member for Orange last week instead of being asked about supporting more administration in health. Her question is the type of question I should have been asked by the honourable member for Orange.

The honourable member for Auburn knows that a reduction in health administration duplication means more resources for doctors, more resources for nurses and more front-line services, particularly for rural communities. That is something the people of Orange understand very well; they need no convincing that a reduction in administrative duplication means a freeing up of resources for what really matters: health services and health care, not administration.

Mr SPEAKER: Order! The honourable member for Lismore will contain his enthusiasm. The honourable member for Epping will cease interjecting.

Mr MORRIS IEMMA: I am pleased to advise the honourable member for Auburn, who has shown a strong interest in health services for Orange, that the second cardiac catheterisation laboratory in rural New South Wales will be located at Orange.

[*Interruption*]

Interestingly, when the honourable member for Orange had his chance last week, he was more concerned about health administration in Orange, not health services in Orange. Indeed, his advocacy for health bureaucracy in Orange stands in stark contrast to the policy adopted by his leader, who, when he comes to Sydney, talks about health bureaucracy. The Leader of The Nationals has stated plainly on the record his position as far as area health services and their officers are concerned. He made his position very clear in New England on 24 May when he said that the Opposition is not against cutting the fat of the bureaucracy but in fact would like to get stuck right into area health services. That statement was followed up by a question from the honourable member for Orange about health bureaucracy and health administration in Orange. The two of them ought to take a leaf from the book of the shadow Minister, who has adopted the correct approach. This question was asked on Mid North Coast radio on 15 March: "You want the area health services to be gone?" The shadow Minister said in response:

> Yes. Look, we see them, and it is reflected in your previous discussion as holding up valuable dollars that could otherwise be used to support front-line health professionals and fund medical services.

The shadow Minister got it right, but unfortunately the honourable member for Orange does not have it right. I announce that the second location for a cardiac catheterisation laboratory in rural New South Wales will be in Orange. In doing so, I pay a tribute to the community and the clinicians in Orange who have worked very hard to raise $500,000 that will go towards the provision of a $2.5 million cardiac diagnostic service in Orange. That will reduce travelling time for approximately 1,238 residents of Orange, the mid-west, and surrounding communities who, without the service, would have to travel to Sydney for treatment.

I advise the House and the honourable member for Auburn, who has a passionate interest in health services for her electorate and an interest in Orange, that approval has been given for negotiations with a private provider to provide publicly funded interventional cardiac catheterisation services at Wagga Wagga. If the negotiations are successful it will be the first time those services will be publicly funded in rural or regional New South Wales, and the 80 people in Wagga Wagga who currently make the trip to Canberra for those services will be able to have them in Wagga Wagga. I will report back to the House on the outcome of those negotiations, which demonstrate the Government's commitment to expanding front-line health services, not to administration or health bureaucracies, in regional and New South Wales.

Mr Brad Hazzard: Point of order: Could the honourable member for Auburn possibly ask the Minister about the future of hospitals on the northern beaches, or a new Manly hospital? We have been trying to get an answer on that for the past three years.

Mr SPEAKER: Order! There is no point of order. The honourable member for Wakehurst will resume his seat. I call him to order for the second time.

Questions without notice concluded.

ATHENS PARALYMPIC GAMES

Ministerial Statement

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [3.31 p.m.]: Yesterday the people of Sydney saluted the most successful Olympic team in Australian history. However, another group of young Australians, elite athletes with their own nightly thoughts of gold, have just woken up to a sun-filled Athens morning. No doubt they are counting down the restless hours until the flame is lit, the flags are raised, and the nations gather. In the days ahead they will leave no limit untested, no goal unsought, and no prize unearned. From 15-year-old Ryley Batt, our youngest Paralympian, to Louise Sauvage, our greatest Paralympian at her final Games, they have long dreamt of this year, this month, this week, this day, and of the fleeting, compact seconds in which old records are broken and new legends are born and a great sporting tradition is emboldened and enlarged.

Many medals will shine around the necks of those great athletes, but nothing will shine more vividly than their great-hearted valour and generous, defiant quest for victory. They are our next generation of heroes, the best of their time, waiting for the call to begin and the victory anthem that acclaims them at journey's end. We salute them and wish them good heart in the days of contest and striving that lie ahead.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.33 p.m.]: The Opposition joins with the Government in wishing our Paralympians every success at this year's Paralympic Games. We recall very proudly the success of our Paralympians in Sydney in 2000; we know we have a terrific team this year. For instance, Amy Winters, a Kempsey girl, won gold in athletics at the previous two Paralympic Games and is competing again this year. We are proud to see the likes of Brad Dubberley from Port Macquarie, who is competing in wheelchair rugby. The team includes a terrific representation from country New South Wales and we are proud of their efforts. We wish them the very best in the 2004 Paralympic Games. We look forward to their triumphant return, bedecked in gold, silver and bronze.

CONSIDERATION OF URGENT MOTIONS

Quarantine Laws

Mr GERARD MARTIN (Bathurst) [3.34 p.m.]: I ask the House to support my motion, which is urgent for a number of reasons. I call on the Federal Government to reject plans by Biosecurity Australia to change Australia's strict quarantine regimes and I call on the House to express its concern about the impact on

jobs in industries connected to egg, egg products, limes, citrus, table grapes, and uncooked chicken meat. The motion is urgent because the Federal Government's Standing Committee on Primary Industries tabled a report on 9 September that has buried in it certain words that explain why my motion is urgent. The report stated:

> Several other IRAs are nearing finalisation and a final IRA reports will be released shortly. These include limes from New Caledonia, table grapes from Chile and citrus from the US. Draft IRA reports on uncooked chicken meat, eggs and egg products are also expected to be released shortly.

In the past we have seen what happens with those reports if we are not vigilant, when a biodiversity policy attempted to open the flood gates on apples, bananas, and pig meat despite the urgent protestations by members on this side of the House, and occasionally by The Nationals when its members plug into an issue. Members may be aware that a current national event gives us an opportunity prior to 9 October, when Mark Latham will slip into the job as Prime Minister, to get the message across to both sides of Federal Government that a rein must be put on the actions of Biosecurity Australia. That organisation seems to have a very indiscriminate policy with no consideration for impact on regional industries such as those I outlined, with the resultant impact on jobs. I ask members opposite to join with the Government in sending a very urgent message to the people responsible for those decisions and potential decisions.

Agricultural Research Stations

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.36 p.m.]: My motion is urgent because today farmers have made a last-ditch attempt to save the Gosford, Temora, Deniliquin, Grafton, Manilla, and Trangie agricultural research stations, along with the Wollongbar dairy research facility and the Ballina fish facility, in order to keep them operating at full capacity. Farmers rely on research stations for advice, research and extension services to remain efficient and internationally competitive. Research facilities provide a large number of jobs to the communities of Deniliquin, Temora, Gosford, Grafton, Wollongbar, Ballina, and every other region throughout country New South Wales.

My motion is urgent because the agriculture Minister has moved away from his commitment to maintain a moratorium on his decision to close research facilities until at least November. The Minister had made it clear to country communities, unions, and staff of the Department of Primary Industries that they had until November to put forward proposals to keep stations open. The only justification for the Minister breaking his word on the November moratorium would be if he announces that he will keep research stations opened and fully staffed. Country New South Wales will not tolerate the closure of research facilities, the loss of local jobs and front-line services. It is an absolute disgrace that Labor is selling off—

Mr Gerard Martin: Point of order—

Mr ANDREW STONER: I gave you the courtesy of sitting here and listening to you without taking a point of order on you.

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

Mr Gerard Martin: You are right, the Minister has put a moratorium on this until November, and today there were discussions in this place and many of us have been involved—

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

Mr Gerard Martin: There is no urgency about this today. We already have the Minister's statement that it is going to happen in November.

[*Interruption*]

Mr SPEAKER: Order! I am reluctant to eject members from the Chamber at this late hour of the day. However, I will do so if there is a repeat of the outburst that just occurred. Members will respect the standards of the House and conduct debate in the proper manner. I will not tolerate members screaming and yelling at each other across the Chamber. The Leader of The Nationals has the call.

Mr STONER: The honourable member for Bathurst took a frivolous point of order to stymie debate on this extremely urgent and critical matter, and also to waste my time. This motion is urgent because the Labor Government is selling off the assets of the Department of Primary Industries to net $25 million simply to fund

the maintenance and upgrade of the remaining agricultural facilities. This so-called reinvestment package is totally dependent on funds raised through the sale of assets, which means that that $25 million might not even be realised. The matter is urgent because when the Minister announced this reinvestment package he did not allocate any of the reinvestment funds to the research facilities I named. The proposed closures of the stations will affect 58 staff in Gosford, 20 staff in Deniliquin, 36 staff in Temora, and 36 staff in Grafton. In addition, it will also affect staff at the Wollongbar and Ballina facilities.

This matter is urgent because the Opposition has collected more than 10,000 signatures on a petition against Labor's draconian cuts to the Department of Primary Industries. Labor is flogging off the family silver to fund its capital investments instead of cutting its own waste and mismanagement. This weak agricultural Minister—the weakest Minister in the history of the New South Wales Government—who has caved in and rolled over to the bean counters, the bureaucrats, and the economic rationalists in Treasury, is simply ripping the guts out of the budget of the Department of Primary Industries to the tune of $37 million this year, $54 million next year, and $58 million the following year. The Minister for Primary Industries is slashing 325 jobs from the Department of Primary Industries. Some of the most outstanding, dedicated and talented public servants in this country who are working in the Department of Primary Industries are facing the axe. Where is the Premier's promised rural communities impact statement?

This matter is urgent because job losses in small communities reverberate all the way through those communities. The Nationals, country communities, and farmers have been fighting tooth and nail to keep open these valuable research facilities. That has been obvious, as hundreds of farmers attended rallies in Grafton and Temora alone over this issue. This matter is urgent because there are few industries in a more competitive global marketplace than agriculture. NSW Agriculture retains its place in the marketplace as producing high-quality, clean, disease-free produce because of research into new crop varieties, livestock breeds, and pests and diseases. This Labor Government wants to kill off that research and development capability in agriculture in New South Wales. [*Time expired.*]

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

Division called for. Standing Order 191 applied.

Noes, 5

Mr Barr
Mr Draper
Ms Moore
Mr Oakeshott
Mr Torbay

Question resolved in the affirmative.

QUARANTINE LAWS

Urgent Motion

Mr GERARD MARTIN (Bathurst) [3.48 p.m.]: I move:

That this House:

(1) calls on the Federal Government to reject plans by Biosecurity Australia to change Australia's strict quarantine regimes; and

(2) expresses its concern about the impact on jobs in the industries connected to egg products, limes, citrus, table grapes and uncooked chicken meat.

As I said earlier in this House, it is important that we debate this motion today. A host of key agricultural industries appear to be next on the Federal Government's hit list as it continues its crusade to weaken quarantine restrictions and allow more agricultural imports into Australia. Biosecurity Australia has already taken steps that could weaken quarantine for key industries such as apples, bananas and pig meat. Hard-working farmers remain terrified that exotic diseases could enter Australia and cripple these local industries. A heavy cloud already hangs over the State's 800 pig meat producers. The pig meat import risk assessment panel passed its final determination in May 2004.

The final verdict is still pending on bananas and for our apple and pear industries. Everyone knows that the import risk assessment [IRA] process for bananas has been one long comedy of errors. Fatal flaws discovered in the scientific modelling of the original draft IRA forced the Federal Government to withdraw it and redo its homework. Submissions to the revised banana draft import risk assessment process finally closed yesterday. The New South Wales Department of Primary Industries [DPI] lodged its submission on 27 August. It was based on expert advice from our top DPI scientists and offered a scathing assessment of the revised draft—the Federal Government had a second chop at it.

The submission pointed out obvious differences between the Australian situation and that of other countries such as the Philippines, where moko disease is rife. It also raised serious concerns about the proposal that someone might be required—this is how ridiculous it is—to clean between every banana in selected bunches upon their entry into Australia. That is physically unworkable—in fact, it would probably send the people involved bananas! The department was one of 180 parties to lodge submissions recently to the draft apple and pear import risk assessment inquiry. I am sure that many groups in the electorate of the honourable member for Orange also lodged submissions. Some 5,700 jobs depend on these industries in New South Wales. The IRA panel is now reviewing those submissions.

Imports could leave industries open to diseases such as fire blight, which would have a particularly horrific impact on the apple industry. A severe fire blight outbreak can kill an apple tree in a year. Even a mild outbreak can cause apples to shrivel and discolour, stain the tree's bark, and wilt blossoms and new shoots. But the Federal Government seems intent on causing more strife in regional and rural communities. The risk is highlighted in a paper drafted by the department of Mr Warren Truss. Who is he? He is the Federal Minister for Agriculture, Fisheries and Forestry. The paper was tabled at a primary industries standing committee on 9 September and alerted the Government and our Minister for Primary Industries to this urgent matter. The paper states:

> Several other IRAs are nearing finalisation and final IRA reports will be released shortly. These include limes from New Caledonia, table grapes from Chile—

we have heard about them before in this place—

> and citrus from the US. The draft IRA reports on uncooked chicken meat, eggs and egg products are also expected to be released shortly.

We can see what is happening: the Federal Government thinks that by flooding the market with reports people will be confused by the deluge of paperwork and the IRAs will become a reality. If the latest assessments are anything like those for apples, bananas and pork, yet more of our industries could be put at risk from a new range of imported diseases. Australia is an island continent and, although isolation and the tyranny of distance have always been viewed as a bit of a problem for our exports, they are a great asset when it comes to disease control. We must protect our advantage at all costs.

Let us consider citrus imports. They could carry citrus canker, of which we had a recent experience around Emerald in central Queensland, when 200,000 trees carrying the disease were rooted out and destroyed. So why encourage the transmission of the disease from other countries? Citrus canker has spread throughout the world, and can be found in southern Asia, the Middle East and in parts of Africa. I am particularly disturbed about the IRA for uncooked chicken meat. Imports of this product could carry diseases such as infectious bursal disease, infectious bronchitis, avian influenza—that has already had an impact in this country in the Newcastle area and on the Central Coast, which I am sure we will hear about later—Newcastle disease and fox powl. These diseases have already run rampant in Thailand, the United States of America and in various European Union countries.

New South Wales produces 240,000 tonnes of chicken meat per year and the industry injects $1.3 billion into the State's economy. There are 318 growers, who support 15,000 jobs through the major processors. These processors are scattered around the western fringes of Sydney and throughout regional New South Wales—in the Tamworth area, the Murrumbidgee Irrigation Area and on the Central Coast. Any adverse impact on industry jobs would be felt across the State. Imports of eggs and egg products bring with them the risk of salmonella enteritidis and other diseases. These diseases have devastated the poultry meat and egg industries in the United States of America and in Europe so why are we even contemplating taking the risk? Why are we not protecting our current disease-free status? Our fresh and processed egg industries are worth an estimated $120 million a year. There are about 142 layer hen farms in New South Wales, with 3.6 million layer hens. A number of those farms are in my electorate.

As for table grapes from Chile, here we go again! I remember having this debate on at least one occasion in the last Parliament. Unfortunately, Chile already has a host of diseases in its table grape industry to which Biosecurity Australia is contemplating opening our doors and our industry. Some of those diseases include table grape red mite, Mediterranean fruit fly, several moth pests, fungal diseases and even weed species. We do not have these pests and we do not want them. The New South Wales industry produces 14,000 tonnes of table grapes each year, much of which is produced in the electorate of the honourable member for Murray-Darling.

When will the Federal Coalition put the interests of local industries first? When will there be proper accountability for these additional risks? Opening the doors to more imports could have a grave impact on regional communities and potentially threaten thousands and thousands of jobs—I have just outlined the numbers involved. We want New South Wales Coalition members to speak out on behalf of local agricultural industries this time around. What are voters in the Central Coast Federal seat of Robertson to think? Will the Federal member for Dobell stand up for his constituents and call on the Federal Government to abandon these insane plans? Can voters in the North Coast Federal electorate of Page—home to a healthy poultry meat industry, and a hard-working citrus region—rely on Ian Causley to stand up to Mr Truss and Biosecurity Australia? I hope they can, but I have my doubts. How about voters in the Federal seat of Richmond, which is another key chicken processing area? Will Kay Hull, the Federal member for the Riverina, join the honourable member for Murray-Darling in fighting against citrus imports from Florida?

The Federal Minister for Agriculture, Fisheries and Forestry, Mr Truss, should ensure that this IRA process is finally guided by science alone—importantly, the science is there—and not by monetary or trade considerations. The science will lead us to make the right decision. State members of The Nationals should take up the fight with their Coalition colleagues in Canberra. I am ever optimistic that at the end of the day they will agree to do that. Voters should remember that on 9 October they will be able to express their opinions to the major contenders in the Federal election and tell them that this is not on. Someone must take responsibility for how Biosecurity Australia operates the IRA process. It is no good conducting assessments en masse—they are so flawed that the Federal Government cannot get it right even the second time—and expecting the community and industry to deal with the consequences. The threat to these very important rural industries and to jobs in our metropolitan areas and in country and regional New South Wales is too big a risk to take. I ask my colleagues in this place to join me today in supporting this urgent motion.

Mr RUSSELL TURNER (Orange) [3.58 p.m.]: One wonders why this motion is considered so urgent. It would be urgent if the dire claims of the honourable member for Bathurst were a reality, but they not. The State Government is trying to whip up hysteria among our farmers and concerning them unduly about what might happen if Biosecurity Australia makes a particular recommendation to the Federal Government. Remember that it is only a recommendation; it is up to the government of the day to accept it. The honourable member for Bathurst referred to the breakdown in quarantine procedures. Ten years ago the Federal Government spent $14 million a year on quarantining food imports to this country and last year it spent $150 million. That is an example of how strongly the Federal Government feels about the quarantine issue and about ensuring that our quarantine standards are not only maintained but increased.

As the honourable member for Bathurst said, everything has to be based on scientific evidence, and the Federal Government is mindful of that. I refer briefly to fire blight. Apples from South Africa, America and Europe have not been allowed into this country on the basis of scientific evidence. In particular, New Zealand has tried to export its apples to Australia since 1928, but it cannot show that there would be no risk to this country. The Federal Government has supported Australian growers and every other section of the agricultural industry—for example, bananas, fish and cherries. The honourable member for Bathurst said that the Federal Government is attempting to open the floodgates. What floodgates? No floodgates have been opened. For the past three, four or five years there has been a drought in New South Wales.

We have to look at the applications of bringing food into this country based on scientific evidence. Up to this point, the Federal Government has strongly supported our farmers. We allow canned chicken meat for pet food to come into the country, but there have not been recent shipments and it has not been successful. Our quarantine standards are so stringent that raw chicken meat for human consumption is not allowed into this country because no country can comply with our strong conditions of risk analysis. If the honourable member for Bathurst put the same energy into keeping our research stations open as he did with this hysterical so-called urgent motion, he might get some credibility and the Opposition might support him. The State Government is planning to close research stations, but he has not supported keeping them open.

There are currently two Senate inquiries into apple and banana import risk assessment. Since 1996 the Australian Quarantine and Inspection Service [AQIS] has been subject to four major reviews. Labor's review plans are an excuse for having no quarantine policy and a smokescreen to cover its plans to abolish AQIS and slash the number of dedicated quarantine officers by handing over those duties to a new so-called department, Homeland Security—that is vague, but it will never become a reality because the Australian Labor Party will not be elected to govern at the next Federal election.

Mr Gerard Martin: How do you know that?

Mr RUSSELL TURNER: I am sure the Coalition will remain in government and maintain our strict quarantine standards. The Coalition supports our farmers. The first inclination is to ban all imports of food, but one has to remember that we are under enormous pressure from countries to which we export food. We must have strict scientific grounds to stop imports into this country because the same standards might apply to Australia when we export to those countries. We export a number of our agricultural products apart from wheat, cattle and livestock. For example, we export apples, citrus, grapes, cherries and fish. To continue to export our food products we must stick to the standards of those countries that we export to and we must maintain our strict quarantine standards on countries that want to import into Australia. The Federal Government is doing that at the moment.

Biosecurity needs to look at every application and apply strict scientific standards before it makes recommendations to the Federal Government. Up to this point, the Federal Government has given our farmers 100 per cent support, which is not what Country Labor has done in this Chamber. It has moved an urgency motion without scientific background and strength. Country Labor is trying to create hysteria amongst our farmers about something that will never ever eventuate.

Mr PETER BLACK (Murray-Darling) [4.05 p.m.]: We have yet again seen a disgraceful performance from The Nationals. I will go through it step by step. The honourable member for Murrumbidgee put on notice a matter concerning the future of the Deniliquin Research Station. The Leader of The Nationals asked a question without notice about research stations. Was that right?

Ms Reba Meagher: I think that's right.

Mr PETER BLACK: Then the urgent motion from the Leader of The Nationals was about research stations, was it not?

Mr Andrew Fraser: Point of order: I draw the attention of the House to the motion. It states:

> That this House:
>
> (1) calls on the Federal Government to reject plans from Biosecurity Australia to change Australia's strict quarantine regimes; and
>
> (2) expresses its concern about the impact of jobs in the industries connected to—

Mr DEPUTY-SPEAKER: I am aware of the motion.

Mr Andrew Fraser: The honourable member for Murray-Darling has not addressed the motion.

Mr DEPUTY-SPEAKER: The honourable member for Murray-Darling has been speaking for less than a minute and has not had the opportunity to get to the case.

Mr Andrew Fraser: He did not even mention the urgent motion.

Mr DEPUTY-SPEAKER: Order! The point of order is not upheld.

Mr PETER BLACK: On the issue of urgency, The Nationals sought to discuss the research stations. We then had a division, and The Nationals did not turn up. At 1.30 p.m. the Minister for Primary Industries and I met with the mayors from Conargo and Deniliquin, and we were photographed with the Premier. They were two very happy mayors in relation to the research station at Deniliquin. The Coalition is full of hot air because it introduced this, not us. We want to talk about citrus canker. By the way, when we talk about lesions—that is, canker—what a good example we have in The Nationals. We have an enormous danger with respect to citrus canker in this country. It is The Nationals at the Federal level who are talking about bringing lesions from Florida into this great country. In relation to agricultural research stations, Gosford has done research for citrus threatened by canker.

[*Interruption*]

Hang on! The Coalition is not up with it, as always. Auscitrus is talking about taking that research down to feedlots at Dareton—incidentally, formerly operated by the CSIRO. This is genuine research for New South Wales. Fourteen different varieties of oranges are being developed. We are not going to have canker threatening us. We are not going to be threatened by Warren Truss on this issue. If we have four years at Gosford, we will get the trees established at four years old. We can then get the root stock and the bud stock. We can then get 14,000 acres of citrus planted on the upper Darling-Barwon. There will be 14,000 acres of orange varieties developed by people in our research station. That is what canker and lesions are about. Fourteen different varieties of oranges will be picked 12 months a year. They will be ripe in summer, winter, spring and autumn.

Here we are talking about the Federal Minister for Agriculture, who does not care about New South Wales, who talks about letting into Australia fruit from Florida that has citrus canker. That will upset our research stations more than anything else. I represent an electorate that produces about 28 per cent or 29 per cent of Australia's table grapes. They include the magnificent red globe from Bourke—and doesn't everybody in Sydney love them at Christmas time? The Minister nods her head. There is the magnificent Menindee seedless grape. There is the Thompson seedless, which the Minister admires so much, from Curlwaa and so on. Despite my electorate producing about 29 per cent of Australia's grapes, what is the Federal Government talking about allowing into Australia?

This time it is grapes from Chile—with all the pests and diseases that they could bring into this country, like the grape redmite, mealybugs, and the Mediterranean fruit fly, which is alive and well! Coalition members in this place would have us believe that is a good idea! We have accepted Californian table grapes because they are imported in our off season. The Federal Government is talking about allowing in infected grapes from Chile—grapes that will cost about 28¢ a kilogram landed in Australia! Even with our efficiency, our grapes cost 98¢ a kilogram. We cannot compete against countries that use slave labour. Warren Truss would wipe out the citrus and table grapes industries in this great State. [*Time expired.*]

Mr ANDREW FRASER (Coffs Harbour) [4.10 p.m.]: I support the honourable member for Bathurst in moving this motion. Sadly, it has been somewhat politicised by the honourable member for Murray-Darling. The banana industries in the north of New South Wales and Queensland need to be protected against such blights as moko and black sigatoka. In the past Queensland has had outbreaks of both moko and black sigatoka, and we do not want that sort of attack on our industry in New South Wales. I honestly believe that Biosecurity Australia has not done its job properly. Those who have made a study of the debate that has been going on since February this year would know that Biosecurity Australia has had to revise the recommendation it made to the Federal Government. I think two of its staff have been moved on and one has been sacked because of that organisation's poor attention to detail in developing policies that would enable the importation of produce to Australia.

The Federal Government is extremely aware of the problems associated with the importation of this produce. There is some hypocrisy in the stance taken by honourable members opposite in attacking The Nationals and the Federal Government on this issue, because for its 13 years in government in Canberra the Labor Party neglected the quarantine system of this country and left it ineffective. The Howard Government, since it has been in office, has increased the quarantine budget from a $40 million low under the previous Federal Labor Government to $500 million. Gavan O'Connor, the Federal member for Corio and shadow Minister for Agriculture and Fisheries, is supporting his Labor colleague Robert McLelland, who has admitted that the quarantine service in Australia will be dissolved under a Federal Labor government. In fact, on 7 March this year Robert McLelland said this when interviewed by a journalist:

> **Journalist:** So you would merge all those departments?
>
> **Robert McClelland:** Yes, we would, certainly the visa-issuing sector of Immigration, the source part of Customs—the source of produce that comes into Australia, containers and the like—and similarly with Quarantine. These are great efficiencies—for instance, they pointed out that only two people are now required when going out onto a tour ship. Previously, there were two from each of those divisions, which has in turn released people for enforcement activities.

So, rather than inspection, it is enforcement. This is the typical Labor Party attitude: disregarding what is in the best interests of regional and rural New South Wales. I quote what Mr Warren Truss said in a media release of 13 September:

> Clearly, Labor's review is a smokescreen to hide their intention to leave Australia's farmers with reduced quarantine protection. Mr O'Connor is also suspiciously silent on the future of the Coalition's 40% AQIS subsidy for farm exports. If AQIS is abolished, will exporters be required to meet the full cost of the bureaucracy in Labor's new Homeland Security Department?

That question has not been answered. I commend my Federal colleague and Federal member for Cowper, Luke Hartsuyker, who has been pressing Biosecurity Australia, the Minister and the Federal Government since January-February this year to put a halt to the banana import recommendation, and has been quite successful in his endeavours. He has met with industry representatives, the Minister and Biosecurity Australia. At the end of the day, as the honourable member for Orange said, we need to import some produce to Australia. I acknowledge the point made by the honourable member for Murray-Darling about importing oranges, grapes and so on from California in our off season when that does not present any real risk to the industry in this country.

But let us bear in mind that at the moment all imports, even those made in the off season, under our current Federal Government are subject to the strictest quarantine measures that this country has ever had. Those measures have been introduced by the Federal Liberal-Nationals Government, which is extremely concerned that our home-based rural industries not be affected by second-grade imports. I remind the House that under the last Labor government a huge quantity of dried apricots were imported for repackaging and export. The quality of the imported apricots was so poor that they were not allowed to be exported. That would not happen under a Coalition government.

Pursuant to standing orders business interrupted.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Tuesday 21 September 2004 at 2.15 p.m.

BUSINESS OF THE HOUSE

Routine of Business

Mr CARL SCULLY: I wish to advise the House of a change in the routine of business for Wednesday 22 September 2004. On that day question time will be held at 11.00 a.m. The reason is that the Premier will depart Sydney for Hong Kong on that Wednesday afternoon to participate in the closing session of the Forbes Global CEO Conference. The earlier start will enable the Premier to attend question time.

PRIVATE MEMBERS' STATEMENTS

BATHURST ELECTORATE EDUCATION WEEK ACTIVITIES

Mr GERARD MARTIN (Bathurst) [4.17 p.m.]: Today I wish to speak about an event that was celebrated throughout New South Wales last week—Education Week—and public education. The Bathurst electorate has 42 public schools. We know that our public education system is one of the largest in the world, with 2,200 schools including major high schools with more than 1,000 pupils. Lithgow High School is one that has more than that number of students. Contrast that with the Glen Alice Public School, which last year had two students, but which the Government kept open. A population explosion in the wonderful Capertee Valley has resulted in its enrolment increasing to ten. There are a number of such schools in my electorate.

Throughout the Bathurst education district there were a number of public performances to celebrate Education Week. In Bathurst on Monday a number of large and small schools gathered at the Metro Five cinemas to talk about what they think public education is about. They also put on displays of music and drama. Those schools ranged from the Bathurst High School, some of whose students belong to the Swing Factor, a popular band that plays jazz and other music, to smaller schools such as Burraga. Those students were a great credit not only to themselves and their teachers, but also to public education generally. The following day I attended what I will call a public education concert at Lithgow. About 14 schools participated.

One of the great features of the day was the presentation of awards to children from schools in my electorate for academic achievement, citizenship and a range of other matters. By making presentations to various people from our school communities, the director of education in the Bathurst school district, Mr Chris Evans, honoured the many thousands of volunteers involved in school communities in the New South Wales public education system—volunteers such as those who staff the canteens and parents who help to manage

sporting groups when they travel. Recently the Prime Minister had a shot at our public school system when he said it did not teach values. The students at all the functions emphasised the values they are taught in our schools. They spoke about how proud they were that values such as responsibility, fairness and achieving to the best of one's ability were incorporated into the life of their school communities. The teaching staff reinforced those values. It was a demonstration that the public school has values and they are reinforced every day.

Honourable members will recall that during the last sitting week the principal and students of Portland Central School were in the gallery. They won $10,000 in a national literacy and numeracy contest. The projects developed by the teaching staff, which involved innovative ways to improve the numeracy and literacy skills of their students, were judged to be the most outstanding in New South Wales. The school has developed a mentoring program with students at Charles Sturt University in Bathurst. Children who, for whatever reason, are not achieving their potential are mentored and have an interface with a university student during the year. The program inspires them to stay at school and obtain a university education. At the ceremony at the Portland Central School I made the point that it is no good people saying, "We will send our kids to the public school at five years of age and let the teachers teach them values." The teaching of values must start in the home. Parents must take on that responsibility and not expect the public school system to deliver everything. I am proud of the 42 public schools in my electorate, and I know that other members across the State would say the same about the schools in their electorates.

HORNSBY POLICE AND COMMUNITY YOUTH CLUB TRUANCY PROGRAM

Mrs JUDY HOPWOOD (Hornsby) [4.22 p.m.]: I speak today about the Hornsby Police and Community Youth Club [PCYC] and a wonderful new program it is running. Before I do, however, I want to congratulate the Hornsby Chamber of Commerce on supporting the move by the PCYC into new premises and taking an interest in increasing the commercial floor space in the Hornsby area. I also congratulate the chamber on receiving a State Chamber Business Education Award. The chamber works hard with young people in the area, and it is to be commended for the program Youth Learning the Biz!, about which I have spoken on a number of occasions. In relation to the PCYC truancy program I recently received a letter from Lynda Hart, a police officer, who works with Belinda Bigg, another police officer in the PCYC. The letter states:

> Just wanted to let you know of a program that we are looking at running. We've been working closely in conjunction with [two police officers] at the Police Station and recently there have been some major problems with young girls (particularly around the Year 7 mark, ie 13 to 14 year olds) who have been coming under Police notice. Truancy is the major problem and from that we have been seeing drug and alcohol problems, sexual health issues, self harm (one young tried to throw herself under the train at Asquith recently), anti social and criminal behaviour. So it is a major concern and we are wanting to run a program here at the PCYC addressing these issues.

Lynda goes on to say that they have a great relationship with Penne McKenzie, the home school liaison officer, and Kate McCosker, the Department of Education and Training welfare officer. She says they gave a small overview and presentation to a recent Supporting Youth Network meeting about what the PCYC would like to do. They identified the problems and believe that it is important to do something locally. The age limit was a barrier, but they are working through that issue. The PCYC noted that it was important to remember that they do not want to take the children out of school; they want to re-engage them because at their age they need to be in school rather than in diversionary programs that cater for older age groups. Unfortunately, nothing much is available. The truancy program—a joint initiative of Ku-ring-gai Local Area Command, youth liaison officers, the PCYC, the Department of Education and Training, TAFE New South Wales, the Department of Sport and Recreation, the New South Wales Health Service, drug and alcohol, and Hornsby and Ku-ring-gai local government—is in its early stages.

The proposal, in collaboration with other government and non-government service providers, is to develop a diversionary program to reduce the chance of possible legal intervention and/or permanent harm, to create, through professional tuition, a greater awareness of the vulnerabilities and dangers to which children expose themselves, to provide a variety of opportunities for increasing self-esteem and self-confidence, and to enhance their lives and educational skills with the opportunity for continuing high school education and/or future employment prospects. Matters to be dealt with under the program one day per week during the school term at the Hornsby PCYC include life skills, including conflict resolution, self-esteem and anger management; sexual health, awareness and safety; drug and alcohol education awareness; literacy enhancement; computer internet skills, fitness and health; nutritional and personal home skills; personal hygiene and appearance; first aid certificate; and resume-job application skills.

It is hoped that the outcome of the program will be a reduction in truancy, crime, self-harm and at-risk situations, re-engaging in schooling, reconnecting with families, an increase in self-esteem and self-worth, and

the emergence of role models and mentors. Participants will have their attendance at school monitored after completion of the program and they will be provided with ongoing support. Those who stay at school and in the program will be rewarded with incentives and those who successfully complete the program will be given the opportunity to attend a sport and recreation camp. I am the patron of the Hornsby PCYC and I am excited about the prospects of the truancy program. I wish the PCYC well in its endeavour to create an environment in which these young people are given positive diversion. The program has my total support. I will assist the PCYC, Lynda and Belinda in whatever way I possibly can. The local PCYC has faced a number of challenges in the past two years. It will soon be housed in new premises and the program is something positive for the future.

BELMONT GOLF CLUB LTD DEVELOPMENT

Mr MILTON ORKOPOULOS (Swansea) [4.27 p.m.]: For more than 50 years the Belmont Golf Club has provided the communities of East Lake Macquarie with a friendly, low-cost but first-class golf course. It has produced international greats, such as amateur champion Nick Flannagan. It holds the acclaimed women's golf tournament, which attracts Australia's top amateur women golfers, as well as the International Amateur Classic, which is held early each year. For several years the club has attempted to develop available land to expand the current 18-hole golf course to a 27-hole course. To achieve this the club would have to acquire land, but the land constraints are significant.

Sufficient adjoining land would have to be purchased or leased, which has been a significant factor in most of the plans falling by the wayside. Another argument that has driven the management to regard redevelopment as the solution is that the club has long-term debts, but until now those debts have not presented a major problem if normal prudent management practices are followed. Early last year I heard of the latest proposal, which involves a major redevelopment of the club with the promise of a new 27-hole course, a new clubhouse up on the dunes overlooking the ocean and a residential development of as many as 400 lots. A number of club members were concerned about procedural issues relating to the proposal, which I referred to the Minister for Gaming and Racing for advice. In the middle of last year I organised a meeting with the secretary-manager and the president to obtain a briefing, given that the proposal was substantially a housing development, with some significant proposed changes to the course and the clubhouse. I indicated to them then, as I indicated to those who had come to me with complaints prior to the meeting, that I believed the proposal was an ambit claim and unlikely to be achieved.

Since then I have reviewed a number of documents and interviewed a number of people. That has led me to make this statement today. Members were required to make a decision, without the benefit of independent financial analysis, about a project worth hundreds of millions of dollars. Members were given back-of-the-envelope calculations which would not be acceptable in any other organisation under the Corporations Law. Prudent financial risk management was thrown out the window. Furthermore, statements to members that contracts had not been made do not appear to accord with the reality that contracts indeed were made. I am sufficiently concerned about the process leading to a decision by members and subsequent decisions by the board—not to mention the environmental consequences of a 400-lot development on our coast—to declare my opposition to the proposal.

As the development currently stands, a clubhouse rebuilt on the dunes and a 400-lot housing subdivision would be in breach of the New South Wales Government's coastal policy and is against all contemporary planning principles. Our coastline is already fragile and cannot sustain such inappropriate development. Furthermore, I cannot believe that the club's founding members—golfers such as 95-year-old Mrs May Scott, Mr Tom Tuckwell, Mr Jim Vidler, Mr Arthur Tozer, Mr Richard Tozer and hundreds of loyal club members—ever envisaged that the club they built up and have supported since 1952 should become a de facto housing development for Terrace Tower, one of Sydney's big town developers. I am also concerned that the golf club constitution may be in breach of the law as the board itself appoints the returning officer and the scrutineers for board elections, a situation that is unheard of in any other legally constituted body facing elections.

For that reason, I have written to the Minister for Gaming and Racing requesting him to seek an offer from the New South Wales Electoral Commissioner to conduct the forthcoming board elections until such time as the members regularise the election provisions in their constitution. The development proposal does not stack up environmentally and I believe that, should it proceed to the stage where a development application [DA] is lodged, the Minister for Infrastructure and Planning, and Minister for Natural Resources should call in the development. In addition, I am concerned that the members ought to be made aware of the details of all contracts entered into by the board and Terrace Towers and that an urgent independent financial report be made available to each member.

OPERATION FLINDERS ALBURY WODONGA COMMITTEE

Mr GREG APLIN (Albury) [4.32 p.m.]: The challenge of dealing with troubled young people has confronted communities and the State for many years. In response to problems caused by dysfunctional families and alienated youth, a new community-based organisation has been formed: the Operation Flinders Albury Wodonga Committee. It draws its membership from both sides of the border and includes youth and health workers, business people, educators, police and community members. I am honoured to be its patron. Operation Flinders is a South Australian based wilderness adventure program which has achieved international recognition since commencing in 1991. It is a not-for-profit organisation which takes youth out of their familiar surroundings and presents them with demanding physical and emotional challenges to help them rethink their lives. The program is aimed at teenagers between 13 and 18 years of age who are considered to be at risk of committing crime or are exhibiting negative and challenging behaviours which are deemed to be antisocial.

Operation Flinders is described as a psychological circuit-breaker which helps young people discover that there is more to life than destructive behaviour. It involves an eight-day bushwalking exercise over 100 kilometres in the rugged northern Flinders Ranges and is led by qualified instructors who are backed up by a huge infrastructure with a safety and security network. The program is clinically based with a volunteer panel of two psychiatrists and three psychologists who are also involved in evaluation of the program.

The local committee is raising funds to send 10 young people from the border district to participate in Operation Flinders in November. The cost for each person is around $2,000 and covers bus transportation, counsellors and the program itself. The long-term aim is to work with government and agencies to establish the program in suitable bush areas near Albury, but the first objective is to prove the benefits to individuals and sponsors and to show that the community at large will benefit as levels of antisocial behaviour decline. How can this be achieved? As I mentioned earlier, the program has been operating for more than 12 years. It was founded by the late Mrs Pamela Murray-White, a former Army officer and teacher who specialised in handling students with behavioural problems. She realised that some elements of Army culture and leadership training could have a positive effect on troubled young people.

The participants go on an eight-day trek in wilderness country, climb mountains, abseil, learn to camp, learn leadership skills and build up their own self-confidence and self-esteem while removed from their familiar surroundings and peers. The Albury Wodonga chairwoman is Ms Carol Patrick, who works as a juvenile justice officer. She sees the program as an opportunity to really make a difference to the lives of youth who are at risk. She says that the trek is difficult, but is not run on boot camp principles. She has stated:

> It gives these young people with extremely challenging behaviours a chance to make choices and to learn from them.

The young people feel very isolated and are unaware of the strong network around them. This isolation, the unfamiliar surroundings and the qualified staff are the major factors in the program's success. Removing the participants from their normal turf forces them to confront new circumstances and to adapt accordingly. They have to make their own decisions and accept responsibility for their actions. During the trek, the natural process of initial rebellion, adjustment and then contribution are often experienced, but obstacles are overcome. As Ms Patrick says:

> To conquer abseiling with a qualified instructor on the other end of the rope is a fast lesson in trusting authority and to successfully complete the physical rigours of the trek translates into strength of character.

The participants wear bush clothing and carry their food, shelter and sleeping gear across creeks, over rocks and up steep mountain ranges. Most have never taken on such physically demanding tasks before, and with the absence of their usual band of friends, the team leaders become the role models. Tasks are set to develop trust, teamwork and leadership, along with an understanding of the environment and Aboriginal culture. As Ms Patrick says:

> Operation Flinders gives at-risk youth the environment in which to make life-changing decisions. The rest is up to the young people themselves and most come through with flying colours.

The follow-up is vital, and the organising committee appoints mediators and mentors to support the participants in the return phase so that they are more inclined to return to school, attend TAFE, take up jobs, re-engage with family and resist challenging behaviours. The success rate has been evaluated as being as high as 80 per cent, and that is the motivation for undertaking the project. The Operation Flinders appeal is well under way, seeking sponsorships, donations and government assistance. This week a business lunch and auction sponsored by the

National Australia Bank, the Albury Sailors, Soldiers and Airmens Club and the Australian Hotels Association raised $50,000 to make this project a reality. This is a constructive attempt to address community concern for young lawbreakers and to give them an opportunity to make more of their lives. I commend the project to the Government and urge the Minister for Police, the Minister for Juvenile Justice, and the Minister for Community Services, and Minister for Youth to support the committee and the people of the Albury district.

BELMONT GOLF CLUB LTD DEVELOPMENT

Mr MATTHEW MORRIS (Charlestown) [4.37 p.m.]: I support the comments made by my colleague the honourable member for Swansea concerning the plan of the Belmont Golf Club to develop high-density housing on the site of the golf club. It is common knowledge that the coast of New South Wales is under constant pressure from the development sector, and the coastline in the electorates of Swansea and Charlestown is certainly no exception. We have a unique coastline that has already been subject to the impact of various levels of development resulting in the loss of public access and the degrading of coastal land environs.

I hold grave concerns regarding the development plans for the Belmont Golf Club. The club plans to allow third party control of the site for its development. That is a matter of particular concern bearing in mind that the club and the course are situated immediately behind the foredunes area of Nine Mile Beach. It is a significant site, a precious site, yet the club's management seem determined to pursue the development of additional fairways and housing to accommodate approximately 400 dwellings at all costs. At this point I must say that the club's direction is not in the interests of its current members, nor in the interests of the surrounding coastal environment.

Important wetland areas adjoin the club's land holdings, and under this proposal they will be subjected to significant risk from such a major development. It is clearly evident that much of the coastal land along Lake Macquarie is part of an overall wetland system and contains important habitats and vegetation. That is the case from the Glenrock State Recreation Area in the north, extending south to the Wallarah peninsula, overall an area that encompasses Jewells Wetland, Belmont Lagoon and numerous creeks that connect to various water bodies along the coast.

The development of 400 dwellings on the Belmont Golf Club site is crazy, just as it would be if proposed in the Glenrock State Recreation Area. I understand the club is pursuing the development to clear its debts and claims that there are no other options. However, other more viable options are available to the club and I can make one suggestion to support that claim. I suggest that the club consider selling a small portion of the site to the local council for the expansion of Belmont cemetery. I expect that this would clear much of the debt while achieving the desire of the local community to have the cemetery expanded. That is a feasible, practical option for the club. We all understand that once coastal land is sold and developed it will never return to its former ownership or status.

I cannot stress enough the importance of this site and its connections to the surrounding coastal lands. The golf club has served the community for many years and has developed a strong position in the sport, attracting major events while gaining the respect of many in the broader communities. The proposed development I have outlined will ensure that the traditional role of the club is lost. It will result in higher fees and charges, exclusive membership and limited public access, while the community will lose respect for the club. Due to the nature of the club's landholdings we must view this development proposal on a broader scale and consider its impact on surrounding lands.

The coast of Lake Macquarie is not covered by the coastal policy, nor is it subject to State environmental planning policy 71. Both of those planning instruments would impact greatly on the proposal, delivering greater protection to our coastal environment. This is certainly not the first development proposed on the important coastal lands of Lake Macquarie. Not too many years ago, the McCloy group of companies wanted to develop a significant coastal dune area just north of the golf club on land known as Belmont wetlands which was owned by BHP. Because of public opposition, that proposal was not supported and faded away—and rightly so.

In a more recent case the Land and Environment Court refused an application for industrial subdivision on important wetland areas in the suburb of Redhead. The court's decision mandated the local community's opposition and the local council's desire to zone the land as environmental. I call on the Lake Macquarie City Council to complete the rezoning of the land as a matter of priority. Belmont Golf Club does not own all of the land required for this development, nor are appropriate zonings in place to allow the development, yet the club has seen fit to enter into a contract with the development company Terrace Tower. It appears that contract itself is in question. I encourage the club to withdraw immediately.

[*Private members' statements interrupted.*]

QUESTIONS WITHOUT NOTICE

Supplementary Answer

Mr DAVID CAMPBELL: I seek leave to provide a supplementary answer to a question asked earlier today.

Leave not granted.

PRIVATE MEMBERS' STATEMENTS

[*Private members' statements resumed.*]

DISABILITY PROGRAMS FUNDING

Mr CHRIS HARTCHER (Gosford) [4.43 p.m.]: I wish to inform the House about the impact that proposed changes to the Adult Training, Learning and Support [ATLAS] Program will have on individuals on the Central Coast. As a Central Coast newspaper reported, "These are changes designed to rob the vulnerable...". I cite the case of Mr Dave and Mrs Kay Woods, who have gone public with their concerns. Their second-youngest daughter, Robyn, is intellectually disabled. Aged 23 years, she is able to do some things, such as dress herself and catch a bus, but she is unable to function as an independent person. She cannot, for example, prepare meals. Robyn has been receiving a subsidy of $15,000 per year to assist in her care and education. Under the proposed changes, that subsidy will be cut to $9,000 per year, a reduction of almost 50 per cent. What will that mean for Robyn? It will mean that the training program she is on through First Contact will effectively come to an end and Robyn's chances of employment, albeit in a limited capacity, and of being able to some chance of an independent life, will be destroyed.

A person's chance of employment and having an independent life will be destroyed by what is essentially the callous, uncaring attitude of the Government. At present, Robyn works one day a week at McDonald's at Kincumber. She is accompanied by an instructor who is paid out of the $15,000. The instructor is assisting her to learn how to do the McDonald's job. Robyn is a keen student but a slow learner. She needs the ongoing assistance of the trainer if she is to become sufficiently confident and skilled to be employable. Robyn's family is very grateful to McDonald's and the manager at Kincumber, Mr Shannon, who has been extremely helpful. Job opportunities on the Central Coast for people such as Robyn are extremely limited. There is a two-year waiting list to get into the Terama Workshops at Gosford. The other major employer, Fair Haven, also has a long waiting list. Due to supervision costs, both these centres can only take students who are classified as high-functioning.

What is to happen to Robyn if those proposals go ahead? Is she to occupy herself in her future life by sitting in a room watching videos? What justification can be given for depriving her of the opportunity of an independent life? Robyn's story is but one of almost 4,000 in New South Wales. More and more families with intellectually disabled children are moving to the Central Coast, but the coast lacks the opportunities to give them a reasonable expectation of life. One great worry of parents of intellectually disabled children is that they will die before their children do, and that there will be no-one to look after those children. The funding cuts are a denial of opportunities for a chance at independent living, a chance of employment, and are causing great harm and hurt to the thousands of parents who seek to look after their disabled children and to give them the best opportunity in life. One Central Coast newspaper quotes a service provider as saying:

> The service cuts are going to be huge. There are families that rely on this to provide their children with meaningful lives.

What are they going to do? What indeed! We have reached the stage where, for simple financial budgetary reasons, the Government is prepared to replace existing programs, the Adult Training, Learning and Support Program and the Post School Options Program, and to substitute new programs which will take money away from families and take away the opportunities for people to live independently and obtain employment. I call upon the Minister, all members of the House, and members representing Central Coast electorates—including the honourable member for Peats, who is in the Chair, the Minister for Gaming and Racing and the honourable member for Wyong—to have the courage to stand with me in opposing those cuts.

I hope every member of this House would deplore any financial and budgetary systems that deny the most disadvantaged in our community an opportunity for life. It is a tragedy that the Australian Labor Party is again seen as a political party that deprives the disadvantaged of opportunities for life. More than 4,000 families

are affected by the cuts, many of whom have held public meetings and rallies. They are concerned for their children. In every civilised society one of the most basic responsibilities of legislators and the community is to provide for the disadvantaged. I call upon the Government to look into this program, reverse any decision to cut funding, and to make some attempts to look after the underprivileged and disadvantaged of our society.

BELMONT GOLF CLUB LTD DEVELOPMENT

Mr PAUL CRITTENDEN (Wyong) [4.48 p.m.]: Honourable members would be aware that on 2 September I spoke in the House about the disposal of land by Belmont Golf Club and its links with the developer, Terrace Tower. I have been fortunate to receive a letter from the President of Belmont Golf Club, John Cooper, dated 9 September, which was received at my electorate office on 13 September. Mr Cooper's letter raises more questions than it answers. Let me begin by referring to the surprising number of coincidences surrounding the appointment of the then secretary-manager of the Moore Park Golf Club, Mr Geoffrey Perkins, as the general manager of Belmont Golf Club on or about February 2003. Geoffrey Perkins is an extremely lucky man.

By an amazing coincidence, at about the same time that Perkins was appointed general manager of Belmont Golf Club, Glen Carroll, the real estate agent son of a former treasurer of Belmont Golf Club, went to the board of directors to offer the services of PRD Nationwide, for whom he worked, to identify developers capable of undertaking this project—for a fee, of course. Surprisingly, PRD Nationwide could find only two developers and, of course, the recommended developer was Terrace Tower. Of the thousands of club secretary-managers in New South Wales, how many would have known of Terrace Tower, which had constructed a two-storey car park under the seventh hole at Moore Park? They could probably be counted on the fingers of one hand and yet Geoffrey Perkins, the man appointed as the new secretary-manager of Belmont Golf Club, just happened to be one of that handful.

Apart from that amazing coincidence, lucky Geoff Perkins was also very fortunate in the make-up of the interview panel that was established to select the new general manager of Belmont Golf Club. The interview panel had three directors and a member of the club: the president, John Cooper; the treasurer, Cyril Scotting; the club captain, Kevin Laughlin; and, as luck would have it, a fellow called Garry Farthing, the sole non-board member. Presumably the board of directors would have passed a resolution that Farthing be a member of the selection panel. It transpires that a relative of Garry Farthing, a person known as Graham Farthing, was the captain and then president of New Brighton Golf Club in the 1980s and 1990s. Lucky Geoff Perkins was the secretary-manager of New Brighton Golf Club prior to moving to Moore Park Golf Club.

Again, the odds of that coincidence are, quite simply, unbelievable. It would be interesting to know when lucky Geoff and Mr Farthing informed other members of the interview panel and the board about these amazing coincidences and what they did about it. As Humphrey Bogart said in *Casablanca*, "Of all the gin joints in all the towns in all the world, she walks into mine." Of all the clubs in all the towns in the world, lucky Geoff Perkins walked into Belmont. It is also interesting to note that the member who moved both motions supporting the Terrace Tower development at the 30 October 2003 meeting was the same Garry Farthing. The first motion was passed and the second was defeated. It makes one wonder what lucky Geoff Perkins' vision was for the Belmont Golf Club when he came to Belmont. Was it to run the club or to promote a development with Terrace Tower?

It makes one wonder why, for example, Mr Glenn Carroll, PRD Nationwide agent, did not go to the Cyprus Lakes group or the many other developers with a track record in the sort of development that Cooper and the board were pushing. Under the Corporations Act, the directors of Belmont Golf Club have a legal responsibility to exercise care and diligence and to use their powers in a businesslike way. Under section 180 (2) (c) they are required "to inform themselves about the subject matter" and section 189 (a) (ii) outlines the circumstances where directors can rely on information or advice from others, with the caution that it be from "a professional adviser or expert in relation to matters … within the person's professional or expert competence".

At the meeting of Belmont Golf Club members on 20 July 2004 the board of directors and/or the general manager brought along Mr Brett Boon, a partner from law firm Acuiti Legal. I was present at that meeting and on no less than three occasions Mr Boon made it clear to the meeting that he had apprised the board of its duties and responsibilities under all relevant legislation, including the Corporations Act 2001. Obviously, board members cannot plead ignorance in their dealings in respect of this matter and they were fully apprised by Mr Boon of their legal obligations. Despite the fact that they knew of their duty to conduct the affairs of the club on a businesslike basis, it is disturbing that no independent financial analysis was undertaken by the board to assess the benefits and risks for the developer, vis-a-vis the club, in the project.

For some reason, lucky Geoff did not want to spend money on an independent financial assessment of the Terrace Tower deal. He is so frugal in the management of Belmont Golf Club that he told the meeting on 30 October 2003 that it was inappropriate to spend a cent on obtaining financial advice on the proposed deal and he and Mr Scotting, the treasurer, who was on his interview panel, gave their opinions. We also have to establish the moral obligations of directors in this matter. Lucky Geoff Perkins told Debra Jopson, a journalist with the *Sydney Morning Herald*, that a contract was entered into with Terrace Tower in July 2003. The members who made the decision on the 27-hole proposal were not given that information. On 30 October 2003 they were told by Mr Gray, the club's solicitor, that no contract was in existence immediately prior to the vote on the 27-hole proposal.

So either lucky Geoff misled the journalist in the hope that he could avoid further scrutiny or the members of the club were misled by Mr Gray. Unfortunately, Mr Cooper did not answer that question. The reason the date of the contract is important is that if it was signed after 9 April 2004, under the amendments in the Registered Clubs Act the directors had an explicit legal obligation. No matter when the contract was signed I believe the directors had a legal obligation under the Corporations Act to obtain independent financial advice to ensure that the club was not being played for a sucker, especially after PRD Nationwide claimed that it could find only two developers with any interest in the project.

On top of this legal obligation under the Corporations Act, I think club directors had a moral obligation to members to obtain that independent financial advice, given the clear absence of any expertise on the board to make a decision of this magnitude. That moral obligation is particularly owed to the founding members of Belmont Golf Club, given the sacrifices they made to build it. In conclusion, I call on Mr Cooper to explain to the members of Belmont Golf Club the amazing number of coincidences surrounding the appointment of lucky Geoffrey Perkins to the position of secretary-manager to the club. In particular, when did the members of the interview panel and the board learn that the sole non-board member of the interview panel was a relative of the president of the club where Perkins had previously worked? Why did the board not meet its legal and moral obligations to its members and commission an independent financial analysis of the proposed 400-unit development and to assess the benefits and risks for Belmont Golf Club and Terrace Tower? [*Time expired*.]

COUNTRYWIDE COMMUNICATIONS ACCOMMODATION RENTAL

Mr FRASER (Coffs Harbour) [4.53 p.m.]: Tonight I wish to speak about Countrywide Communications in Coffs Harbour, a small communications company that provides a two-way radio service for a lot of businesses such as couriers, State forest log merchandising companies, transport companies and the NRMA on the North Coast. In 1999 the company applied to the Department of Lands to share a site at Mount Cairncross in the Port Macquarie region. After initial discussions it was advised that the rent would be about $500 to $1,000 a year. The company went ahead with its application and it now shares the site with Vodafone in its compound on the top of Mount Cairncross. The area occupied by Countrywide Communications is six square metres.

In June this year, after two years of deliberations by the Department of Lands, the company received an invoice for $12,500 for the rental of that site, which is the equivalent of $5,000 a year. However, the company makes a profit of only $4,000 a year. If the company has to pay an annual rental fee of $5,000 for a six-square-metre site it will lose $1,000 a year. The National Parks and Wildlife Service rents out 100 square metres of space in the Grafton area at a cost of only $2,400 a year. Members should remember that the area being leased by Countrywide Communications is only six square metres. A company that is similar to Countrywide Communications leases a site from the National Parks and Wildlife Service in the Byron Bay area and it pays in the vicinity of $1,200 a year.

I am amazed that Department of Lands had the audacity to send a bill for $12,500 to this company. The company wrote to the Minister this week and I have made representations to him, but all I received was an acknowledgement that the Minister had received my letter. The company has asked for a 30-day extension until this matter is resolved. It appears as though the Department of Lands does not want to resolve the matter; it wants its $12,500. The Department of Lands has already received money for this site—money that has been paid by Vodafone. As I said earlier, there is a six- square-metre area within the Vodafone compound for which the Department of Lands wants $1,200, or the equivalent of $5,000 per annum, which is a disgrace. The Government is bankrupt.

The Minister for Lands has already told the people of regional and rural New South Wales that he will increase enclosed land permits by 700 per cent from $50 to $350 a year. Countrywide Communications will be

operating at a loss of $1,000. This company approached the Department of Lands and said, "If you give us a decent area of land alongside the Vodafone facility on Mount Cairncross we will build a larger tower, attract more business and make our business payable." The Department of Lands said that no more towers were allowed in that area. So this great little business, which has been in operation for a number of years, will now be operating at a loss. In addition, if it does not pay this outstanding amount on time it will be facing an interest rate payment of 12.78 per cent a month on the amount that is owed.

As I said earlier, the company is behind with its payments. We have made representations to the Minister, and nothing has happened. I ask the Parliamentary Secretary, who is in the Chamber, to approach the Minister for Lands, the Hon. Tony Kelly, and to seek an extension of a month. The Minister should also fix a fair rental, which I believe to be in the vicinity of $1,000 a year. I am sure that everyone would like to be able to rent six square metres for $1,000 a year, but it is a disgrace to expect this company to pay $5,000 a year—with back pay that would amount to $12,500—and for the department to threaten the company that if the amount is not paid it will be hit with interest payments from 29 July. If the Government were serious about helping small business it would ensure that there was equity and fairness in relation to this matter. This business provides a vital service to couriers, transport companies and State forest log merchandising companies, and it enables the NRMA to communicate with clients when there are breakdowns or accidents. This whole matter has reached a ridiculous level.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [4.58 p.m.]: I acknowledge what the honourable member has said. I understand that he has already made representations to the Minister for Lands. I will ensure that those representations are brought to the Minister's attention as soon as possible.

MERIDEN SCHOOL YEAR 12 ART EXHIBITION

Ms VIRGINIA JUDGE (Strathfield) [4.58 p.m.]: Tonight I wish to inform the House of the wonderful talent fostered by Meriden school, an Anglican school for girls, in Strathfield The senior school of Meriden recently had a display of year 12 students' visual artworks in its school hall. I was fortunate enough to be invited to the opening of that exhibition and to view the wonderful artworks of Meriden students. I formally acknowledge Ms Carolyn Blanden, Meriden's principal, who is doing a fantastic job in her role and I acknowledge Ms Julie Johnstone, the head of visual arts, Ms Julie Palmer and Mr Tim Disher. Those fine hardworking teachers, who are dedicated to their students and to their work, are inspirational. Ms Johnston and all the other teachers organised the evening's display. The exhibition was a great success and significant not only as art but as a celebration of the year 12 students' achievements. We all know that year 12 is not an easy time; it is a time of commitment, concentration, dedication and plain old hard work. But it is also a time of increased liberation: the growing and shaping of mind, opinion, identity and character. These differences do not always complement each other, particularly during the teenage years—hopefully they do as we move along in life.

The responsibility of studying for the higher school certificate [HSC] and the liberation of a new, changing world can leave many senior students feeling torn in many directions. But the new experiences in students' personal lives and the abundance of stimulation academically can have a net positive effect on both areas. Year 12 is a time of heightened experience. It is a dynamic and ever-changing time that will largely dictate students' immediate and distant futures. The overwhelming mass of experience makes ongoing creative outlets, such as the visual arts, vital and positive components of students' lives during this time. Art allows the freedom of expression that the young and not-so-young crave throughout their lives. Many desire this creative outlet, particularly during times of great change and pressure.

Therefore, I believe a creative arts subject is an essential component of a balanced higher school certificate subject load. Subjects such as art, music and drama complement other subjects such as maths and English, and improve students' performances across all their subjects. Balance is healthy in life, and a creative pursuit brings harmony to the HSC. I believe those students who were proudly exhibiting their work chose well in their subject selections. The artworks are an absolute credit to them and to their teachers, family and friends alike. To commemorate the opening of the exhibition I read to the assembled audience a poem that I would like to share with the House today. It is *When Earth's Last Picture is Painted* by Rudyard Kipling, and it reads:

When Earth's last picture is painted
And the tubes are twisted and dried
When the oldest colours have faded
And the youngest critic has died
We shall rest, and faith, we shall need it
Lie down for an aeon or two
'Till the Master of all good workmen

Shall put us to work anew
And those that were good shall be happy
They'll sit in a golden chair
They'll splash at a ten league canvas
With brushes of comet's hair
They'll find real saints to draw from
Magdalene, Peter, and Paul
They'll work for an age at a sitting
And never be tired at all.
And only the Master shall praise us.
And only the Master shall blame.
And no one will work for the money.
No one will work for the fame.
But each for the joy of the working,
And each, in his separate star,
Will draw the thing as he sees it.
For the God of things as they are!

It was a pleasure to visit Meriden School, as it always is. Meriden is unquestionably one of the finest schools in our community and produces many outstanding young adults and future citizens. I congratulate Meriden School—the students, teachers and families—on their hard work and I wish them all the best for the future. I hope that many students will continue to pursue the arts, including the visual arts. We needed talented people who can bring benefit to themselves and to the wider community. I think the arts, especially music, are universal languages that can bring people together and help them to share their experiences. The more we support the arts, the better. I commend this private members' statement to the House and I thank honourable members for giving me this opportunity to share the exhibition with them in this fine Chamber.

CRONULLA ELECTORATE TRAFFIC NOISE

Mr MALCOLM KERR (Cronulla) [5.03 p.m.]: I draw the attention of the House to the hardship that has been occasioned to people living in two streets in my electorate: Carabella Road and Murrami Avenue, Caringbah. I received from a resident of Carabella Road a letter that sets out the background to this issue. It states:

> I wish to put in writing my concerns regarding the noise problem at the rear of our house, which backs onto Captain Cook Drive opposite the Toyota building. We have lived here for 14 years and have put up with the heavy traffic noise and associated compression braking from many trucks that use this road and have experienced a large increase in the volume of cars and trucks passing, causing the noise problem to become even greater. We have double glazing and blockout shutters on our bedroom windows but still are unable to sleep due to the noise, especially from 3.30 a.m. in the morning when the trucks start passing. On the hottest summer nights we cannot open our windows because the sound is so severe.
>
> About 18 months ago the RTA placed a noise recorder in our garden to gauge the noise level. This was left for one month. The recorder was not placed on our verandah as we had suggested, as this would have recorded a higher level, but in the far corner of our garden, where 2 fences block the noise. At no time since have we had any feedback from the RTA or any communication regarding this test. Hardly satisfactory!
>
> We have also had a car smash through our fence in the early hours of the morning, destroying a third of it, causing us to rebuild using a sandstone wall at ground level, and double lap timber on top to ensure that our garden cannot be penetrated should this happen again.
>
> We also have a problem with fallout from Diesel Exhausts. The emissions leave a film that coats our swimming pool, house exterior, outdoor furniture etc.
>
> I believe that the implementation of a noise reduction wall would greatly help alleviate a lot of the noise pollution as well as the safety risk, giving us a bearable standard of living and less sleep deprivation.

On Saturday 11 September a meeting was held with residents of both streets, which I attended together with the local Federal member of Parliament, Bruce Baird, and Councillor Kelly Knowles from Sutherland Shire Council. Some 60 residents also attended—an indication of the issue's significance. They raised again the validity of the noise monitoring testing and indicated that the residents involved in that study were not happy with the methodology used, including the positioning of recording devices, sampling times and the length of sampling. Residents want the testing to be redone and to involve a larger number of residents simultaneously for a longer period.

It is not only the noise that is causing problems in the two streets but safety issues—I mentioned earlier a vehicle collision. A resident presented evidence of safety concerns at the meeting and revealed that two cars had crashed through his back fence, causing some damage. A truck bumper bar that had been left behind after the accident was also on display. Diesel exhaust fumes are causing health problems, such as allergies and

asthma. I urge the Minister for Roads to contact residents through the Roads and Traffic Authority and arrange for more satisfactory monitoring of the ongoing problems. This is a matter of deep concern that must be addressed. The first step will be finding a satisfactory method of monitoring the problems in the affected streets.

RELIGIOUS COMMUNITIES HARMONY

Mrs BARBARA PERRY (Auburn) [5.07 p.m.]: I have had the good fortune of late to be associated with initiatives involving the Christian and Muslim communities in Sydney that aim to establish deeper understanding, intimacy and shared friendship between the communities. It goes without saying that I am greatly heartened to be a witness and participant in such endeavours and, further, that I am eager to gather support from members of the House for this cause. This desire lies in my deep conviction that active steps must be taken to tear down all remaining divides of distrust and mistaken perceptions that exist between the religious communities of our State, in particular those of the faiths of Christianity and Islam.

It is a well-established observation that we as humans tend to become easily prejudiced in our thinking about those things we have little experience of and natural affinity to. Furthermore, we generally arrive at this point without realising how remote we are from reality. We often cannot perceive that our views are based on, amongst other things, the ill-informed opinions of others and supported by alleged facts and our own lack of proper understanding, which is oftentimes affected by the bias of our information sources. This gap between fiction and fact is a dangerous place: a breeding ground for hostility, ignorance and the apathy that keeps us apart.

It becomes even more dangerous when it is exploited by parties, whether commercial or political in nature, for their own interests. I want to see an end to this and to the feelings of marginalisation that are evident amongst many members of the Islamic community as expressed to me. I am impressed and moved by their genuine desire to welcome outsiders and to resolve the many mistaken impressions held about their dress, religious practices and world view. In particular, they are keen to share the true meaning of their faith and its central message of love, kindness, peace and acceptance of others. The Islamic community is taking significant steps in the right direction and it is incumbent upon us to respond to its offer of friendship.

I attended the Auburn Turkish Gallipoli Mosque open day just a few short weeks ago and I was glad to see members of my local community showing a genuine interest and openness to what they were told and saw. There was an undeniable rightness and good feeling about the whole affair, as there is always when people draw together in such a spirit of goodwill and mutual respect. I take this opportunity to thank the *Sydney Morning Herald* for its excellent reporting of the event. In the past year or so a number of open community dialogues have been held. For example, there was one in Greystanes and another in the Cromer Community Centre where 250 people gathered as part of a joint initiative between the Initiatives of Change, Manly Catholic Social Justice Group and the Islamic Society of Manly-Warringah. Most recently, there was one on 30 July in Castle Hill, which was chaired by Richard Glover, presenter of the *Drive* program on ABC radio. I was fortunate to attend that event.

Throughout my involvement I have been no less than moved by the incredible maturity and goodwill shown by all parties. I have not once felt the interference of any desire to proselytise or impose one system of belief over the other. Instead, there has been a sense of warmth, friendship and the binding together of people who share common values. We live in a world where technology, education and the flow of people seeking new life and the opportunity to travel is breeding many and varied ideas and forms of self expression. It would be indeed regrettable if, for one moment, any of us sought to stifle this in the name of unity, God or whatever else. Instead, we must allow our differences to flourish whilst striving to create an unbreakable bond of peace, harmony and intimacy. This more than anything is the function of true religion and the responsibility we bear as honourable members to encourage in our respective electorates.

I commend to the House the excellent work and vision of those who have contributed to date: David Mills and his wife, Jane, from Initiatives of Change; Keysar Trad of the Islamic Friendship Association of Australia; Kevin Manning, Catholic Bishop of Parramatta; Wendie Wilkie, Associate General Secretary of the Uniting Church National Assembly; Dr Peter Macdonald, Mayor of Manly; and others. I look forward to seeing further initiatives undertaken across our State as part of their ongoing effort.

HEALTH SYSTEM

Mr ANDREW CONSTANCE (Bega) [5.12 p.m.]: I refer to a important and sensitive issue concerning a constituent of the Bega electorate. As a local member it is often a difficult task to listen to people in the community who have fallen victim to the failing health system in New South Wales. The constituent to whom I refer is an upstanding member of the Batemans Bay community who, in 1992, whilst living in Sydney,

lost his wife at Westmead Hospital in circumstances that might have been otherwise avoided during what should have been a routine procedure. The fact that I am relaying this story in the House some 12 years after the tragic event indicates the impact of this loss. The system has failed this family in the cruellest way, and must provide the answers the family so desperately seek.

I have listened to my constituent's experience and have in my possession a large pile of correspondence which, in detail, divulges the questionable treatment his wife received from doctors at Campbelltown and Camden hospitals. My constituent's deep frustration lies not only with what occurred at the time, but also with the lack of commitment by the Health Care Complaints Commission [HCCC] and system to pursue the complaint with a full investigation. Equally as disappointing to this man and his family was the hope that the Walker inquiry gave to them an opportunity to seek answers to their questions. However, unfortunately, the inquiry did not pursue investigation into the matter because of, I suspect, when this event occurred. The Medical Board evidently was much more forthcoming and after investigating the doctor concerned in relation to the matter in 1996 said:

> The tragic event was due to a complication of the procedures performed on 7 February 1992. It was an extremely rare condition with very confusing clinical features. The three experts from whom we sought opinions all confirmed the unusual clinical features and rarity and the great problems that occurred in its management.
>
> These experts all felt, as did the Committee, that had the condition been recognised earlier the outcome may have been different with earlier surgical intervention. They were critical of … [Dr X] not seeking expert opinion earlier in the course of the illness. As a consequence … [Dr X] has been reprimanded by the Committee and his treatment of your wife's illness regarded as professionally unsatisfactory.
>
> Since this event four years ago, changes have been made by … [Dr X] and his surgical and medical colleagues which have decreased markedly the chances of such a tragic event reoccurring.
>
> I wish to assure you that the matter has been investigated very thoroughly by both medical and lay persons and appropriate action has been taken.

I am not so convinced the HCCC followed through on the matter as best it could. In 1992 my constituent had to watch as his wife became increasingly ill and deteriorate quickly after being shuffled between three hospitals. What was initially scheduled as a gall bladder operation quickly spiralled out of control, resulting in her passing only a few months later after her initial admittance into Campbelltown hospital in January 1992. After reviewing the account of her death one can fully appreciate the immense stress and sense of hopelessness this man and his family must have experienced during this time. The events surrounding her death are detailed and, for the most part, extremely personal and upsetting. To ensure the privacy of my constituent the Government has a responsibility to answer some of the questions relating to the circumstances surrounding this death. It is obvious the HCCC failed in doing so and the board has done a much better job.

It is of great concern to me that since becoming the honourable member for Bega so much of my time is spent dealing with our failing health system, and the gross inequality and inadequacies of services available to the people of New South Wales. It is for this reason that I bring this matter to the attention of the Minister for Health and ask that he look into the circumstances surrounding this tragedy and to do so in the detail that it deserves. It is also my hope that this will in some way bring some peace of mind to my constituent who sought to have his story told in the hope that we do not ever see a repeat of what occurred. Quite often when we debate health in this place we forget the human side to health care.

JAMES HARDIE AND ASBESTOS-RELATED DISEASES LIABILITY

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [5.17 p.m.]: Yesterday I joined thousands of workers and their union representatives and victims of asbestos-related diseases at the rally outside the Darling Harbour shareholders' meeting of James Hardie to continue the protest against its disgraceful corporate behaviour in avoiding its responsibility to properly compensate victims of asbestos-related diseases caused by exposure to James Hardie products. I was there both in my role as the State member for Newcastle and as a member of the Asbestos Diseases Foundation of Australia. I congratulate the speakers at the rally from the Australian Council of Trade Unions [ACTU], the Labor Council, the Construction, Forestry, Mining and Energy Union, the Australian Manufacturing Workers Union and the Australian Workers Union on the strength of their fight to ensure justice for victims of negligence of James Hardie. In the words of the ACTU Secretary, Greg Combe, to the ABC *Lateline* program reflecting the strength of feeling against the unprincipled actions of James Hardie:

> I can assure people, and particularly anyone who is watching, who is suffering from asbestos disease or who has a family member or friend who is suffering, the union movement will not be letting this issue go. This is one of the largest exercises to avoid moral and legal obligations in Australia's corporate history and we are going to fight very hard to bring them to justice.

I particularly congratulate Bernie Banton, the acting president of the Asbestos Diseases Foundation of Australia, for his courage in leading the fight on behalf of asbestos sufferers. James Hardie conducted a deliberate, strategic, financial and media campaign in 2000-01 to position itself to transfer its assets to the Netherlands and avoid its known exposure of up to $2 billion in compensation payments to current and future victims of asbestos related diseases. James Hardie knew from at least the 1930s that its products contained life-threatening asbestos, yet it continued to produce and sell its products, with terrible impacts on our community. It is estimated that as many as 54,000 Australians will be affected by an asbestos-related illness by 2020. Of those, it is estimated that up to 18,000 will die from asbestos-related diseases.

The seat of Newcastle is centred on the industrial heartland of the Hunter. Throughout the twentieth century hundreds of thousands of workers would have been exposed to asbestos: in the steelworks, the electricity industry, on the docks, in the maritime industries, painters and dockers, laggers, fitters and turners, stevedores, electricians—all potential victims of this negligent and disgraceful company. For many Australians, the great Australian dream of owning and renovating their own home has become a nightmare, with the potential of contracting asbestosis or mesothelioma from asbestos-based products.

Where are the dollars for medical research to find a cure for their illness? Where are the dollars for asbestos victims and their families? Those dollars have gone offshore to protect the shareholders. It is a national disgrace. All governments have a responsibility to ensure that James Hardie meets its responsibility. As yesterday's rally call said: Asbestos kills, James Hardie knew, it's time for them to meet their responsibilities to victims and their families. The whole approach of James Hardie was extremely deliberate. On 16 February 2001 the company announced that it had "resolved its future asbestos liabilities for the mutual benefit of claimants and shareholders" by transferring $293 million of its assets into the Medical Research and Compensation Foundation. The company was very much aware at that stage that there was no way that amount of money could meet current and future responsibilities.

In September 2001 James Hardie announced that 98 per cent of its shareholders voted to support corporate restructure, that is, James Hardie Ltd becoming James Hardie Industries NV, headquartered in the Netherlands. That was a move quarantining the company's assets from compensation claims arising from asbestosis or mesothelioma caused by exposure to James Hardie products. The company was fully aware of the inadequacy of the funds in the Medical Research and Compensation Fund to meet current and future compensation needs. This is absolutely disgraceful. It is up to all governments, Federal and State, and every member of the community to say to James Hardie: meet your responsibilities, fully compensate victims and put aside the $2 billion required. [*Time expired.*]

MULTINAIL AUSTRALIA PTY LTD, WAUCHOPE

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.22 p.m.]: I draw to the attention of the House an issue concerning the company Multinail Australia Pty Ltd, which operates a very successful roof truss system manufacturing enterprise in Wauchope. It also manufactures the machinery that produces those roof truss systems and exports to various world markets. It is a real business success story in New South Wales. Recently I organised a meeting between the proprietors of Multinail, the Minister for Regional Development, myself and the mayor of the Hastings shire, where Multinail is located. That meeting took place in April. At the meeting the proprietors of Multinail and Hastings shire representatives sought from the Minister some form of assistance for Multinail's planned expansion. Multinail, due to its growing international market, is seeking to expand its facility to enable it to manufacture more machinery and more systems for export. That has to be good for the New South Wales economy as well as the regional economy of the mid North Coast.

Since that meeting the Queensland Government has approached Multinail, which already has some interest in Brisbane, and made the company an offer to move to that State. A number of Multinail staff and the Wauchope Chamber of Commerce have approached me regarding the New South Wales Government response or, to be more precise, its lack of response to this point. I met with a number of employees, including Col Latimore and Alex Zycki, who gave me a list of points that they had received from a number of staff. I would like to place on record some of the comments made by a number of the 69 staff currently employed at Multinail in Wauchope:

> The Hastings area has a high unemployment rate; jobs are hard to come by. If Multinail relocates to Brisbane, 69 people will lose their jobs and the flow on would affect hundreds.
>
> There are a high percentage of older workers at Multinail who are long time employees; it would be very difficult for them to find new employment.

> I have just commenced an apprenticeship so therefore if Multinail relocated I would be out of a job because it would be too hard to start fresh in Brisbane.
>
> We need to keep skilled trades in New South Wales, not send them to Queensland.
>
> We are working long hours with a cloud of doom hanging over our heads.
>
> We have been told of a possible move to Queensland but we have no clear direction, no time frame, and no explanation from management to possibly reorganise our working lives. Many people in this workplace are over 45 and will find difficulty being re-employed.
>
> Majority has excellent work skills—lost.
>
> The amount of rumours around the place doesn't give you much hope of being still employed here.
>
> What happens to the younger staff, apprentices, tradesmen and others that want to gain more experience in this industry?
>
> Does any one really care about us? Our families? Many of us have children, debt, and mortgages. How do we feed them?
>
> Most of us have financial commitments (houses, cars etc). What is our future?
>
> If it wasn't for the blood, sweat & tears of the Aussie worker, you wouldn't have a job. So please help us out.
>
> The majority of staff do not want to relocate to Brisbane. Staff will start leaving if no sense of direction is forthcoming.

Many other comments are on the list that was given to me by representatives of the Multinail staff. The clear message coming from those comments is a sense of uncertainty, even negativity, among the staff about their futures. They are seeking assurances from the company, but more particularly the New South Wales Government, to ensure that Multinail not only can continue to operate in Wauchope but to enable it to achieve its expansion, adding another 40 jobs to those of the 69 workers already employed in Wauchope. I quote from a letter from the Wauchope Chamber of Commerce and Industry:

> The exercise to encourage and assist Multinail to remain in the area and expand would be seen by business and the community as a positive demonstration of support for not only our community but all communities in regional New South Wales and Australia.
>
> Now into year three of deregulation of the dairy industry, the impact of this government decision is now being felt by the community.

I urge the Minister for Regional Development to respond to this matter and provide urgent advice about available assistance.

ORICA LTD TOXIC WASTE DESTRUCTION PROPOSAL

Ms KRISTINA KENEALLY (Heffron) [5.27 p.m.]: I welcome the news that the proposed destruction of 60,000 barrels of hexachlorobenzene [HCB] waste will not take place at Botany or, indeed, in an urban area. Last week the Minister for Infrastructure, Planning and Natural Resources announced that Orica Ltd had withdrawn its application to construct, operate and eventually decommission an HCB waste destruction facility at Botany, and that the Government has accepted a report that recommends the waste be moved out of Botany and destroyed in an alternative, remote location. This great news is the result of hard work and dedication by local community members who have fought for many years to have our concerns addressed. In June I led a delegation of community representatives to meet with the Minister for Planning to express concerns about Orica's proposal to destroy HCB waste in Botany.

The delegation I led consisted of people from the Botany, Pagewood and Hillsdale areas who are members of the community participation and review committee [CPRC], a group that was set up to oversight Orica's proposal to destroy the waste. The CPRC has been meeting for approximately seven years. I am a member of the committee. Orica proposed to use a process known as GeoMelt to destroy this highly toxic waste. When we met with the Minister we told him that we believed the previous environmental impact statement and commission of inquiry into the GeoMelt proposal failed to consider adequately several issues, including transporting the waste to another site for destruction and liability for the local community. As a result, Minister Knowles convened an independent panel of technical experts to review Orica's proposal. This is a welcome move, and shows that the Government listens to local residents' views.

The panel consisted of three scientists with a broad range of skills and expertise, including, crucially, consulting with the local community over planning and environmental issues. Throughout the duration of the work the panel consulted with the CPRC through regular meetings. The CPRC was able to give feedback and

raise issues important to the community every step of the way. I am incredibly pleased that the panel report has recommended that the waste be destroyed at an alternative, remote location, that the long-term storage of the waste be addressed and that Orica lodge an environmental damage bond. This is a major win for our local community. All these issues are what our community fought for. Many residents in the City of Botany Bay participated in community meetings and in the CPRC. To them goes the credit for this great outcome.

I would like to acknowledge those community members here: Louis Carvalho, Olivera Erturk, Dina Lawes, Lynda and Garry Newman, Paul and Beverley Pickering, Julie White, Michelle Grossback, Lauren Thomas, Julie Spies, Carla Smolenski, Lil and Reg Jory, Veronica Fisher, John Tullis, Paul Brown, the chair of the CPRC, Councillor Brian Troy from the City of Botany Bay, George Collison, John Tourrier, Jane Castle, Charles and Carol Abela, Alice McCann, Julie Gennissen, Larry Collis, Craig Wunsch, and Giovanna Fuote and her sisters. Two of the long-turn residents of the CPRC are Botany resident Nancy Hillier and Maroubra resident Richard Smolenski, both of whom featured in an SBS documentary *60,000 Barrels* on the HCB issue. Nancy and Richard in particular ensured that the community had many victories along the way that led to this announcement.

The CPRC demanded community involvement. They made Orica front up to the public. The community demanded a 60-day exhibition period for the environmental impact statement, which, I am advised, has never been done before. It was granted. We, the community, fought for the right of appeal to the commission of inquiry, and Minister Knowles set up the independent panel. Richard Smolenski told me, "Once we started the fight people started coming out of the woodwork." Residents from Hillsdale, the Italian community in Mascot and other newly arrived immigrants joined in with long-time residents to join the campaign. I congratulate Nancy Hillier, Richard Smolenski, community members and the rest of the CPRC. I would like to give special mention to Mayor Ron Hoenig and the City of Botany Bay, who were consistently opposed to the GeoMelt proposal, and strong advocates for the community on this issue. In addition, they made Botany town hall available for CPRC meetings. I would like to conclude with a quote from Nancy Hillier:

> This is not the end of it. We won his battle, but we have to win the war. The waste has to be disposed of in an area that is not environmentally sensitive and that is not populated. The CPRC will ensure this waste is destroyed in a fit and proper manner.

A coalition of the local community, State and local government brought about this positive result, and with the CPRC we will continue to work with the Government.

CHATSWOOD CENTRAL BUSINESS DISTRICT

Ms GLADYS BEREJIKLIAN (Willoughby) [5.32 p.m.]: I wish to give an update on a significant issue in my electorate, the Chatswood transport interchange project—the upgrade of the Chatswood railway station and the associated Chatswood transport precinct project—and the proposal to build three additional towers in the Chatswood CBD to adequately fund the railway upgrade. I am pleased to advise my constituents that yesterday afternoon finally I had the opportunity to raise community concerns about the project with the Minister for Transport Services, Michael Costa. Mr John Owen, the General Manager of Willoughby City Council, accompanied me to the meeting. In relation to the proposed Chatswood interchange project I highlighted community concerns about lack of current easy access for commuters at the railway station. In relation to the proposed towers I highlighted resident concerns about the impact on property values, potential loss of sunlight and views, further traffic congestion, impact on associated infrastructure and impact on the Chatswood War Memorial Garden.

I was pleased to extract the following commitments from Minister Costa. Once the tender process for the Chatswood transport precinct project is complete—that is, when the organisation that will undertake the tower project is identified—further consultation will occur, including another display to scale of the proposed developments. A public meeting will be held once the tender process is complete to give all residents the opportunity to comment on specific plans. Any concerns will be addressed at this time by the appropriate authorities. Relevant State bodies, together with successful tenderers, will work alongside Willoughby City Council to deal with traffic and transport issues both during and after the construction phase. This includes attempts to alleviate traffic from the Pacific Highway at Chatswood and to ensure that bus routes meet commuter demand. Both the physical integrity and site of the Chatswood War Memorial Garden will be maintained, with full consultation with the trustees of the gardens and the RSL sub-branch.

In relation to associated infrastructure issues the Minister gave undertakings that consideration would be given to capital works upgrades at both Chatswood Primary School and Chatswood High School to cope with the increased population in the Chatswood CBD as a result of the precinct project. Chatswood Primary School is bursting at the seams already and is in much need of capital works upgrades. I take this opportunity to extend

my appreciation to Minister Costa for his consideration of the concerns I raised with him. I also assure the Minister that I will remain vigilant to ensure that these undertakings are fulfilled. Notwithstanding these undertakings, I was regrettably advised that it would not be feasible to grant easy access at Chatswood railway station until the completion of the project in 2007. Unlike the Minister for Transport Services, Michael Costa, who has at least taken time to listen to concerns raised by constituents and has undertaken to work constructively with the relevant agencies to resolve these concerns, the office of the Minister for Infrastructure and Planning, the Hon. Craig Knowles, advised me in writing on 7 August by a letter from his Chief of Staff, Sarah Taylor, that in relation to the three towers in the Chatswood transport precinct project for which he has responsibility:

> The Minister regretted that due to a heavily committed diary, he will be unable to meet [with you] on this matter.

The Chatswood CBD represents a bustling, cosmopolitan, commercial, retail and residential precinct. It is undoubtedly one of Sydney's largest regional centres, and represents all that is good about Australia. The community desperately needs a new transport interchange. Residents from all around the lower North Shore rely on the interchange, even though currently it has major deficiencies. We in Chatswood and the broader Willoughby electorate have the potential to make Chatswood a model city, but state-of-the-art transport is the key. I thank all my constituents who have contacted me about this issue. I wish to reiterate that I, as the State member for Willoughby, will work closely with all relevant agencies during these proposed developments in Chatswood.

NORTHERN BEACHES REFUGEE SANCTUARY

Mr DAVID BARR (Manly) [5.37 p.m.]: I bring to the attention of the House a wonderful local group called the Northern Beaches Refugee Sanctuary [NBRS], which is a project of the Manly Catholic Social Justice Group that operates from the Mary Immaculate and St Athanasius church in Manly. The group has as its patrons Thomas Keneally and Des Hasler. The NBRS has created a loan scheme to raise money to lend to refugees to pay for air fares needed to migrate to Australia. These families are required to have a valid Australian visa, humanitarian class 202, which will allow them permanent residency. The Government pays air fares for only a minority of refugees who come to Australia. Most of the families who have valid humanitarian visas are expected to raise the air fare themselves. NBRS lends these people the air fare interest free.

Once the families are settled in Australia they are expected to repay the loan over two years. This money can then be used to bring other members of the community to Australia. A total of 88 people have been helped with air fares, including 57 people who arrived from Sierra Leone, Somalia and Sudan. Many of these people have suffered a great deal of tragedy and unimaginable horrors. For instance, in Sierra Leone amputation was used regularly as a means to attack ones opponent. All they need to start a new life in Australia is the air fare, which, on average, is about $2,000 per person. NBRS started off the project when one of their members learned of the work of the sanctuary group in Coffs Harbour. A trivia night was held to launch the project, which, combined with donations from local parish and other contributions, raised $7,500. NBRS borrowed the balance of $2,500 and the air fare of two families was paid.

Recently one of the NBRS members, Ian Byrne, completed a fundraising swim for the group. He swam around Jersey Island in the Channel Islands, which is a distance of approximately 70 kilometres and it took 10 hours and 37 minutes to complete—the fastest time this year. He is the only Australian and only the thirty-fourth person to complete the swim. He raised enough money to cover the cost of two families' airfares. NBRS is currently focused on helping people from Sierra Leone, which is ranked by the United Nations as last out of 175 countries for quality of life whereas Australia is ranked fourth. Life expectancy in Sierra Leone is 34 years compared to Australia where it is 79 years. Children coming to Australia from Sierra Leone increase their average life expectancy by 45 years.

By focusing on one country, the group felt that it could achieve more by building stronger relationships within that country. The local Sierra Leone community in Sydney assists with the settlement and integration of new arrivals into the Australian way of life. Many of the refugee camps in Sierra Leone are closing down: Most are situated in such terrible conditions that they cannot sustain people any longer. They were set up as temporary camps, but most of them have been operating for too long. Some refugees have been in them for one or two decades. These people have been unable to move on because of continuous wars or unsafe post-conflict situations. They have experienced colonialism, wars of liberation and civil wars. The group assists people to adapt to Australia's Western way of life. That is difficult for new arrivals who have spent long periods in refugee camps. NBRS strives to try to address people's needs at different levels with alternative types of intervention that are required at different times.

To determine who is most in need, NBRS approached the Sierra Leone groups in Sydney to work with them. A committee was established, including an NBRS representative, to set out the procedures and the selection criteria. The local community is very proud of the ongoing efforts of NBRS. On behalf of the community, I recognise and thank the group, particularly the chairperson, David Addington, and the deputy chairpersons, Max Van Gelder and Margie Leach. Additional key members who are making a valuable contribution are Rosemary Ashton, Ian Byrne, Maurice and Gay O'Connor, Peter and Olive Cox, Carol Reynolds, Ellyott Allen, Pat Byrne and Carol Van Gelder. These people give true meaning to their Christian beliefs. Their motto is "Putting Families Back Together Again"—families that have been separated and have suffered terrible circumstances in Sierra Leone, Somalia and Sudan. We should all be very proud of this wonderful local group, which is doing what it can to help people.

TAMWORTH SCHOOL ZONE ROAD SAFETY

Mr PETER DRAPER (Tamworth) [5.42 p.m.]: I draw attention to a road safety issue at a school in my electorate of Tamworth. This issue has relevance at schools across the State but it reached a critical point at Westdale Public School recently when an eight-year-old student fell victim to very unfortunate circumstances and had his life changed forever. Accompanied by his mother, Tim Moffat was at the end of the school day when he crossed the road on 18 August and collided with the rear of a car. Dozens of students and parents watched helplessly as Tim was dragged along the bitumen for a short distance with his foot wedged under the wheel. Due to the extent of the damage, Tim's foot and lower portion of his leg were amputated. He is now undergoing intensive treatment in the New Children's Hospital at Westmead. The accident is under investigation.

Despite the trauma, Tim is reportedly coping with the challenges very well. Due to the resilience in character and support from parents, Max and Maria, and his five siblings, he is expected to bounce back. Late last week, as this brave young man was undergoing skin graft surgery, the school's principal, Ruythe Dufty, and I hosted a second meeting of concerned authorities and community members to discuss how this dreadful accident occurred and what steps are needed to ensure these circumstances do not occur again. It disturbed me deeply to learn that the school's parents and citizens association and the school council have been lobbying the local school community and the Tamworth Regional Council's traffic committee for some five years to have public safety and parking hazards addressed in Marathon Street, which is the roadway where Tim was injured. Of no comfort to the Moffat family is the fact the school repeatedly warned that a serious accident was likely to take place.

Westdale Public School has had some wins in the implementation of measures to improve road safety on the adjacent and very busy thoroughfare of Gunnedah Road, which carries highway traffic between Gunnedah and Tamworth and has speed restrictions in place near the school. A cement path has been created to control student passage and a crossing guard has been introduced. Flashing lights have also been installed as part of a statewide trial to draw motorists' attention to 40 kilometre an hour school zones. Marathon Street, which meets Gunnedah Road and provides an alternative point of access to the school, has been largely ignored. The street is extremely busy during student drop-off and collection times, as both cars and pedestrians mix, with buses turning into a bus stop driveway, students crossing the road and parents endeavouring to find parking space.

The motorist whose car struck Tim was a parent who had just collected her children in Gunnedah Road and was turning into Marathon Street. On that day, traffic was significantly heavier than usual owing to AgQuip being held in Gunnedah. The meeting convened at the school last week was attended by officers of the Department of Education and Training, representatives of the school parents and citizens association, the school council and occupation health and safety committee, Moffat family members and officers of the Tamworth Regional Council's local traffic committee, which includes representatives of the Roads and Traffic Authority and the highway patrol. It was also attended by former Parry mayor Phil Betts and former Barraba mayor Shirley Close. Several issues were identified at the meeting, including short-term and long-term measures that will be needed to address the circumstances that arose on the day of the accident and, indeed, on each and every other day at the school. It was broadly acknowledged at the meeting that Westdale Public School is not the only school to hold grave and significant concerns over road safety for students.

I recently received correspondence from the Tamworth Public School detailing similar issues, which I believe, in common with Westdale Public School, should have been addressed years ago. The school council of the Tamworth Public School has raised concerns about high traffic flows, the dangers of pedestrian crossing locations and inadequate drop-off and collection areas. Only some of these issues have been addressed. Like

Westdale Public School, Tamworth Public School requires the separation of traffic and students during drop-off and collection. Unlike Westdale Public School, it is yet to experience an accident. and I hope it does not take a tragedy like Tim Moffat's to prompt a response. I have written to all schools in my electorate requesting details of road safety issues from each individual school.

I hope that this information will prompt a more targeted response from the Roads and Traffic Authority [RTA] to take action on issues that have been identified as potential threats to students' safety. The RTA's framework for saving 2,000 lives by the year 2010 in New South Wales is outlined in the document "Road Safety 2010". This document details the Government's commitment to an ongoing program to build pedestrian overbridges, particularly in the vicinity of schools, to separate pedestrian traffic. It is also committed to continuing a road safety education program in schools, which I applaud. However, it concerns me that programs which address road safety at schools such as Westdale Public School are not being implemented when requested, nor do such programs keep pace with the rapid development of schools. The challenge for schools is to adapt their activities as student numbers grow. The challenge for Government is to have greater flexibility, a quicker response to issues and to be prepared to adapt facilities at growing schools such as Westdale Public School so that the safety of students is never compromised, as it was in the case of Tim Moffat.

Private members' statements noted.

The House adjourned at 5.47 p.m. until Tuesday 21 September 2004 at 2.15 p.m.