

LEGISLATIVE ASSEMBLY

Tuesday 21 September 2004

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

Mr Speaker offered the Prayer.

MINISTRY

Mr BOB CARR: I advise honourable members that during the absence of the Minister for Mineral Resources, who is overseas, the Minister for Fair Trading, and Minister Assisting the Minister for Commerce will answer questions on his behalf.

PETITIONS

Murrumbateman Public School

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

Gaming Machine Tax

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

Stamp Duty Reduction Legislation

Petition supporting the Duties Amendment (Stamp Duty Reduction) Bill 2003, received from **Mr Barry O'Farrell**.

Willoughby Traffic Conditions

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

Coffs Harbour Pacific Highway Bypass

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

Heavy Vehicle Speeding and Tailgating Penalties

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

Road Tunnel Air Filtration

Petition asking the Government to ensure that all Sydney road tunnels are fitted with air filters, received from **Ms Clover Moore**.

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**.

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**, **Mrs Judy Hopwood** and **Mr Barry O'Farrell**.

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**.

Blacktown Hospital Children's Ward

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

Yass District Hospital

Petition opposing the downgrading of existing services at Yass District Hospital, received from **Ms Katrina Hodgkinson**.

Greater Murray and Southern Area Health Services Merger

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

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**.

CountryLink Rail Services

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

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**.

Bus Service 300

Petition requesting improved bus services including expansion of the 300 series bus service to adequately serve the inner city, particularly during peak-hour travel, received from **Ms Clover Moore**.

Murwillumbah to Casino Rail Service

Petitions requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Neville Newell** and **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**.

Adult Training, Learning and Support Program Post-school Options

Petition opposing changes to post-school options in the Adult Training, Learning and Support Program, received from **Ms Linda Burney**.

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**.

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**.

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**.

Batemans Bay Marina Expansion

Petition requesting that community consultation be included in plans for the expansion of Batemans Bay Marina, received from **Mr Andrew Constance**.

Lismore Fire Service

Petition requesting the provision of a permanently staffed fire service in Lismore, received from **Mr Thomas George**.

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**.

Brothel Control

Petitions opposing the establishment of brothels in the Hills district, received from **Mr Steven Pringle** and **Mr Michael Richardson**.

Business Enterprise Centres

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

Small Business Overregulation

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

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**.

Grafton Agricultural Research and Advisory Station

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

State Forests

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

Pet Sales

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

Hawkesbury-Nepean River System Weed Harvester

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

Smoke-free Licensed Premises

Petitions supporting smoke-free licensed premises, received from **Mr John Bartlett** and **Ms Clover Moore**.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Barry Collier, as Chairman, tabled the report entitled "Legislation Review Digest No 12 of 2004", dated 21 September 2004.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

MAGISTRATE PAT O'SHANE ASSAULT ALLEGATIONS

Mr JOHN BROGDEN: My question without notice is to the Attorney General. What actions will the Attorney General take to ensure that Magistrate Pat O'Shane, who has been issued with a domestic violence interim order and a court attendance notice for assault after an incident involving a weapon over the weekend, is stood down immediately?

Mr BOB DEBUS: That obviously is a matter before the court and not something that I should comment upon.

SPECIAL COMMISSION OF INQUIRY INTO THE MEDICAL RESEARCH AND COMPENSATION FOUNDATION REPORT

Mr JOHN MILLS: My question is to the Premier. What is the Government response to the Jackson report into James Hardie?

Mr BOB CARR: Earlier this morning Mr David Jackson, QC, submitted to the Government the report of the Special Commission of Inquiry into the Medical Research and Compensation Foundation. The simple message from the report is this: James Hardie should pay up; it should pay the victims. It ought to negotiate the form in which the money is paid with the victims and the Australian Council of Trade Unions—and that is the position of the New South Wales Government. We set up the inquiry in February 2004 because of people like Greg Hayes. I met Greg last week. He was a plumber and he used James Hardie products in his daily work. Three and a half years ago he had just won custody of his two daughters when he was told he had just months to live; he had fatal lung disease. He is fighting it gallantly. Now, of course, every day is borrowed time.

We had in mind people like David Gledall. Back in the 1960s people used to go to a James Hardie outlet with a bucket, which they would get filled up with tailings from an asbestos-related by-product. Those tailings were used for driveways and garage floors. Earlier this year David found he had trouble breathing.

Again, he is fighting an asbestos-related disease. Last week I met Anna Rooney. She did not even work with asbestos. Her father did, at one of the power stations on the Central Coast. When he returned in his overalls from work each day to their house by the lake he would pick up his baby daughter. She has mesothelioma. I met another victim, Eileen Day, whose husband, Ray, used to build poultry sheds in Sydney's western suburbs. He was diagnosed a few years ago, and 18 months later asbestos claimed him—all due to the material that he used to cut up and work with in putting up poultry sheds.

These are the people who inspired us to set up this inquiry. The establishment of the inquiry has been entirely vindicated, because the foundation set up in 2001 by James Hardie was doomed to run out of money. In fact, the inquiry has revealed the money was going to run out in 2006 or 2007, and when it runs out—if it were to run out—victims like those I have mentioned would not have anyone to sue. They would not have any chance of getting compensation after winning a case before our Dust Diseases Tribunal. The victims, present and future, are what this report has been about. We established the inquiry to secure their futures, and the inquiry, with the quite brilliant work of Mr Jackson, has been triumphantly vindicated by the two-volume report. In that 1,000-page report the commissioner documents in forensic detail how James Hardie systematically set out to evade its moral responsibilities to the victims of these products. As Mr Jackson points out, in what I think is the most telling quotation to be drawn from the report, James Hardie:

... still has in its pockets the profits made by dealing in asbestos, and those profits are large enough to satisfy most, perhaps all, of the claims of victims of James Hardie asbestos.

That is from page 555 of the report. Mr Jackson found that at current levels the money available to the Medical Research and Compensation Foundation set up by James Hardie in 2001 "will be exhausted in the first half of 2007"—a position he calls "disastrous". He accepts "the life of the Foundation is about three years, perhaps a little less." He found the cost of future asbestos claims would be at least \$1.5 billion. The assets set aside to fund those liabilities were just \$293 million. James Hardie's provision for compensation, therefore, is described in the report as "manifestly inadequate". Mr Jackson had this to say about Hardie's arrangement to cut its asbestos liabilities loose:

The notion that the holding company would make the cheapest provision thought 'marketable' in respect of those liabilities so that it could go off to pursue its other more lucrative interests insulated from those liabilities is singularly unattractive. Why should the victims and the public bear the cost not provided for?

He found a number of claims made by James Hardie were, in his words, "untrue"—untrue to say that the Medical Research and Compensation Foundation was fully funded; untrue to say that the foundation's establishment would bring certainty to asbestos claimants and shareholders, which was the term James Hardie used in its press release of 2001—that it would bring certainty to this area; and untrue to say that the level of funding required by the foundation had been determined with the help of expert advice from firms including PricewaterhouseCoopers and Access Economics. Mr Jackson pointedly observed that:

For nearly 30 years in this country we have had standards for business communications. Such communications are not to be misleading or deceptive ... In my opinion they [those standards] were not here observed.

He found that James Hardie Chief Executive Officer Peter Macdonald "engaged in conduct which was, or was likely to be, misleading and deceptive", in potential breach of the criminal offence provisions of the Corporations Act. The commissioner said of Mr Macdonald:

A particularly unattractive feature was his unwillingness to accept personal responsibility for matters in which he was obviously personally engaged.

Mr Jackson also found that the then parent company in the James Hardie group engaged in misleading and deceptive conduct potentially in breach of the Corporations Act, as did its in-house lawyer. Furthermore, Mr Jackson found the actuarial model used to determine funding for the foundation was "flawed", that the assumptions underlying it were faulty and that James Hardie senior executives were at fault for encouraging Hardie's board to rely on those calculations. Looking to the future, Commissioner Jackson said the foundation "needs to have the money available in advance of the outgoings, and it needs to know that the money will be there in the future."

That is why today I have spoken to the ACTU about the prospect of James Hardie topping up by an estimated \$70 million per annum the funds of the foundation to enable, under our existing scheme in New South Wales, the Dust Diseases Tribunal to settle cases and make payments. Mr Jackson notes that James Hardie has put forward a proposal for a statutory scheme, which he says is "presently in an embryo, and sometimes contradictory, form" which needs "more clarification" and "much detailed consideration". Nevertheless, he still

thinks a scheme of that sort may be the best way forward, but that there are many questions to be answered before embarking on such a course of action.

Victims groups and unions have strongly opposed such a statutory scheme, but if they look at Mr Jackson's report, and if they feel it is the best way of getting money and getting it to victims in the future, then we will listen to their ideas. But it would require their tick-off before we introduce into this Parliament legislation for such a scheme. It would require their endorsement before we modify the legislation under which our Dust Diseases Tribunal operates at the present time. But, meanwhile, it is James Hardie that must answer questions. I said earlier today they ought to be answering questions before the close of business today. They have got one simple question to answer: Will they put up the money? They are sitting on money. They have accrued money. They have accrued corporate wealth because they produced a product and in producing that product they destroyed people's lives, and there are people yet to find out that their lives will be truncated because of their exposure to these products.

With this report, the search for justice begins today, but it will end when James Hardie pays fair, full and timely compensation to the victims of its products. I look forward to updating the House when the Government has had time to properly digest this 1,000-page, rigorously argued report. Meanwhile, I thank Commissioner Jackson and his staff for a magnificent and timely effort, which has produced a report, completed on time, which has brought new hope for asbestos victims such as those I saw again today. I thank the House for its attention.

MAGISTRATE PAT O'SHANE ASSAULT ALLEGATIONS

Mr JOHN BROGDEN: My question without notice is directed to the Attorney General. Will he guarantee that Pat O'Shane will not hear any matters involving domestic violence or assault while she herself remains before the court facing serious assault allegations?

Mr BOB DEBUS: As I have said, this matter is before the court and I do not propose in any way to comment upon it, though I can say that an interim order in the matter is returnable on Friday 24 September and that Magistrate O'Shane will be on leave in the meantime.

BANKSIA MENTAL HEALTH UNIT PATIENT ABUSE ALLEGATIONS

Miss CHERIE BURTON: My question without notice is addressed to the Minister for Health. What is the latest information on rural mental health issues in the Tamworth area?

Mr MORRIS IEMMA: I advise the House of action taken to address serious allegations raised by staff members of the Tamworth-based Banksia mental health unit. In December last year the New England Area Health Service commenced an investigation into an anonymous allegation of abuse of a patient by a staff member at the Banksia unit. An initial internal review led to an external investigation in relation to, first, alleged patient abuse; second, lack of adherence by management to policy and procedure; third, alleged bullying by senior management; and, fourth, alleged improper and corrupt conduct. The Director-General of Health commissioned Mr John Greville, a former police officer and now a senior officer of the Employment Screening and Review Branch of New South Wales Health, to assist New England Area Health Service and investigate these matters.

Mr Greville's investigation involved two stages: an interim review followed by a more extensive investigation. The interim review took place in February and the findings were provided to the area health service on 10 March. The Director-General of Health formally authorised the more extensive investigation on 15 March. In the meantime the New England Area Health Service seconded an experienced mental health nurse unit manager from the Mid North Coast Area Health Service to manage the operations of the unit. Further, the Deputy Director-General of Health, Dr Richard Matthews, commissioned a separate clinical review of the operations at Banksia. The clinical review was conducted by Professor Vaughan Carr, the Director of Mental Health Services at Hunter Area Health Service, and Mr Eugene McGarrell, the Deputy Director of the Centre for Mental Health.

The further investigation by Mr Greville took place between April and July, and a final report was provided to the area health service and NSW Health on 26 July. In summary, it found that Banksia House lacked appropriate supervision, direction, management and control; Banksia House patients experienced intimidation, harassment and bullying to a limited degree; hospital property given or sold to staff by another staff member

involved corrupt conduct; and one patient had been assaulted by staff. In relation to the clinical review the draft report was sent to the area health service on 23 June and a final report was completed on 24 August. The result of both reports was a series of recommendations that are being implemented in line with the ratification schedule that has been developed.

In a number of respects serious action has been taken already. The employment of one staff member was terminated on 3 August when sufficient evidence was found to support a breach of duty of care. Three staff members were disciplined and removed from the Banksia unit pending further investigations. Police, who were contacted on 9 September in relation to an assault, formally commenced discussions with John Greville and are reviewing the report as part of an ongoing investigation. A matter relating to corrupt conduct has been referred to the ICAC for investigation. In the clinical and practice sense, a senior mental health executive team was formed in August and now meets weekly to work through the implementation of the recommendations of the clinical review. As of 2 August one senior person who is answerable to the Director of Community and Mental Health Services manages the inpatient and community-based mental health services. A clinical supervision program for nursing staff has been developed.

This is a serious matter. If patients have been abused, the matter must be referred to the police, as has happened. If clinical practices are not appropriate, the staff responsible should be replaced and the necessary changes made. This has happened. As well as backing the clinical improvements set out in the various recommendations, an additional \$500,000 has been allocated to support the implementation of the recommendations. Finally, the administrator of the Hunter-New England Area Health Service, Mr Terry Clout, is continuing investigations into this matter.

COUNTRY WATER STRATEGY

Mr ANDREW STONER: I direct my question without notice to the Minister for Energy and Utilities.

Mr SPEAKER: Order! Those on the Government frontbench will come to order.

Mr ANDREW STONER: Given that more than 90 per cent of the State is drought stricken and country dams, such as Wyangala, are at just 11 per cent capacity, why has he not developed a country New South Wales water strategy, or is he still too busy with the yet-to-be-released metropolitan water strategy?

Mr FRANK SARTOR: I do not know where the Leader of The Nationals has been, but I have been travelling extensively around the State dealing with water issues. We have been handing out significant funds for emergency drought relief. We have reviewed water conservation in country towns and introduced best-practice guidelines. We have reviewed the subsidy scheme to ensure the money goes where it is most needed. We have been working constructively with a whole lot of water utilities throughout the State. We have been expediting projects throughout the State, and we have been providing emergency relief. I do not know what all this nonsense is about the metropolitan water strategy. I am spending a lot more time on country water issues than I am on city water issues. He is ill informed.

CATCHMENT MANAGEMENT AUTHORITIES PROJECTS

Ms LINDA BURNEY: My question without notice is directed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. What is the latest information on native vegetation and catchment management reform?

Mr CRAIG KNOWLES: I am sure that members on the Government side of the House will join me in congratulating the honourable member for Canterbury on her appointment as the Minister's convener of the Natural Resources Advisory Council.

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

Mr CRAIG KNOWLES: The Government's promises to reduce bureaucracy and deliver more money to farmers and local communities are well and truly on track. Now, and for the first time in more than 100 years, more than 50 per cent—in fact, it is 55 per cent—of the agency's budget is going to programs and works and grants, rather than being tied up in bureaucracy and red tape. Now 55 per cent of the global budget of the Department of Infrastructure, Planning and Natural Resources is going to on-ground works and grants to communities, honouring the commitment we gave prior to the last State election that we would reduce red tape

and bureaucracy to get money out onto the ground and onto the farms. In community grants alone, that is money for farmers and on-ground works. We have catapulted from just \$18 million in community grants in 2002-03 to \$118 million this financial year.

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

Mr CRAIG KNOWLES: That is real money going out onto the ground to farmers through the catchment management authorities [CMAs]. That is an extra \$100 million transferred into the farming community by catchment management authorities over the past two years. I am sure the honourable member for Lachlan will be interested in what I am about to say, even though The Nationals supported the submission to knock over his electorate seat and do away with it. I notice the honourable member for Lachlan has returned to his usual place, as he wants to find out what the Lachlan Catchment Management Authority has been up to.

On 20 July the Lachlan CMA announced a \$4.5 million incentive funding program to provide money for the purchase of machinery to adopt or improve farming practices, to improve grazing management, to set up salt-interception schemes, to upgrade some of the streams in the area and, of course, to assist in property vegetation plans. The same story rolls out right across the State in each of the operational catchment management authorities. I am sure that members representing the Riverina electorates will be interested to know that down in the Murrumbidgee, an additional \$500,000 will be provided to upgrade fencing.

[Interruption]

I note the honourable member for Lismore is interjecting. I will talk about the Northern Rivers in a minute. I have the whole State to do. Another \$500,000 will be provided to the Kyeamba Valley landcare group to reduce salinity, sediment and nutrient loads coming out of Kyeamba Creek into the Murrumbidgee River. That is important, practical, commonsense expenditure that is determined by local communities. Half a million dollars will go toward fixing up the valley system to reduce nutrient loads and reduce the salinity and sediment going into the Murrumbidgee and to make sure that the Murrumbidgee performs as efficiently as it can, for both environmental and economic purposes.

The Central West Catchment Management Authority is investing over \$1.6 million to control water table changes and recharges in the salinity hazard areas, to upgrade to 2,800 hectares of perennial pasture, retain 3,500 hectares of native vegetation and replant 1,000 hectares for salt interception. One only has to visit places in the central west to know about the devastation caused by salinity on some of the farms and the vital contribution that this \$1.6 million will make in re-establishing the land as productive farming landscape and reverse some of the environmental degradation. That is a win for local and regional economies as well as a win for the environment.

In addition, the very same CMA is allocating funds to ensure that Aboriginal communities are more actively involved in planning for better natural resource management. It is developing training packages to increase knowledge and understanding of Aboriginal management of significant landscape elements. One only has to speak to members of some of the Aboriginal communities throughout the State to know of their affinity with the land. They have a lot of commonsense and practical ways of going about land restoration. They know about land that has been degraded over the past 200 years and about bringing it back into shape, thereby enhancing its value as traditional landscape, reinstating its cultural and environmental benefits and restoring the productive nature of the land for farming communities. The value of all this money is that it is practical, commonsense, on-the-ground expenditure. Locals have identified the needs and the money is being spent in the local community. The catchment management authority boards are chock-full of local people who have a lot of commonsense and practical experience.

I am very pleased to announce the appointment of additional members to the catchment management authority boards throughout the State: in the Namoi, Bob Hudson and Brian Tomalin; in the west, Andrew Mosely and Justin McClure; in central western, Bill Gillooly—a former chief executive officer of the National Parks and Wildlife Service who is now farming at Orange; in Hawkesbury-Nepean, Bob Wilson and Mary Howard; in Border Rivers up in the Gwydir, Les Boland and Barry Johnston; in the Hunter-Central Rivers, Chris Scott; in Lachlan, Mary Ewing; and in Southern Rivers, Mandi Stevenson and Michael Muston. All these people have one common thread, despite their particular views of the world on farm production or environmental conservation: they are commonsense locals who add value to expenditure decisions.

The honourable member for Lismore called out a little while ago, so I advise that in his part of the world, the Northern Rivers Catchment Management Authority is doing terrific work, and I think the honourable member knows that. The Northern Rivers Catchment Management Authority is working with the New England Weeds Authority and is spending substantial amounts to deal with acid sulfate soils. The Hunter Central Rivers Catchment Management Authority is doing terrific work in conjunction with the Greater Taree City Council to control cat's claw creeper and other invasive weeds and to rehabilitate the degraded Cattai Wetlands in the Manning River area. These are just some of the projects on which money is being well spent—and of course the list goes on and on.

Mr SPEAKER: Order! The honourable member for Lismore will restrain his enthusiasm.

Mr CRAIG KNOWLES: In the southern parts of the State around Bega and the Monaro electorate, the Southern Rivers Catchment Management Authority is spending substantial amounts of money to remove willows along the Snowy River under the Snowy River Rehabilitation Project. Over the past four months, 35 kilometres of land have been treated at a cost of \$60,000, an amount that has been spent mostly in remote and rugged areas of the Kosciuszko National Park. Over the remainder of the current financial year, an additional \$100,000 will be spent to deal with another 30 kilometres of willow infestation and to assist landholders to manage the treated areas. In addition to that—the people in the Southern Rivers Catchment Management Authority are on fire—a \$500,000 bush incentives program was launched on the South Coast to recognise the crucial role that landholders play in environmental recovery. All these projects are important because in every part of the State money is going out to local communities and local boards are determining expenditure.

In addition to the catchment management authorities, the Natural Resources Commission, which is chaired by Tom Parry, is also up and running, with four assistant commissioners who are working to establish the standards and targets that are required under the law. I congratulate the assistant commissioners, Di Bentley, Ronny Harding, David Leece and Jane McAloon, on their appointment and I wish them well in their work. A paper on standards and targets will be released shortly and will help all the players to link on-ground management actions to overall statewide objectives. Naturally the standards and targets are being developed in consultation with peak farm and environment groups, the catchment management authorities and local government. To assist in the development of statewide standards and targets, the Natural Resources Commission is working with five catchment management authorities as part of a pilot to link catchment action plans and other resource requirements to tailor-make local solutions that fit statewide objectives.

In relation to property vegetation planning and land clearing, we are currently field testing draft regulations on over 100 properties around the State to test and refine the process in order to ensure that we deliver on-ground results for better management of the State's native vegetation. It is fair to say that the results of the field testing are particularly encouraging. I wish to read a couple of testimonials, including one from Jeff Angel, the Director of the Total Environment Centre.

[Interruption]

Members opposite do not know who else I have in the testimonials list. I will start with Jeff and move through the names. Jeff Angel said this:

The prospects are encouraging. The new tools immediately engage the landowner in planning a proposed clearing activity to maintain or improve environmental outcomes and where clearing is not possible, in a discussion about incentives to improve native vegetation protection.

There are benefits of applying a planning tool, rather than the current impersonal, bureaucratic and subjective system. It leads to results on the ground.

The most encouraging testimonial—the one we need support from in relation to a change in the process and an opportunity not only to deliver money on the ground to farmers but to engage farming communities in better farm management—comes from none other than the President of the New South Wales Farmers Association, Mal Peters, who wrote:

PVP trials demonstrate a clear, measurable, scientific approach to what has been a thorn in the side of farmers for the last 10 years.

The PVP tool allows farmers to see in practical terms the impact their management will have on the natural landscape and is a move away from the subjective approaches of the past.

That is not a bad affirmation of the processes the Government has undertaken with farmers, catchment management authorities and environmental groups as we move around the State conducting field trials before we finally make the regulations on the native vegetation laws that were passed in this Parliament about a year ago. This has been nothing short of a revolution in natural resource management over the past 12 months. Our water legislation has resulted in 220 gigalitres returned to the environment whilst ensuring the rights of farmers. Mal Peters, Jeff Angel and others have testified that our native vegetation reforms are getting the balance right. The catchment management authorities, made up of local people, are delivering large amounts of money to local communities for commonsense projects on the ground.

A reduction in costs has been achieved by the reduction in the size of the head office and in red tape. The Government has honoured what it said it would do prior to the last State election. The use of enhanced satellite technology that monitors vegetation clearing together with those fundamental changes to the Threatened Species Conservation Act, introduced by the Minister for the Environment, and is currently under debate in the House, were accomplished within 12 months. Those reforms have resulted in more commonsense approaches to natural resource management, a better deal for farmers and a better deal for the environment.

SYDNEY CENTRAL BUSINESS DISTRICT AIR-QUALITY MONITORING

Ms CLOVER MOORE: My question without notice is addressed to the Minister for the Environment. Will the Minister explain the decision to remove the only air-quality monitoring site in the central business district, when traffic levels are growing 25 to 50 per cent faster than the population, especially as there will be three unfiltered stacks when the cross-city tunnel is completed?

Mr BOB DEBUS: The removal of the site in question, in Market Street, will make absolutely no difference to the effective monitoring of air quality in Sydney. The site has been removed because it is technologically obsolete. The system established by the Environment Protection Authority is in no way diminished by the removal of that no longer useful station.

KOALA PROTECTION

Mr GRAHAM WEST: My question without notice is addressed to the Minister for the Environment. What is the latest information on the protection of koalas in New South Wales, particularly in south-western Sydney?

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

Mr BOB DEBUS: I acknowledge the honourable member for Campbelltown's special interest in the protection of the environment generally and in his local area. This is a matter of some significance and I am pleased to advise that the Carr Government will formally protect the habitat of Sydney's largest koala colony from future development. That will be done by gazetting a 461-hectare section of O'Hares Creek gorge as part of the Dharawal State Recreation Area in Sydney's south-west. In turn that will protect the vital habitat and migration route of the 200-strong Wedderburn koala colony, incorporating them into our world-famous national park system.

Koalas are probably our most famous native animals, but the numbers, sadly, are in decline particularly along coastal New South Wales. It is estimated that koala populations in the eastern part of the State, where development pressure is greatest, are in decline and in many areas only small numbers remain. The largest coastal populations are estimated to be a few hundred strong. In the State's north-west the population is estimated at about 10,000, but along the coast there is a significant problem. The moist forests and gorge country within the Dharawal State Recreation Area is ideal koala habitat. It provides a refuge for koalas in what is otherwise extremely fire-prone land. The national park addition will provide a vital bushland link for koalas that live as far away as Woronora, in the metropolitan catchment areas and at Heathcote, and this initiative may prove to be the key to koalas returning to the Royal National Park.

Already the Wedderburn koalas have been tracked and reported as far away as Waterfall and Sandy Point in the south of the city. The local community and conservation groups have campaigned for 20 years to save that pocket of habitat, which has been subject to protests, union green bans, an interim protection order and a voluntary conservation agreement. The Roads and Traffic Authority and Campbelltown City Council will transfer the land to the Department of Environment and Conservation. The Roads and Traffic Authority has provided \$600,000 to manage the new reserve areas after buying it as compensatory habitat for the Bangor

bypass. By placing the colony under the protection of the Department of Environment and Conservation we can better protect koalas from attack by dogs and cats which, along with bushfire, are the most serious threat to the koalas—of course, dogs and cats are banned from national parks.

The department will be able to focus on reducing fox numbers in the koala habitat and work with koala experts, such as Dr Robert Close from the University of Western Sydney and the community on protecting and researching koalas in the reserve. Presently the Department of Environment and Conservation is working on a draft koala recovery program, which is nearing completion. The program details a large range of actions that are designed to protect koala populations in the area, to reduce threats and to encourage repopulation. The program includes the mapping of existing habitat, incorporates conservation measures into the development and planning processes and creates a list of koala black spots on our roads. The Government continues to encourage local councils to develop their own local koala plans of management. These new targeted approaches will help ensure the long-term survival of koala populations for future generations to enjoy.

WATER WEEK PROMOTION FUNDING

Mr JOHN TURNER: My question without notice is addressed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. Given that New South Wales is suffering the worst drought in a century, how can the Minister justify withdrawing funding for schools' Water Week promotions, designed to encourage the protection and conservation of that precious resource?

Mr CRAIG KNOWLES: I think the more relevant question is how does a State get by when the Commonwealth Government, in its national water initiative, is ripping \$1.6 billion out of all the States under national competition policy payments, to double up and double charge the States? While we are at it, how does a State get by when we are still waiting for John Anderson's \$55 million to match our \$55 million for groundwater initiatives in the groundwater valleys around the State? That was a pretty dumb question, because in Canberra there is an outstanding account waiting to be paid by John Anderson and John Howard. There has been double-dealing and trickery around national water; the \$1.6 billion of a \$2 billion program announced by the Prime Minister last week is ripping the guts out of the States' competition payments.

Mr Andrew Tink: Point of order—

Mr CRAIG KNOWLES: I have answered the question, that's it.

Mr Andrew Tink: The Minister redefined the question to turn it into a Federal matter. The question was relevant and related to Water Week promotions in New South Wales. A Minister answering a question without notice cannot redefine the question and go off on a tangent. He should answer the question that is put. Not even in this current Parliament has anyone so brazenly redefined the question as to go off on an irrelevancy.

Mr SPEAKER: Has the Minister completed his reply?

Mr CRAIG KNOWLES: Yes.

CONSUMER PROTECTION

Ms TANYA GADIEL: My question without notice is directed to the Minister for Fair Trading. What is the latest information on substantiation and consumer issues in New South Wales?

[Interruption]

Ms REBA MEAGHER: The Deputy Leader of the Opposition used to be much nicer when his mouth was full. I thank the honourable member for her question—

Mr Barry O'Farrell: Point of order: My point of order is for the benefit of students in the gallery. There is obviously something in the caffeine in Coogee that has sent the Minister crazy.

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

Ms REBA MEAGHER: I thank the honourable member for her question and for her ongoing interest in consumer protection issues. I am pleased to advise the House that the Office of Fair Trading has secured its

first successful prosecution under changes to the Fair Trading Act that deal with traders who have failed to substantiate claims that they have made in their advertising. Earlier this month Mr Dominic Dibiani was convicted for failing to substantiate claims relating to a promotion that his company undertook. The court was told that in 2003 Australasian Racing Data Pty Ltd, a company of which Mr Dibiani was the sole director and secretary, sent unsolicited mobile phone text messages to New South Wales consumers claiming that they could earn up to \$1,000 a week tax paid. Consumers who responded to the text message found that it was a promotion for a horseracing software package costing \$8,800. When the Office of Fair Trading contacted Mr Dibiani he refused to substantiate his claim as to the amount of money that could be earned by consumers.

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

Ms REBA MEAGHER: The changes that were made to the Fair Trading Act, which commenced in August last year, made it easier for Fair Trading to bring rogue traders to heel. Historically, the Office of Fair Trading would have to apply to the Supreme Court to commence action against a trader in a case like this. Now the onus of proof is on traders to substantiate their claims or they may face prosecution through the Local Court system. Vulnerable consumers are susceptible to get-rich-quick schemes, wellbeing products and promises of eternal youth. While Fair Trading is actively taking on advertisers who make claims that may lure unsuspecting consumers into parting with their money, consumers also need to be on their guard. In the past 12 months Fair Trading has received 23 complaints about claims or behaviour by traders relating to wealth creation and get-rich-quick schemes.

While we would all like to believe that advertisements are always truthful, consumers should keep in mind that if an offer seems too good to be true it probably is. These amendments to the Fair Trading Act give greater protection to unsuspecting consumers by enabling Fair Trading to act quickly before significant detriment can occur. The prosecution about which I have informed members today is as a result of a Fair Trading compliance campaign aimed at promoters who hawked dubious get-rich-quick schemes and lifestyle products. The campaign targeted a number of companies that made excessive claims regarding wealth creation or health and wellbeing products. Examples included weight loss promotions offering to help people quickly lose enormous amounts of weight with no effort or change of diet, and money scams that promised to make consumers huge amounts of money in a short time without risk.

[Interruption]

The Leader of the Opposition has a lot to worry about. After a sharp about-turn the Deputy Leader of the Opposition will be a real threat to the leadership.

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

Ms MEAGHER: When those companies were directed to substantiate their claims it was not enough for them to provide a few testimonials or alleged success stories; they needed to provide scientific evidence of the health benefits or evidence to show that their sums added up. A number of the companies that were required to back up their claims have now amended their advertising to remove or clarify the information that they provided. Prosecution action is being considered against five operators who failed either to substantiate or to amend their advertising.

The changes that this Government made to the Fair Trading Act are helping to improve the lot of consumers by giving the Commissioner for Fair Trading the statutory power to ask traders who have engaged in unlawful conduct to show cause why they should be allowed to continue in business. Other amendments to the Fair Trading Act that came into effect in May this year will further protect consumers by enhancing the capacity of the Office of Fair Trading to carry out compliance and enforcement action. That is achieved through a court order authority to seize evidence and exchange information with other enforcement agencies.

Questions without notice concluded.

FEDERAL ELECTORATE OF NEW ENGLAND CANDIDATURE**Ministerial Statement**

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.15 p.m.]: I wish to make a ministerial statement as Minister for Regional Development, and Minister representing the Minister for Rural Affairs. Residents of rural and regional New South Wales will be appalled at the news that the Independent Federal member for New England, Tony Windsor, was offered a bribe to vacate his seat. Section 326 of the Commonwealth Electoral Act makes it a criminal offence to offer a benefit to a person with the intention of influencing his or her candidature. The crime carries a penalty of up to two years imprisonment.

Mr Windsor revealed that a messenger representing a couple of political players approached him with inducements to vacate his seat. This morning he told John Laws that he had been offended by the approach and that he was not interested in going off to Paris or anywhere else. I was happy to hear Mr Windsor say this morning that he would reveal the identity of the people involved if he were pressed to do so by an official inquiry. I am confident that a lot more will be revealed. The Australian Federal Police should take a close interest in this matter. To use common parlance, the Federal Government has form when it comes to using desperate and devious tactics to win back seats at any cost. On 21 May this year the *Sydney Morning Herald* ran this revealing statement:

The toppled Liberal MP for the seat of Wentworth has refused to say whether the Prime Minister has offered him a job to stop him standing as an Independent.

According to the same story, one member of Parliament said, "Paris came up a lot." On 3 September, when he announced that he would stand in Wentworth, Peter King was asked by ABC journalist Nick Grimm—

Mr Donald Page: Point of order: I understand that the Minister is making a ministerial statement. Under the standing orders of this House a ministerial statement should involve a statement of policy or something relating to a Minister's portfolio. What the Minister is talking about has nothing to do with what normally constitutes a ministerial statement. Therefore, I ask you to rule it out of order.

Mr SPEAKER: Order! I presume the Minister was giving a preamble before coming to the matter of regional importance.

Mr Carl Scully: To the point of order: I do not recall Opposition members ever raising points of order when ministerial statements were being made along the lines that the honourable member just raised. The Minister is representing the Minister for Rural Affairs. This House has always placed a broad interpretation on what Ministers are entitled to put before the House as part of their ministerial responsibilities. The Minister is entitled to make this statement. What are Opposition members covering up?

Mr SPEAKER: Order! I have ruled on the matter. The Minister has the call.

Mr DAVID CAMPBELL: I have obviously struck a nerve on the other side of the Chamber. As I was saying, on 3 September, when he announced that he would stand in Wentworth, Peter King was asked by ABC journalist Nick Grimm, "Were you offered any enticements to either stand or not to stand?"

Mr Andrew Tink: Point of order: My point of order is further to the point of order that was raised earlier by the honourable member for Ballina. This has nothing to do with the Minister's portfolio. The allegations that Mr Windsor made have not been substantiated. For all we know those allegations might be against members of the Labor Party. This is absurd!

Mr Alan Ashton: They are not.

Mr Andrew Tink: The honourable member for East Hills would not know. Mr Windsor has not indicated whom those allegations are against and he will not substantiate them. They could be against members of the Labor Party in the New England area as much as anybody else. The Minister should get back to dealing with issues that relate to his portfolio.

Mr Carl Scully: To the point of order: We need to know why there is a cover-up here.

Mr SPEAKER: Order! The precedent is established through rulings given by a number of former Speakers in relation to this matter.

Mr DAVID CAMPBELL: In reply to that question from Nick Grimm of the ABC, King replied:

Of course. Someone in my situation always is faced with threats and blandishments.

It is clear that both men—

Mr Brad Hazzard: Point of order: Mr Speaker, in view of the Minister's persistence and his failure to turn to the matters that you said he would be leading to, I draw your attention to page 35 of *Decisions from the Chair*, where the following words appear:

Statements of public importance—

in the context of ministerial statements—

which announce and touch on some policy of or proposed action by the Government constitute a ministerial statement.

At no stage has the Minister addressed the substantive issue of what goes on amongst Labor members. How did Frank Sartor get preselection? What inducement did the Labor Party offer George Thompson to vacate his seat? That is what Labor does. What inducement was offered to Tony Burke in the upper House to give Eric Roozendaal his spot? Those opposite are the experts at this sort of thing—and they actually do it. We have the facts and figures to show that they are rotten to the core. The Minister should stick to his own policy agenda, which is what is required in a ministerial statement.

Mr SPEAKER: Order! The honourable member for Wakehurst is a lawyer. It is not in keeping with the standards of his chosen profession for him to read only part of the statement. The part that he left out states:

Ministerial statements are covered not by the standing orders but by usage and practice.

In the 23 years I have been a member of this place, that precedent has been followed on many occasions. The Minister may continue.

Mr DAVID CAMPBELL: The allegations by both King and Windsor cast a shadow of corruption across the Howard Government. Only a full investigation by the Australian Electoral Commission and the Australian Federal Police will satisfy the electors of New England and Wentworth.

Mr Donald Page: Point of order: Mr Speaker, by way of clarification you said that the content of ministerial statements is determined by usage and practice. In the 16½ years that I have been in this place I have never once heard a ministerial statement along the lines of this statement by the Minister for Regional Development. It is a personal attack on someone who shall remain nameless about an allegation that has nothing to do with the Minister's portfolio. It could not possibly in his wildest imagination be regarded as a ministerial statement. Mr Speaker, I ask you to rule this ministerial statement out of order on the basis that it establishes a precedent that is totally unacceptable to the House.

Mr SPEAKER: Order! The honourable member for Ballina has a selective memory as to what has occurred in the past 16 years. I rely on my memory of what has occurred in the past 23 years. In addition, I fail to understand how the Minister for Regional Development can make a personal attack on someone whom the honourable member for Ballina has said shall remain nameless.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.23 p.m.]: That was one of the most extraordinary ministerial statements we will ever hear in this Parliament. It had absolutely nothing to do with the Minister's portfolio areas, which are allegedly Regional Development and Small Business, and it had nothing whatever to do with the role of Parliament in governing New South Wales. But it had everything to do with a grubby attempt to introduce in this place under parliamentary privilege material relevant to the Federal election. It is beneath the Minister for Regional Development and it is beneath contempt to use and abuse the forms of this House to introduce material that is totally unsubstantiated. For all we know, the allegations made by the Federal member of Parliament in question could be about the Labor Party. They are totally unsubstantiated. In fact—

Mr David Campbell: Point of order: If there is nothing to cover up, I challenge the Leader of The Nationals to support an inquiry by the Australian Federal Police and the Australian Electoral Commission.

Mr SPEAKER: Order! There is no point of order. The Minister will resume his seat. The Leader of The Nationals may continue.

Mr ANDREW STONER: These are totally unsubstantiated allegations. At this point the Federal member concerned has dropped some allegations in the media. This person has never been cross-examined by any member of the media about the allegations and it is up to that member of Parliament to prove or disprove his statements and allegations. It is not appropriate for the State Labor Party in this place to introduce that material under parliamentary privilege and hijack a debate that should be about the good governance of New South Wales. As I said, for all we know, these unsubstantiated allegations, which have not been proved or disproved—the ball is in the court of the Federal member for New England to do that—could be about the Australian Labor Party.

Mr Alan Ashton: Point of order: The Leader of The Nationals has said twice that the allegations in question could involve the Australian Labor Party. I refer all honourable members, particularly Opposition members, to the *Lateline* program of last night, on which Tony Windsor said—

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

[*Interruption*]

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

Mr ANDREW STONER: Judging from the tone of the impotent points of order taken by Government members it appears that they are a bit worried that some of the stink will come back on them. I tell you what: If there is an expert at offering inducements to people to leave Parliament, it is the Australian Labor Party. Let us talk about George Thompson and Frank Sartor. Let us talk about poor old Ernie Page and Paul Pearce, who was parachuted into his seat. What about Paul Whelan and Virginia Judge? The list goes on and on and on. Let us talk about the inducement given to a Deputy-Speaker, the honourable member for Maitland, to stay. Let us talk about the extra \$16,000—the price is right! If those opposite want to talk about inducements, they should bring it on!

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

Mr ANDREW STONER: But the Government must not abuse the forms of this House and use a ministerial statement to drop its grubby little bag of tricks in this place about an unsubstantiated allegation. If the Government and the Federal member for New England have proof they should bring it on and have the matter dealt with properly.

CONSIDERATION OF URGENT MOTIONS

Climate Change

Ms VIRGINIA JUDGE (Strathfield) [3.27 p.m.]: This motion is urgent because many towns along the New South Wales coast will soon be threatened by coastal erosion as ocean levels rise relentlessly due to global warming caused by greenhouse gas emissions. This motion is urgent because 80 per cent of Australians live within 50 kilometres of the coast. It is urgent because the Federal Government stubbornly, blindly and wilfully refuses to sign the Kyoto protocol, thereby putting at risk the lives and homes of hundreds of thousands of Australians, including those who live in Narrabeen, Collaroy, North Entrance, Wamberal, Byron Bay, Woolli and Jimmies Beach.

National Water Initiative

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.28 p.m.]: This motion is urgent because it goes to the heart of the New South Wales Labor Government's credibility and honesty. It illustrates graphically how the Premier and his Minister for Natural Resources will sell out country New South Wales to prop up Mark Latham's city-centric Labor Opposition. The national water initiative is an extremely urgent issue for this State because it is a plan to give farmers and their communities investment security and to return more water to the environment. It is a comprehensive plan that is good for country and city New South Wales, and it was painstakingly negotiated with the States by the Leader of The Nationals and Deputy Prime Minister, John Anderson. This motion is urgent because the State Government signed up to the national water initiative at the Council of Australian Governments [COAG] meeting in June. It is urgent because in March in Parliament the Minister said:

The National Water Initiative is by far and away our best chance to replenish Australia's depleted river systems. The initiative underpins the twin objectives of environmental sustainability and economic production.

That was very strong praise from the Minister back in March. He also said:

The national water initiative is an opportunity to amend legislation in all States—in this State, the Water Management Act—and to make sure that we vastly improve the investment underpinning and the security for rural communities around Australia.

Most tellingly, less than three weeks ago the Minister boasted in this House:

Of course, the New South Wales Government is ahead of the game in implementing the NWI. We have already legislated the first stage.

One would think that the Government would be locked into the national water initiative after that high praise from the Minister for Natural Resources. Three weeks ago it was fantastic and the Minister bragged about legislating to accommodate it in this Parliament, so how can he now walk away from it? The answer is simple: The Carr Labor Government has allowed itself to be used as a pawn by Federal Labor to try to score cheap political points in the Federal election campaign. As the Federal Leader of The Nationals, John Anderson, said, this political stunt is putting in jeopardy the water entitlements, compensation and water trading arrangements that underpin the national water initiative. I am sure that honourable members on both sides of the House would agree that this is an extremely important issue to get right: to get water right, to get the environment right, to get the sustainability right and to get the economic development of our rural communities right. I do not know how any of the so-called Country Labor members have the audacity to venture into country New South Wales, given that they have just walked away from this absolutely critical national water initiative. This motion is urgent because the New South Wales Irrigators Council stated in its media release of 16 September:

In the hothouse of the Federal election environment, such a move clearly demonstrates that regional communities and farming families are nothing more than pawns in the current political cycle.

The major lobby group in relation to water entitlements has said that it and country communities are being used by the State Labor Government as pawns in the current political cycle. The council continued:

Surely the important issue of water reform and the sustainable use of our water resources deserve much better consideration.

The council went on to lament that, despite the fact that the industry had welcomed the COAG agreement, "goodwill has been reduced to a worthless political scrap that has placed small business irrigators, their families and regional communities in the political too-hard basket". This matter is extremely urgent because this Government is prepared to walk away from an historical agreement in relation to national water principles that would ensure continued health in both an environmental and a social economic sense of regional New South Wales. The Government is prepared to ditch it and to toss out all the communities concerned simply to score some political points during the Federal election campaign.

This matter is urgent because water reform is too important an issue to country communities for the Government to engage in petty political point scoring. It is urgent because, through this cheap political stunt, New South Wales Labor is trying to cover up for the massive holes in Federal Labor's water policy. I note that the honourable member for Murray-Darling is not in the Chamber today. He of all people should be interested in Mark Latham's plan for the Murray-Darling system. This policy is devised on the run and largely designed to lock in preferences from the Green lobby with no regard for regional communities. No more important an issue could be debated today. [*Time expired.*]

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

The House divided.

Ayes, 51

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

Noes, 34

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

Question resolved in the affirmative.

CLIMATE CHANGE**Urgent Motion**

Ms VIRGINIA JUDGE (Strathfield) [3.42 p.m.]: I move:

That this House:

- (1) expresses its concern about New South Wales Greenhouse Office research released this week revealing that a number of coastal communities are under threat due to coastal erosion due to climate change; and
- (2) supports Australia signing the Kyoto protocol.

Only when the last tree has been cut down, only when the last river has been poisoned, only when the last fish has been caught—only then will we realise that money cannot be eaten. This is an old Cree Indian saying, but it hits at the crux of the state of our lovely nation. The Federal Government is drifting thoughtlessly into an environmental disaster of immense proportions. It shows no sign of turning back, no sign of recognition of the damage that it wilfully permits to be done to this nation of ours.

Our environment is, sadly, too often taken for granted. Even today, when the environment is a strong social, economic and political issue, we often tend just to look the other way—as the Opposition is doing—and put the environmental solutions in the too-hard basket. Environmental solutions can be daunting, but they are not impossible. As elected representatives, we should show real and genuine leadership. Without making a conscious effort, we have sadly since the industrial age eroded this precious environment of ours, creating adverse climate changes. Now is the time to reverse the process and make a conscious effort to repair our environment. Of course, this would involve setting goals, targets and teamwork. The Kyoto protocol is a fundamental, historic and symbolic agreement aimed at achieving exactly those principles. The Kyoto protocol involves therefore a global commitment to fulfilling a vision of environmental sustainability and prosperity.

Our environment is our only future. Our environment cannot be brought back. And our environment is a short-term and long-term priority. This opinion that I express today is not new. Nor has it been adopted due to fashion. Rather, it is a long-held passionate belief of mine that our environment is indeed in need of urgent attention. This means it is vital that the Kyoto protocol is ratified by Australia, by our Federal Government. I join wholeheartedly with our hard-working Premier in suggesting that the very first bill to pass through the Federal Parliament after the election must be legislation ratifying the Kyoto protocol. The Kyoto protocol is not just a frivolous set of guidelines or outlines for action. Kyoto is unique and vital because, really, it is the only legally binding international agreement that sets targets for developed countries to reduce their greenhouse gas emissions. New hard evidence has been uncovered that proves the urgency of ratifying Kyoto and the very real and imminent danger of letting our responsibilities slide.

The New South Wales Government commissioned the CSIRO report entitled "Climate Change in New South Wales". This report shows that the average maximum temperature has risen by 0.75 degrees celsius over the last 50 years, and the average minimum temperature has risen by 0.85 degrees celsius during the same period. From 1957 to 2003 there has been an increase then of 4.7 days per year, almost five days, over 35

degrees celsius, an increase on average of 12 nights per year of over 20 degrees celsius. The State's annual rainfall has fallen by 14.3 millimetres a decade since 1950. Decreases in annual intensity and frequency of extreme daily rainfalls in New South Wales are consistent with a decline in annual mean rainfall since 1950, with the strongest decreases being along the coast. The frequency of extremely high tides in Sydney—that is, more than 2.2 metres—has in fact trebled since 1950, and the average sea level of Australian coastlines has risen nearly 10 centimetres since 1920, and it is projected to continue, with serious implications for some waterside communities.

The findings of the CSIRO in relation to coastal communities have only been confirmed by more recent revelations from the New South Wales Greenhouse Office. Bearing in mind that 80 per cent of Australia's population live within 50 kilometres of the coast, the New South Wales Greenhouse Office has found that a number of coastal communities could be affected by coastal erosion due to climate change. These coastal communities are Sydney northern beaches Narrabeen and Collaroy, North Entrance on the Central Coast, Wamberal on the Central Coast, Belongil Spit at Byron Bay, Wooli at Grafton, and Jimmys Beach near Port Stephens.

I fully anticipate that, in the face of such compelling evidence, the Leader of the Opposition, one Mr John Brogden, will come down now—Mr Brogden, if you are listening somewhere round the House, come down to this Chamber—and declare his full and unrelenting support for the Kyoto protocol. North Narrabeen—part of his electorate of Pittwater—is being threatened by rising sea levels due to greenhouse emissions and global warming. And where is he? Will the Leader of the Opposition stand idly by, twiddling his thumbs, and wait for part of his own electorate to just slip and slide away into the sea?

Party alliances should be shown to be insignificant—as I am sure my colleagues on this side of the House would agree—in the face of these consequences. Therefore, Mr Brogden, wherever you are, come down into this Chamber and commit one way or the other. I cannot see him anywhere. Obviously he is hiding—tucked up in his little room behind his desk. Does he support the Kyoto protocol? Will he be lobbying John Howard to ratify Kyoto in the event that he is—but, hopefully, not—re-elected Prime Minister? Is he prepared to put the homes and lives of the people he is supposed to represent in front of his loyalties to the Liberal Party? Sadly, it would appear so. If this is the case, then, Mr John Brogden, let me be the first to congratulate you. Today I directly challenge and call on John Brogden, Leader of the Opposition, to support the ratifying of the Kyoto protocol by the Federal Government.

Mr Daryl Maguire: Point of order: It is the protocol of this House that members address other members by their correct titles. I ask you to draw that to the attention of the member.

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

Ms VIRGINIA JUDGE: Thank you. Yes, certainly. However, this is not the case. If the Leader of the Opposition is prepared to sit idly by and twiddle his thumbs while homes in his electorate start to slip and slide slowly off the beach and into the sea I seriously question his dedication to his constituents, the hard-working families who have sweated and saved to buy homes in those areas. I question his dedication to the people whom he has been elected to represent. Perhaps they should think about that when next they come to cast their vote. Not only are communities in the electorate of the Leader of the Opposition threatened by coastal erosion and rising sea levels, so too are many international cities.

Sir David King claims that a significant rise in sea level would submerge cities such as London, New York and New Orleans. What international jewels would be lost to our world! Think of the historic places that would then be committed to watery graves. Think not only of the history but also of the people displaced and forced from their homes, and the ultimate squeeze placed on our already overburdened and stretched planet. Where are we to find more room for the newly homeless, when cities such as London and Beijing are overwhelmed already by their occupants? The simple answer is that there is no room. More locally, of course, in our surrounding Pacific region communities are also threatened at this very moment by the Federal Government's refusal to ratify the Kyoto protocol.

The Federal Government has funded state-of-the-art sea level monitoring equipment to monitor the rise of sea levels, but it has continued to neglect its responsibilities to prevent the sea level from rising. The Federal Government's commitment to reducing greenhouse gas emissions has been more for just plain show than for actual effect. But showy equipment alone will not reduce greenhouse gas emissions. Their time on the bandwagon has been more about show than intention. I suppose that is pretty well the case with most of their

policies. But now the Federal Government must make a serious commitment to ratify the protocol and to put its so-called rhetoric into practice. I commend this motion for urgent consideration to the House.

Mr MICHAEL RICHARDSON (The Hills) [3.52 p.m.]: About three months ago I seem to recall having a debate with the honourable member for Strathfield along similar lines. She advanced the same grab bag of populist arguments without actually saying at any time why Australia should ratify the Kyoto protocol. But that is really not surprising because when the Premier wrote an article that appeared in the *Sydney Morning Herald* of 7 September about why the Kyoto protocol is essential to Australia he failed also to answer the question. He spoke, as did the honourable member for Strathfield, about the average sea level of the Australian coastline rising nearly 10 centimetres since 1920, the average maximum temperature rising by 0.75 degrees and annual intensity and frequency of extreme daily rainfall in New South Wales decreasing consistent with the decline in annual mean rainfall since 1950, with the strongest decreases along the coast. All of these things are genuine and real concerns.

But deeds speak louder than words. This Premier is, appropriately, full of hot air. His junior backbench members spout his particular, peculiar brand of rhetoric. But if there is one person in this country who is more responsible than any other for emitting greenhouse gases it is the Premier. Why is this the case? Because one-third of all greenhouse gas emissions in Australia are emitted by coal-fired power stations, and New South Wales has more coal-fired power stations than any other State. Therefore, it is axiomatic that the Premier is the largest greenhouse gas emitter in Australia. What commitment is he making to deal with this issue? The answer is: Absolutely nothing! He trots out the same sort of meaningless mumbo jumbo every other week about why the Kyoto protocol is essential to Australia's future. The honourable member for Strathfield blathers about how it will save the world if Australia signs a piece of paper.

Do honourable members know the proportion of greenhouse gas emissions Australia is responsible for emitting? It is between 1.4 per cent and 1.6 per cent. I do not think that mathematics is the strong subject of the honourable member for Strathfield, but maybe she will grasp this, maybe she can intuitively understand that if Australia were to stop producing greenhouse gases tomorrow it would make no difference to the rate of global warming. That is not to say that we should not do our best, that we should not pull our weight. But it should be a matter of real concern to every member in this place and to every citizen of New South Wales that, despite all the best intentions and despite all the bits of paper being signed, the amount of greenhouse gases produced in the world inexorably continues to climb. It should also be a matter of very great concern to everybody in this Chamber that the Premier is such a hypocrite on climate change.

Honourable members probably would recall that only recently the Opposition exposed the fact that a report into greenhouse gas emissions by government departments showed that in 2001-02 greenhouse gas emissions by government departments were 10 per cent above 1995-96 figures. Yet this man, the Premier, is telling everyone else what they ought to do while greenhouse gas emissions by government departments, which one assumes would be under the control of the Premier, are up by 10 per cent. Energy use in government buildings was 12.7 per cent above the Government's targets and fell by just 2.3 per cent between 1995-96 and 2001-02, compared with a target of 15 per cent. One of the worst performers out of this whole list of government departments was none other than the Premier's Department, which showed an increase in total greenhouse gas emissions from 5,274 to 6,796 tonnes over the period.

Yet the honourable member for Strathfield tells us how hard working the Premier is and how he will single-handedly put on his Superman outfit and save the world. I can tell honourable members that he ain't going to save the world the way he is operating. It is an absolute arrant disgrace that renewable energy, excluding the Snowy Mountains Hydro-Electric Scheme, accounts for just 1.6 per cent of New South Wales generating capacity and that New South Wales has just two small wind farms producing between them just 0.1 per cent of the State's power. Let us look at what Victoria is doing. The Premier of Victoria, to his great credit, has grasped the nettle and he has put in place a program that he calls 10 by 10. He wants 10 per cent of Victoria's electricity to be produced from renewable resources by 2010. Compare that with the pathetic, pusillanimous effort of this hypocritical Premier. It makes my blood boil. I move:

That the motion be amended by leaving out paragraph (2) with a view to inserting instead:

- (2) condemns the Government for failing to stimulate investment in renewable energy, particularly wind power, and for increasing greenhouse gas emissions in New South Wales government departments by 10 per cent between 1995-96 and 2001-02; and
- (3) calls on the Government not to export New South Wales greenhouse gas emissions by buying electricity from the 750 MW Kogan Creek power station in Queensland.

I will talk to the amendment, particularly the second part, because it is a matter of real concern to me that, while the Premier talks big about the need for Australia to reduce greenhouse gas emissions, he is quite happy to buy his electricity from interstate. When Premier Peter Beattie announced that he had given the green light to construction of the Kogan Creek power station earlier this year, he said that it was conveniently located close to the New South Wales-Queensland interconnector and that Queensland would be able to sell electricity to New South Wales.

The fact is that it does not really matter where the power station is located: it does not matter if it is Queensland, Iceland or Timbuktu—its emissions will add to global warming. This is another example of the hypocrisy of the New South Wales Premier. He is prepared to buy electricity from Queensland and then say, "We have not got any new coal-fired power stations. We are not increasing greenhouse gas emissions by 4 million tonnes a year of carbon dioxide equivalent which a typical coal-fired power station will emit." That is just another example of the Premier's hypocrisy. It took me an hour and a half to come into Parliament today because of the traffic congestion on Sydney's roads. Why is it so?

Ms Noreen Hay: Were you in a car?

Mr MICHAEL RICHARDSON: There is no train in my electorate because the honourable member for Wollongong's Government has failed to honour its promise to build the north-west rail link. Other members have told me that traffic was chaotic across Sydney today, and one of the reasons for that is that this Government has made such a mess of public transport. Nobody trusts the trains, the buses or the ferries any more. People are getting into their cars because they figure that that is the only way they will be able to get to work and back again, even if it takes longer than it should take if they took public transport. Recently I saw figures that clearly indicate a significant increase of approximately 10 per cent over the past year in the number of vehicles using motorways. This evidence is scarcely reflective of a Premier who is trying his level spitting best to do something about greenhouse gas emissions. Clearly the New South Wales Premier, who is big at telling everybody else what to do, does not give a damn about setting an example by doing something to reduce greenhouse gas emissions which, I agree, are a major environmental problem for the world. I believe that the action taken by the Federal Government led by John Howard to meet the Kyoto targets speaks louder than does the signing of bits of paper.

Mr PAUL PEARCE (Coogee) [4.02 p.m.]: I support the original motion moved by my colleague the member for Strathfield and I reject the amendment moved by the honourable member for The Hills. The lack of understanding of the issues displayed by the member for The Hills is quite extraordinary. Among the many failings of the Howard Government, the neglect of wellbeing of future generations, as exemplified by the refusal to sign the Kyoto protocol, is perhaps the most damning. The dissembling which has typified the Howard Government's response—or lack thereof—to the threat of global warming is alarming. The Federal Government will go down in history not only as the government which compromised the immediate safety of Australians abroad by its outsourcing of Australian foreign policy to the presidential office of the United States of America, but also as the government which took no heed of the threats posed to future generations by encouraging environmentally unsustainable energy and growth policies. Short-term thinking and looking after its mates in the energy sector is the hallmark of the Howard Government.

The facts are stark. CSIRO, in its report entitled "Climate Change in New South Wales", has found a significant fall in average rainfall over the last 50 years, a rise of 0.75 degrees celsius in average maximum temperature over the same period, a rise of 0.95 degrees celsius in average minimum temperature, a fall in New South Wales average rainfall of 14.3 millimetres in each decade since 1950, and a significant decrease in the annual intensity and frequency of extreme daily rainfall events with a decline in annual mean rainfall. As late as last week New South Wales was declared 100 per cent in drought or marginally in drought. The New South Wales Greenhouse Office has identified a number of coastal communities that are likely to be affected by coastal erosion due to climate change. These include Sydney's northern beaches, Narrabeen and Collaroy; The Entrance on the Central Coast; Wamberal on the Central Coast; Belongil Spit at Byron; Wooli at Grafton; and Jimmy's Beach near Port Stephens. The impacts are likely to occur due to more frequent storms in combination with a modest rise in sea levels.

There are few reputable scientists—and I question even whether they are reputable—who now dispute that human activity is a significant cause of the escalating pace of climate change, yet the Howard Government refuses to sign the Kyoto protocol. Everyone knows that the Kyoto protocol is not a panacea for global climate change caused by human activity. At best it is a first step in international co-operation to address the future threat to the species. It is a statement by world governments that no matter what differences in ideology exist between them, the threat to human life on this planet is a bigger issue. It even allows Australia to marginally

increase its output of greenhouse gasses—a position with which I do not concur. Yet the Howard Government will not sign the agreement. The hostility of the Federal Government to multilateral international agreements, combined with its kowtowing to American policy imperatives, takes primacy over its responsibility to future generations. It is a reflection of a government that looks to the past and seeks solutions in the failed processes of yesterday.

The New South Wales Government has committed itself to meeting the Kyoto targets. Through the New South Wales Greenhouse Office, the Carr Government has identified priority response sectors and is acting. The contrast with the inaction of the Howard Government could not be more stark. It is time for an incoming Federal government to throw off the ideological shackles of the Howard Government, start acting in Australia's long term interest, and sign the Kyoto protocol. Let us sign the agreement. Let us join the world community. Let us start addressing the impact of global warming on the future. I commend the motion to the House.

Mr ANDREW CONSTANCE (Bega) [4.07 p.m.]: It is always a real treat to debate environmental issues with the honourable member for Strathfield in this place. I do not think there would be a member of this House who is unconcerned about the impact of greenhouse gas emissions on the environment and on our climate, particularly their impact on sensitive areas such as the New South Wales coastline. Certainly the Bega electorate has the most pristine coastal environment in this State. I am concerned about the environment and the climate and the impact of greenhouse gas emissions upon both, especially as that translates to their impact on coastal land, beaches, headlands and foreshores. My contention is that environmentalism begins at home with what people are doing in their own backyards. I find it astounding that the Premier's only contribution to the greenhouse gas emissions debate is to pen editorials for the *Sydney Morning Herald*. The fact of the matter is that the New South Wales Labor Government is failing to address greenhouse gas emissions in this State.

It is well known in the international sphere that the Commonwealth Government is taking a leading role in reducing greenhouse gas emissions and is meeting Kyoto protocol targets. However, we do not have to sign up to every international treaty merely because of the campaigns of inner-city social justice environmentalists. The State Labor Government is failing in five key areas and could do more to reduce greenhouse gas emissions. First, it could work towards reducing emissions from power stations. Electricity generation accounts for one-third of Australia's greenhouse gas emissions, with a single 1,000-megawatt coal-fired power station producing as much carbon dioxide equivalent as 1.6 million cars. In New South Wales 95 per cent of electricity is generated from coal, so why is the State Government not doing more about developing renewable energy sources?

The honourable member for Monaro is in the Chamber. In his electorate there is a lot of wind—and not just from his mouth! With those open Monaro plains facing onto the Snowy Mountains the use of wind-powered generation would have enormous significant benefits. However, the Government has not introduced or implemented a strategy for increasing renewal energy. Not enough emphasis has been placed on such strategies. Reducing emissions from Government departments would also be beneficial. The State Labor Government got a big cross following a 2004 report entitled "Energy Use in Government Operations", which showed greenhouse gas emissions from government departments in 2001-02 were 10 per cent above the 1995-96 figures. Energy use in government buildings was 12 per cent above the Government's target, and one of the worst performers was the Premier's Department. In 2003 Labor promised to buy another 320 environmentally friendly compressed natural gas buses, but announced in June that it had scrapped that plan and instead would buy 180 diesel buses.

As I said earlier, environmentalism starts at home. The Government stands on its soapbox and dictates to the Commonwealth Government about the Kyoto protocol, but fails on every score itself. It is one thing for the Premier to pen articles to the *Sydney Morning Herald* on this matter, but actions speak louder than words. It is one thing for the State Labor Government to target the Commonwealth Government, but it is quite another for it to hide its own inadequacies on greenhouse gas emissions. I would much prefer the honourable member for Strathfield to talk about what the New South Wales Government is doing at home. She is not able to do that, because the State Labor Government does not practise what it preaches. Surprise! Surprise!

Mr STEVE WHAN (Monaro) [4.12 p.m.]: This is an important motion, because greenhouse gas emissions and climate changes will have a serious impact on the electorate of Monaro should the predictions of many experts come to pass.

Mr Andrew Constance: No more free ski weekends.

Mr STEVE WHAN: The area I represent is concerned about greenhouse—

Mr Andrew Constance: No more skiing at Perisher.

Mr STEVE WHAN: I have heard the comments from the member opposite, which again dodge the issue. The amendment indicates that the Opposition does not support signing the Kyoto protocol. That is an absolute disgrace. The people of my electorate are concerned about that because our economy is based on the alpine regions of New South Wales. The alpine resorts in the Monaro electorate are the key economic drivers of the region. The recently released draft plan of management for resorts suggested that alpine resorts and the economic activity boosted by the resorts provide about 8,000 jobs and contribute \$335 million to the State's economy.

That is a massive input into the State's economy and into the region I represent, much of which is in jeopardy by the impact of greenhouse gas emissions. The report entitled "Kosciuszko National Park 2004 Draft Plan of Management" highlighted the CSIRO figures for the Snowy Mountains area, which honourable members referred to previously. It is possible that by 2020 the areas with at least 30 days snow cover could receive a reduced snow cover of between 14 per cent and 54 per cent. Potentially those snow cover areas could be reduced by between 30 per cent and 93 per cent by 2050. In other words, it is possible that by 2050 the vast bulk of snow cover in the Snowy Mountains area could be lost. That is potentially devastating to both the economy and the natural environment of the area I represent.

Research conducted by the CSIRO is quite astounding: it reveals that the effect of climate change could result in the possible extinction of between 15 and 40 of the 200 alpine plant species within 70 years, with a further 49 species likely to experience a reduction in distribution. That is with a rise in temperature of as little as a one degree celsius. It is possible that the endangered pygmy possum could be eliminated. The snowline could rise and there could be changes in other areas, including alpine herb fields and snow patch fieldmarks. There is likely to be an increase in the diversity, abundance and distribution of weed species, something people in the Monaro are very concerned about. Feral animals could become more prevalent in the upper alpine ranges and wildfire is likely to increase.

We often hear Coalition members dismiss the effects of greenhouse warming and blame bushfires and wildfires on anything but climate change. Changes in rainfall are likely, and that will affect catchments and the amount of water available for irrigators downstream on the western side of the mountains. A number of frog species could possibly be affected. I have outlined the possible dramatic impacts on the environment in the area I represent. They would be tragic in their own right. However, on top of those there would be a huge economic impact from the loss of jobs if we no longer have a ski industry, or if the ski industry has to rely on man-made snow, which, of course, requires water. With less rainfall there would be less water available for the snowmaking process.

This is a critical area of challenge for not only the State but also the nation. That is why the Kyoto protocol is so important. By signing that international treaty those sorts of standards and measures could be implemented through legislation. The Howard Government has said a lot about climate change but has not legislated to implement the targets and has not signed the Kyoto protocol, which would give it the ability to take a national approach. I have outlined how important greenhouse warming is to my region, but what has our Federal member, who faces an election on 9 October, said about it? In eight years in Parliament he has said absolutely nothing at all. He has made no mention at all of the impact of climate change on the economy of the area. He has made no mention at all of the impact of climate change on native vegetation or on the species of the region that he represents. He has displayed an appalling lack of concern about the area he is supposed to represent and he should be condemned for it.

Ms VIRGINIA JUDGE (Strathfield) [4.17 p.m.], in reply: I will rebut some of the erroneous and fallacious statements made by members opposite. I agree with one statement by the honourable member for The Hills, and that is that deeds speak louder than words. That was the only part of his waffle that has any substance. If deeds are to speak louder than words, the Kyoto Protocol should be signed. That would be a substantive action, a deed in action. Today we heard much about greenhouse gas emissions. Basically, the contribution of the honourable member for The Hills, which was a lot of hot air, only added to global warming and greenhouse gas emissions.

The honourable member for Bega said that we must achieve environmental solutions. If we are to achieve environmental solutions we have to start at home. We are already seeing the effect of greenhouse gas emissions. When farmers in the Bega electorate are suffering from the effects of global warming and rising temperatures, when they do not have enough water in their dams, when their sheep and cattle are dying and their crops are failing the honourable member for Bega should tell them that the Federal Government has refused to ratify and sign the Kyoto agreement. The honourable member is supposed to represent the farmers in his electorate.

My colleague the honourable member for Monaro referred to a loss of jobs. What about the loss of jobs in future technologies? Every country has to ratify and sign the Kyoto agreement. Opposition members seem to believe that Australia is an isolated part of the planet that is not connected to anything else. We are connected and we form one planet. Just look at the diversity in this Chamber! People from a vast number of countries form one planet. If we want to go forward, all those countries must ratify and sign the Kyoto agreement. It is modern contemporary politics. This isolationist, introverted and exclusive way of doing business epitomises the policies of the Federal Government and the New South Wales Opposition.

The honourable member for The Hills claimed that I did not know my mathematics. Let me hit him with a few statistics as he did not refer to anything factual in his contribution. I will refer to some hard, cold facts to which I hope he listens carefully. It is likely that the 1990s was the warmest decade in the past 1,000 years. Global average warming projections range from 1.4 to 8.5 degrees Celsius by 2100 relative to 1990. This is not fairytale stuff; these are cold, hard facts. Projections of global average sea level rise range from 9 centimetres to 88 centimetres by 2100. Over the past century average temperatures have risen by 0.7 degrees Celsius. Over the past 50 years rainfall has increased over north-western Australia but has decreased in the south-west of Western Australia.

Mr Michael Richardson: What about solutions?

Ms VIRGINIA JUDGE: They are butting in because they cannot bear to hear the truth. The effects on run-off are potentially serious. That was evidenced by a 50 per cent drop in the water supply to the reservoirs supplying Perth since the 1970s and near record low levels in water storage in much of south-eastern Australia in 2002-03 due to low rainfall and high temperatures since 1996. The Minister for Energy and Utilities, who is in the Chamber, would know better than anyone else what is happening to our water supplies. Annual average temperatures in Australia are projected to increase by 0.4 degrees to 2 degrees Celsius by 2030 and by 1 degree to 6 degrees Celsius by 2070, relative to 1990.

When rainfall changes are combined with increases in potential evaporation, a general decrease in available soil moisture is projected right across our nation, with drought likely to become more severe. Most regions will experience an increase in the intensity of heavy rain events. When all these things happen we will know where to point the finger. Warming of only 1 degree Celsius would threaten the survival of species currently living near the upper limit of their temperature range, notably in some Australian alpine regions—an issue to which the honourable member for Monaro alluded earlier—where some species are already near their limits. The same applies to those in the south-west of Western Australia.

Other species that have restricted climatic niches and are unable to migrate because of fragmentation of the landscape, soil differences or topography could become endangered or extinct. Opposition members do not care and they do not want to know about that. Other ecosystems that are particularly threatened by climate change include coral reefs and freshwater wetlands in the coastal zone and inland. A significant proportion of our exports will also be affected. There are many reasons why Australia should ratify and sign the Kyoto agreement. I am ashamed of anyone who fails or refuses to support Kyoto in the face of such overwhelming evidence. Opposition members will only take note of this debate when the last tree has been cut down and the last beach has slipped away. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 52

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

Noes, 31

Mr Aplin
Mr Armstrong
Ms Berejikian
Mr Cansdell
Mr Constance
Mr Debnam
Mr Fraser
Mrs Hancock
Mr Hartcher
Mr Hazzard
Ms Hodgkinson

Mrs Hopwood
Mr Humpherson
Mr Kerr
Mr Merton
Mr O'Farrell
Mr Page
Mr Piccoli
Mr Pringle
Mr Richardson
Mr Roberts
Ms Seaton

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr J. H. Turner
Mr R. W. Turner

Tellers,
Mr George
Mr Maguire

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 52

Mr Amery
Ms Andrews
Mr Barr
Mr Bartlett
Ms Beamer
Mr Brown
Ms Burney
Miss Burton
Mr Campbell
Mr Collier
Mr Corrigan
Mr Crittenden
Ms D'Amore
Mr Debus
Mr Draper
Ms Gadiel
Mr Gaudry
Mr Gibson

Mr Greene
Ms Hay
Mr Hunter
Mr Iemma
Ms Judge
Mr Lynch
Mr McBride
Mr McLeay
Ms Meagher
Ms Megarrity
Mr Mills
Ms Moore
Mr Morris
Mr Newell
Ms Nori
Mr Oakeshott
Mrs Paluzzano
Mr Pearce

Mrs Perry
Mr Price
Dr Refshauge
Ms Saliba
Mr Sartor
Mr Scully
Mr Shearan
Mr Stewart
Mr Torbay
Mr Tripodi
Mr Watkins
Mr West
Mr Whan
Mr Yeadon

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Mr Page
Mr Piccoli
Mr Pringle
Mr Richardson
Mr Roberts
Ms Seaton

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr J. H. Turner
Mr R. W. Turner

Tellers,
Mr George
Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

INCLUSION OF NETBALL IN THE OLYMPIC GAMES

Matter of Public Importance

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [4.42 p.m.]: "What will you remember from the Athens Games?" journalist Matt Price asked in the *Daily Telegraph* on Tuesday 31 August. In response to his proposition, Matt said:

The Olympics are like the Melbourne Cup. Both the Games and the great horse race have enthusiasts, but the overwhelming majority of punters start taking notice when the athletes arrive at the barrier and zone out not long after the finish.

I can see by the reaction of honourable members who are in the Chamber that, like me, they are surprised that such a harsh and cynical statement could be made by a journalist. His fraternity is usually the embodiment of objectivity and positive energy. Honourable members on both sides of the House are demonstrating their hearty endorsement of my assessment. Perhaps he was engaging in another Aussie tradition and "having us on" with that statement. After all, far from a detached observation and short-lived focus on the finish line, our nation's collective obsession with sport reaches fever pitch during the Olympic Games. Everyone I know feels as though they are swimming every stroke, running every metre, hitting every ball and so on. Our "warm down" after the event involves the excitement of reliving the highs and lows with anyone we know who watched the same event.

Last week's national welcome home parade for the Olympic athletes again demonstrated our community's overwhelming appreciation for the dedication and achievement of every Australian athlete—regardless of whether there were gold medal rewards. People's favourite and moving moments from the Athens Games may be mentioned here today. I am sure that it was a topic of conversation amongst the 100,000 people who lined the parade route, and there were probably more than a few passing references to the events in the Sydney 2000 Games. I hope honourable members who participate in today's debate will join me in encouraging the Australian Olympic Committee [AOC] to make urgent and persistent representations to the International Olympic Committee [IOC] for the inclusion of netball in the 2008 Beijing Olympics and beyond.

Honourable members may be unaware that technically, at least, netball is an Olympic sport. It was recognised as such in 1995, but it is not included in the summer Olympics program. The International Federation of Netball Associations is a member of the IOC. The All Australia Netball Association is a member of the Australian Olympic Committee and gets to vote at the annual general meeting. Netball was one of the eight foundation sports when the Australian Institute of Sport [AIS] opened in 1981. The netball program run by the AIS is now known as the Australian 21 and under/AIS program and it aims to develop potential elite athletes, and to give players the experience necessary to compete with distinction at both national and international levels. Netball became a part of the Commonwealth Games program in 1998, and Australia won the inaugural Commonwealth Games gold medal.

Netball is recognised as the largest participation sport in Australia today, with an estimated 1.2 million players. My diverse electorate of Menai encompasses parts of the Liverpool, Sutherland and Bankstown local government areas. As I drive around on the weekends, I think to myself that one of the few things those diverse areas have in common is how many people participate in netball, and the enthusiastic attitude taken by all the associations. That sort of enthusiasm helped deliver 12 new netball courts to the Ridge Sporting Complex in Barden Ridge in my electorate. On the day it was opened, Christine Newman from the Menai Hawks Netball Club and the Minister for the Environment told of how well utilised that facility would be, and it has proved to be well used. The netball courts were part of the State Government's commitment to provide \$50 million by 2008 for high-quality sporting facilities to residents of the shire, in what was formerly a waste tip area. I drive around my electorate and look at the Ridge, which is indeed our own field of dreams. Netball has come a long way since the first game, believed to have taken place in England in approximately 1892.

Mr Ian Armstrong: It was in 1891.

Ms ALISON MEGARRITY: The honourable member for Lachlan said that it was 1891. Was he present at that game? I am not sure. Netball was probably brought to Australia by English schoolteachers in the early 1900s. Photographic evidence exists of the Parramatta Superior Schools team competing in 1904. In 1927 the all Australian Women's Basketball Association was formed. In fact, netball was known as women's basketball until the name "netball" was adopted in 1970. The business name "Netball Australia" was created in 1995. Traditionally, netball has been identified as a sport for women but there is no reason why it cannot be played with mixed teams, and increasingly more boys and men are becoming involved.

On Saturday 28 August, as preparations were underway in Athens for the Olympic flame to be extinguished, an exciting contest took place at the Sydney SuperDome in Homebush. A record crowd attended the grand final of the Commonwealth Bank Trophy between the Sydney Swifts and the Melbourne Phoenix. The Swifts came from six goals down in the final quarter to steal a final second 52-51 victory. Julie Fitzgerald, the coach of the Sydney's Swifts, said that the game was won on "pure guts". Both she and Lisa Alexander, the coach of the Phoenix, paid special tribute to the crucial role that Liz Ellis played in the victory. In the following day's media coverage, Alexander was quoted as saying:

We know that we don't give her the ball. We know if she gets those sorts of intercepts then we have to put up with the consequences, which is what we had to do.

As soon as Ellis gets her hands on the ball, the crowd goes and everyone in the yellow uniform lifts another 2 per cent.

I note from the web site of the Sydney Swifts that, on a personal note, Liz and I have a few things in common. Her favourite colour is red. She enjoys reading and cooking, but dislikes cleaning the bathroom. However, the similarities ended when I came to the section on the web site that details her height at 183 centimetres and her typical week of training, namely: Monday, sprints and court work with team; Tuesday, agility and weights session; Wednesday, court work with team and cardio exercises; Thursday, cardio and weights session; Friday, light court work, if away game, game night; Saturday, recovery swim, walk or yoga; and Sunday, rest or train with the Australian squad. That is definitely an Olympic training program. It is time that netball and these high-performance athletes, such as Liz Ellis, who represent their country became part of the world's biggest sporting stage.

According to Netball Australia's web site, netball is played in approximately 50 countries, 45 of which are affiliated with the International Federation of Netball Associations. Those countries include Canada, India, South Africa, New Zealand, Malaysia, Singapore, the United Kingdom, Pakistan and Australia. Netball is also growing in the United States of America, with the International Youth World Championships being held in Florida next year. The Olympic charter states:

1.1 to be included in the program of the Olympic Games, an Olympic sport must conform to the following criteria:

1.1.1 only sports widely practised by men in at least 75 countries and on four continents, and by women in at least 40 countries and on three continents, may be included in the program of the Games of the Olympiad.

It seems to me, from all information that I have been supplied, that netball conforms to those criteria. The Olympics, dare I say, need more females in what is pretty much a male-dominated sporting arena. Media exposure is critical for any sport. An ABC commentator, Anne Sargeant, OAM, a former Australian netball captain and the first netballer ever to attract sponsorship, said recently:

The media's attitude to me has been supportive and positive and I've always appreciated the opportunity it gave me to promote netball. However in the early days the journalists were sometimes a little ignorant or a little reluctant to appreciate the game and how good the skills were at the top level.

As I said, Anne is an ABC commentator, and we are all grateful that ABC Television shows netball, because no other channel does. However, perhaps Anne's position behind the microphone may lead her to be a little optimistic given these words of Lindsay Cane, the chief of Netball Australia, who said:

There is no doubt the media trivialise women's sports. We don't want to be recognised for the colour of our uniforms, our fashion sense or our sexuality. We want to be recognised for being professional athletes. These athletes bring back gold to Australia. They bring international recognition. It's about time we stopped trivialising their achievements.

With no prompting from me, it is interesting that those very views were echoed in a recent conversation I had with Daryl Melham MP, the Federal member for Banks, and Kevin McCormick, OAM, the President of the Bankstown and District Sports Club. They too felt that the general paucity of recognition of netball in the media is reflected by the low level of sponsorship. We all need to be aware of the connection between media exposure of an Olympic sport and the all-important sponsorship dollar that is up for grabs. Those words were echoed by Norma Plummer, the coach of the Australian netball team, when interviewed on ABC's *Grandstand* on Saturday. She spoke about the overall success of our Olympic team making things just that bit more difficult for so many other sports.

The countdown to the 2008 Beijing Olympics has already begun. The AOC would need to make urgent and persistent representation to the IOC if more than a million Australian netball players are to be offered a real chance of fulfilling an Olympic dream in the future. Last week more than 100,000 people lined the streets of Sydney to demonstrate their appreciation for the dedication and achievement of Australia's most successful

Olympic team. I hope all honourable members will use today's debate to encourage the AOC to kick-start a campaign for the inclusion of netball in the 2008 Beijing Olympics and beyond.

Mr IAN ARMSTRONG (Lachlan) [4.52 p.m.]: It is a pleasure to support the concept that netball becomes an Olympic sport in the future. After all, it is the most populist sport played in Australia. Every Saturday morning, in virtually every suburb and every country town across the nation, thousands of girls play netball. Indeed, my electorate secretary, Claire Taylor, has two daughters who both play State netball, and Claire is a coach. So I get a fair bit of netball discussed in the office. It is a great and healthy sport. And it does keep many orthopods in business repairing damaged knees! As the honourable member for Menai said, netball is a very old sport. It goes back to 1891, according to the history notes I have been given for today's debate. It is a seven-a-side game that is fast, colourful and exciting, and it can be played by persons of any age. The Opposition Whip, the honourable member for Wagga Wagga, was telling me a while ago that his daughter, who is about 8 or 9 years of age, won her competition last Saturday in Wagga Wagga. I emphasise that netball is an all-people sport.

Australia has been prominent in netball for many, many years. During an Australian tour of England in 1957 discussions took place concerning standardising the rules of the sport. This led to representatives from England, Australia, New Zealand, South Africa and the West Indies meeting in Sri Lanka in 1960 to establish the International Federation of Women's Basketball and Netball. Formal rules were established at this inaugural meeting, and it was decided to hold World Championship tournaments every four years, beginning in Eastbourne, England, in 1963. Australia has been part of the international scene from day one. Since then World Championships have been held in Australia in 1967, in Jamaica in 1971, in New Zealand in 1975, in Trinidad and Tobago in 1979, in Singapore in 1983, in Scotland in 1987, in Australia in 1991, in England in 1995 and in New Zealand in 1999. Throughout that period Australia has dominated, winning the World Championships in 1971, 1975, 1979, 1983, 1991, 1995 and 1999. The last World Netball Championship took place in Jamaica, in July 2003.

As part of the Australian Bicentennial Celebrations in 1988 a Youth Tournament took place in Canberra, for players under 21 years. Its success led to this event being held once every four years. Fiji hosted the second World Youth Netball Championship, Canada the third, and the fourth has just taken place in Wales. Australia won in 1988, 1992, 1996 and 2000. So I think this is properly described as a national sport because, first, Australia has been involved in it since day one, participating in the formulation of the rules of the sport and, second, in terms of records world-class competition and world championships, Australia has proven itself to be the leading netball country in the world. Having said that, I should recognise there is much to be done before netball is seen at the Olympics. I am intrigued that the Government has chosen to raise this matter in the House today—

Mr Frank Sartor: It's a conspiracy!

Mr IAN ARMSTRONG: —rather than talk to some members of the Australian Olympic Committee [AOC], some of whom are mates of the Minister. Why not have a word to John Coates? Coatsey, as he is known, has just come back from Greece. Why not have a word to Phil Coles or Kevan Gosper, who are members of the International Olympic Committee [IOC]? The AOC is chaired by John Coates. It might be better to have a quiet lunch with those people in the dining room and say, "Fellows, why haven't you got netball into the Olympics?"

Mr Frank Sartor: You were on the Sydney Organising Committee for the Olympic Games. What did you do about it?

Mr IAN ARMSTRONG: It is your turn today, Frank; you are in government. Your Government has raised this issue as a matter of public importance. I would have handled it very much on a one-on-one basis.

Mr Frank Sartor: You failed.

Mr IAN ARMSTRONG: Frank, you are demonstrating every day that you are a failure simply by being here.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! If the Minister and the honourable member for Lachlan ceased their banter across the Chamber and stopped provoking each other, the debate may be able to proceed.

Mr IAN ARMSTRONG: Why has not Australia's face for the Olympics, Mr Michael Knight, a former Labor Minister of this Parliament, been lobbied to ensure that the IOC includes netball in the program for Beijing? But, in the meantime, even if netball is included in those Olympics, there are a few things that the Government needs to do in its own backyard. Currently, netball has a national competition, with New South Wales, Victorian, Queensland, the Australia Capital Territory and Western Australian teams competing. Academies of sport throughout New South Wales included netball as part of their program to encourage and identify talented country athletes, and these are government funded. However, for those programs to be successful and beneficial to country athletes—not coastal and Sydney academy athletes—those academies must provide quality coaches equivalent to those in metropolitan areas.

Because of travel and the cost of getting such quality coaches to rural areas, more funding must be made available to the netball programs of country academies, and those academies should be more accountable regarding the programs they are providing—because those country academies have a noticeable lack of accountability in their coaching methodologies and so forth. Athletes need to be able to access high levels of competition, and this can be achieved by attending State age and State championships. We must ensure that country athletes have as much access to elite netball competitions as their counterparts in metropolitan areas. These championships need to be held throughout New South Wales, not just in metropolitan and coast areas, to give all athletes access to the competition and as such netball complexes need to be brought up to the standards of Netball New South Wales, and that will require more funding under the Regional Facilities Program. Standards are laid down by Netball New South Wales, yet the Government is failing to ensure an equality of standards throughout the State.

I hope the Minister for Tourism and Sport and Recreation is listening to this debate. We must ensure that the Government provides adequate funding for netballers from the grassroots level to the elite. But yet again funding is weighted towards the elite, and the grassroots participants, the nursery of any sport, are being starved out. So we are not necessarily availing ourselves of the best talent into the future. If we are to be successful in the Olympics—and I sincerely hope we will be, when netball ultimately is accepted as an Olympic sport—we need to have as broad a base of players as possible, with equal opportunities for training and with sufficient facilities being made available to enable them to demonstrate their prowess. So we need to increase the funding for the country athletes scheme to allow country netballers to access elite netball competition in metropolitan areas, not just State and national competitions, as is currently the case.

Country athletes do not have equal access to netball competition in metropolitan areas because State and national competitors receive the basic funding. I call upon the Government to continue with the program to try to have netball included as an Olympic sport. I look forward to supporting it. But I look forward also to the Government announcing that it wants netball in the Olympics, and its providing adequate funding to enable netballers to achieve a standard of excellence, upgrade the standard of coaches in country areas, develop responsible academies and enable country athletes to compete at high levels in metropolitan areas. I look forward also to the Government announcing that major competitions will be held in country towns such as Dubbo, Orange, Cowra, Bathurst, Forbes, Junee and Cootamundra, all of which have top-class athletes who need competition. For goodness sake, let us recognise netball for what it is. I support the honourable member in this matter of public importance.

But let us get fair dinkum. Let us forget the talk and, instead, lobby the Australian Olympic Committee and the International Olympic Committee members. If the Government were to put some money where its mouth is Australia could proudly send its netballers to Beijing. Hopefully, they will return with the appropriate gold medal. But, more importantly, when we are complaining about obesity, particularly among our young kids, it must be pointed out that netball is absolutely fantastic exercise for females of all ages. In addition to the sporting opportunities netball provides let us make it an Olympic opportunity, which will encourage young people and females of all ages to participate in proper exercise, and help them to get rid of those unwanted kilos in a fun way. Good sports make good people, good people make good communities and that is what we need across the State. But for that we need good money from the Government. The Government should stop being tight. It should put its hand in its pocket and get behind the push for netball as an Olympic sport.

Mr BARRY COLLIER (Miranda) [5.01 p.m.]: Last week we welcomed home our Olympians. We congratulated them on their stunning achievements. But now let us look forward to the next Olympics, Beijing 2008, and the sports in which our athletes will compete. Netball must be one of those sports. Honourable members may ask: Why should netball be an Olympic sport? I say: Why not? The case for netball as an Olympic sport is compelling. We are not talking about some new obscure sport played in a handful of small nations in remote corners of the globe. Netball was first played in England in 1892. It arrived in Australia in the

early 1900s with schoolteachers from that country. It is played by more than 7 million people and in 69 countries across Europe, Africa, Asia, Oceania and the Americas. The A to Z of participating countries runs from American Samoa to Zimbabwe, and includes the two most populous nations on earth, India and China—which is the Olympic host nation in 2008.

Netball is the world's most popular team sport for women, and for that reason alone it should be included in the Olympics. Beijing 2008 is a golden opportunity to give netball the Olympic status it deserves. Netball is international. There have been 11 netball world championships since 1963, but not one Olympic medal. Netball has been a full medal sport in the Commonwealth Games since 1998, but not an Olympic sport. There is simply no good reason why netball should not be included in the Olympics in 2008, 2012 and beyond. If it is really fair dinkum the Australian Olympic Committee must act to promote the inclusion of netball now, right now, not wait until after construction work begins in Beijing or tickets go on sale. What does it mean for Australia? It means more than just another gold medal to add to our impressive tally, although that is a real possibility. It means aims and aspirations, heroes, recognition and development of a sport that is played by 1.5 million Australians every week.

Netball accommodates women and, increasingly, men of all ages, backgrounds and abilities. It has the largest number of participants of any sport in Australia. Some 8,000 schools have netball as part of their physical education programs. There are 5,000 clubs with more than 610 competitions associated with Netball Australia. Netball was one of the eight foundation sports when the Australian Institute of Sport was established in 1981, which confirms that Australian netball representatives are elite athletes. They deserve their place in Beijing in 2008. Our netballers, having won eight of the 11 world championships held since 1963, have every prospect of bringing home the gold medal. I can just imagine the hero faxes sent to Beijing by our enthusiastic young netballers and their supporters back home.

On Saturday in my electorate I see thousands of youngsters, officials, umpires, supporters and their families gathered on and around netball courts. Bellingarra Road, Miranda, is the headquarters of the Sutherland Shire Netball Association. With 7,000 members the Sutherland Shire Netball Association is the largest single netball association in the world. In July 2004 the association hosted the State Age Championships for New South Wales top junior representative teams at the Bellingarra Road complex, which meant 7,000 players, officials and spectators at the courts on each of the three days. The championships involved 282 teams in four age groups from 12 to 15 years and a gruelling program of up to 24 games. On 1 July association president, Julie Ninness, told the *St George and Sutherland Shire Leader*:

This is the most prestigious junior netball event of the year and it's a tribute to the Shire that we have been chosen to host it.

As with every event I have seen hosted by the Sutherland Shire Netball Association, the 2004 State Age Championships ran like clockwork. I congratulate president Julie Ninness, secretary Vicki Morris, the committee, coaches, umpires, players, supporters, sponsors and volunteers on the success of the championships and on their ongoing commitment to the wonderful sport of netball. We need the same commitment from our Olympic committee members. We need netball as an Olympic sport in Beijing in 2008. We need our Olympic Committee to really score a goal for netball. When our youngsters see the Olympic rings light up in Beijing in 2008, the Olympic rings linking the continents, let them think of them also as netball rings.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.06 p.m.], in reply: I thank the honourable members who spoke to this matter of public importance. Obviously I am somewhat disappointed that the honourable member for Lachlan took the opportunity to score what he perceived to be a couple of cheap political points, but he recovered and moved on to a bipartisan approach. I thank him for the positive things he said about netball. We need a lot of people to say a lot of positive things to progress the cause. He asked about the timing of bringing this matter of public importance to the House. As I said earlier, on the very same weekend that the Olympics were winding up it struck me that the exciting contest at the Sydney SuperDome between the Swifts and the Phoenix could not have been more tense or more exhilarating than any of the Olympic events I had seen in the previous two weeks. It is important that we use every opportunity to progress the cause.

On that same weekend I was quoted in the Sunday papers and spoke on radio about starting the campaign to have netball included as an Olympic event at Beijing and beyond as the countdown to Beijing begins. I will take the words of wisdom spoken in this Chamber and the thoughts of those who were not able to contribute because of time constraints to the Australian Olympic Committee [AOC] and the International Olympic Committee. The AOC must recognise the groundswell of support for netball not only among members in this place but in Sydney, across New South Wales and throughout Australia. As Norma Plummer said on

ABC Radio *Grandstand* on Saturday afternoon, Australia is ranked No. 2 in the world for netball, and we hope to regain that No. 1 spot. But it is not a lay down misère. Our athletes, although not paid professionally, are professional in their attitude and training. They work very hard to compete at the elite level.

I have referred to the efforts of both Anne Sargeant and Liz Ellis to promote the sport. The management and administration of netball at all levels seek to raise the profile and to maintain the pressure to ensure that what was recognised as an Olympic sport in 1995 is included in the summer Olympic program. We are asking for no more or less than that today. Our thoughts should be with the boys and girls, and the men and women who play netball who would like the chance, as the honourable member for Miranda stated, to see the Olympic rings as netball rings and to participate and represent their country on what is the greatest sporting stage. Our thoughts are with and have been with all the Olympic athletes, as well as those who did not make it to Athens. We must support and encourage everyone. When I was making public comments about netball I referred to handball and my thoughts turned to the people in my electorate who tried to make the Australian Olympic team.

European handball was the only Olympic event in which Australia did not compete. But we did have an Australian presence at the women's final: HRH Crown Princess Mary of Denmark attended the game at which Denmark prevailed over Korea in a penalty shoot-out. Even if we did not have an Australian team in the event, at least we had an Australian presence. Given the enthusiasm of the amateur league in Australia, the handball players will get there; they will have the opportunity to compete and represent their country. They are up against professionals from overseas, some of whom are paid hundreds of thousands of dollars per year. Considering that there is no handball pedigree in Australia, I think we do very well to be competitive, and there is indeed large potential for growth in that sport.

Today's debate is not about saying that some sports should be deleted from the Olympics program to make room for netball. All I can say is that, having watched some Olympic events, it seems that everything except dodgeball gets a guernsey these days, so surely there is room for netball. If there is a debate about sports having to be deleted from the Olympics program, so be it; but it is not up to me to decide that. I will conclude my remarks with a quote from Anne Sargent:

Each generation builds on the previous one. I think that is true of all sports. Maybe you plant a few seeds that are individually yours, but you are an extension of what has gone before. Tradition should be important to us and it is missing from a lot of sports, and female sports in particular. I envy the Olympic movement for that camaraderie and tradition that seems to go across all the Olympic sports.

All we are asking for is that our boys, girls, men and women have their chance to have their moment on the Olympic podium and to have their moment on the world's stage in what is a legitimate and popular sport.

Discussion concluded.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! It being almost 5.15 p.m. I propose to proceed to the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

BANKSTOWN CHILDREN'S FESTIVAL

Mr ALAN ASHTON (East Hills) [5.11 p.m.]: I pay a tribute to children and adult organisers of the Children's Festival that was held in Bankstown at the famously named Paul Keating Park last Saturday, 18 September. A series of great events took place at the Children's Festival, including marches, demonstrations of dancing, and sporting activities. The festival virtually ran all day from 11.00 a.m. until 7.00 p.m. and concluded with the traditional finale of firecrackers. Bankstown City Council has a very good reputation for its support of this event and similar events, as does the State Government. This is the sixth year in which the Bankstown Children's Festival has been held. It is a great opportunity for young people to celebrate the spirit of being young and of being proud to live in this country, particularly in the Bankstown district. It is a celebration of young people working together, but to enable the function to take place, young people have had to be able to work with older people who do so much of the organisation.

I congratulate particularly Mr Thuat Nguyen, who is the President of the Children's Festival Organisation Inc. The Premier was represented by the honourable member for Auburn, Mrs Barbara Perry, who delivered a speech of thanks to the organisers and young children on the Premier's behalf. I also attended, as did the Mayor of the Bankstown City Council, Helen Westwood, and my Federal parliamentary colleague the member for Banks, Daryl Melham, and Councillor Dick McLaughlin. The Federal member for Richmond, Larry Anthony, sent an acknowledgement of the occasion. It is important for me to acknowledge the sponsors of the events because people often think of sponsors as millionaires who sponsor very big sporting events. The sponsors include the Bankstown City Council, the Bankstown District Sports Club and Centro Bankstown, which used to be known as Bankstown Square. The Vietnamese Community in Australia was very strongly represented in sponsorship. To be quite honest, the Vietnamese community was the driver and has made the Children's Festival a great success.

Other sponsors included the Scouts Australia's New South Wales Branch, the Department of Community Services [DOCS], SBS Radio, the Revesby Blue Light Disco, to whose great work I have referred previously in this Chamber, and Bunnings Warehouse. Great support was received from the Sikh community in Revesby, Ettason Pty Ltd., CMC Educational Pty Ltd, the Vietnamese Australian Welfare Association, Po Hong Books and Stationery Company, and the Chester Hill Tenpin Bowling Centre. Some of the events that took place included folk dancing by Vietnamese cultural groups, lantern and traditional costume competitions, performances by Families First playgroups, and dances performed by the Sikh community. My electorate is the home of a very big Sikh gurdwara where hundreds, if not thousands, of Sikhs pray, and I thank them for supporting the festival.

There were also performances by students from the Bankstown Girls High School and a parade of members of the soccer club from the Padstow part of my electorate, and the Polish and Nepalese communities were represented. Young people from the Islamic Charity Projects Association were involved and sang a song entitled *I am an Australian Citizen*, which was great. A Macedonian folk dancing group and a Vietnamese Buddhist Youth Association dance group gave performances. The Central Bankstown Community Band played almost continually and entertained people for practically the whole day. Various stalls presented food and exhibited examples of the various cultures that constitute the Bankstown district. There are approximately 203 countries in the world, and there are 160-odd languages spoken in Bankstown.

Mr Thomas George: Bankstown is a big place.

Mr ALAN ASHTON: It is. The Bankstown Children's Festival has become a very successful event. When a festival is held once or twice, that is very good; but a festival that has moved to its sixth annual event and has a seventh event planned for the following year indicates that something really great is happening. I congratulate everybody who was involved in the Bankstown Children's Festival.

CREMORNE COMMUNITY MENTAL HEALTH CENTRE

Mrs JILLIAN SKINNER (North Shore) [5.16 p.m.]: A matter of grave concern to my constituents is the plan of the Carr Government to close the Cremorne Community Mental Health Centre, which is in the heart of my electorate. Approximately 20 years ago the Richmond report recommended deinstitutionalisation of mental health patients and recommended that they be treated in the community. The success of that approach depends entirely upon the community sector being provided with the resources that are needed to ensure that mental health patients are cared for properly. When I was elected as the member for North Shore in 1994, the then Minister for Health, Ron Phillips, told me that the Cremorne Community Mental Health Centre was a model of community health care delivery and that his vision was to have that model replicated throughout the State.

On a number of occasions I have referred people to the Cremorne Community Mental Health Centre and I know that many of my constituents and their families have been very happy with the service that the centre provides. Therefore I was absolutely horrified to receive a letter on 28 June from a resident who advised me of plans to close the centre. I immediately wrote to the Northern Sydney Area Health Service to express my concern and request that the decision be reversed. On 27 July I received a reply which confirmed that community mental health teams at Cremorne and Chatswood would be amalgamated and that the service would be provided from another site. A public meeting held at Mosman was chaired by Councillor Simon Menzies of the Mosman Municipal Council and involved me, representatives of the North Sydney Council and others from the Mossman Municipal Council, and representatives of nearly all of the many mental health groups that are active on the lower North Shore.

Unanimous views were expressed at the meeting and resolutions were passed demanding the retention of the Cremorne Community Mental Health Centre in its current location, rejecting any proposal for its amalgamation with the service operating out of Chatswood or its relocation to the site of the Royal North Shore Hospital at some stage in the future. Today I was very alarmed to hear a rumour, which I call on the Government to dispel, that the Northern Sydney Area Health Service proposes to move ahead and immediately close the Cremorne Community Mental Health Centre and have it relocated to the Royal North Shore Hospital. Judging by the degree of passion felt by members of the community about the importance of retaining this service at a local level, I am confident that this problem will not go away. I cite two families and their absolute desperate need for this centre.

Leigh Major has been actively involved in mental health issues for most of her life, as both a carer and a volunteer. Her son, Ross, is 34 years old and lives alone in Mosman. Ross has suffered from paranoid schizophrenia for 11 years and has used the Cremorne Mental Health Centre for 14 years. The condition causes Ross to become delusional. Leigh Major has given me permission to raise this matter because she said that the relocation of the centre to Chatswood or elsewhere will mean that Ross will not get the urgent care he requires at least once a month. Leigh says that realistically Ross will not travel outside the area to get his medication, because he is in denial of his illness. Therefore, Leigh and her husband will have to try to coax Ross to travel with them to Chatswood. Leigh said that the centre is comforting for her family and Ross because everyone there knows him and his condition.

Tracy, the daughter of Diane Gaddin, no longer lives in the area but regularly visits her family's North Shore home. Mrs Gaddin said that the centre is crucial to the wellbeing and safety of Tracy and her family, as carers can get to her home in 10 to 15 minutes. When Diane was asked what she thought the closure of the centre would mean to her, she replied, "I will do all that I can to see that the centre does not close down ... Chatswood is not easy for us to get to. I don't feel safe in Chatswood ... It is out of the question for my daughter to catch public transport to get to Chatswood." This is a common complaint when patients have an acute episode: how are patients expected to get on a bus and travel out of the area to seek desperately needed assistance?

KARUAH BYPASS

Mr JOHN BARTLETT (Port Stephens) [5.21 p.m.]: On Friday 17 September the Premier and the Minister for Roads visited my electorate to inspect the 10-kilometre \$123 million Karuah bypass. On Sunday 19 September, at a community open day, between 4,000 and 4,500 people walked across the bridge and were very impressed by the work carried out by Thiess. Tomorrow, Wednesday 22 September, the bridge and dual carriageway will be open to traffic. The \$123 million bypass was the last stage of three projects through Port Stephens that began 10 or 15 years ago. First was the \$78 million Raymond Terrace bypass, which saved about 30 minutes time for drivers travelling north. Second was the \$85.9 million Raymond Terrace to Karuah dual carriageway, and the final bypass and bridge saves another 30 minutes on the northern journey.

To put that into perspective, a few years back during the Christmas holidays drivers were forced to wait five hours to get through the Karuah township, with cars backed up to the Hexham bridge some 30 to 35 kilometres to the south. The Karuah bypass will result in a major improvement in road safety through the lack of frustration for drivers heading north. At the open day on Sunday I bumped into Bob Martin, the former member for Port Stephens, and his wife, Margaret. I congratulate them and Bob Horne, the former Federal member, on their vision for the Karuah bypass and for using their political influence to have the project constructed.

This wonderful project has already won three environmental awards. It provides a number of koala underpasses and photographs have been distributed showing koalas using the underpasses. In addition, crossovers have been provided for gliders. As gliders cannot fly across the four-lane expressway, crossovers allow them to partially cross, land and then complete their crossing. In total 30 crossings have been provided to allow native fauna to cross the expressway. The bridge was an incrementally pushed construction, with sections made on land and then pushed across the river using small jacks. That process was extremely successful in protection of the wetlands, because heavy cranes and equipment were not needed to lift huge concrete beams. Some months ago I stood with my 10 toes over the nose as 12,000 tonnes of concrete were moved the last metre of construction.

The construction was split, with the 200-metre bridge broken away from the 600-metre bridge. Both are now in place. The celebration afforded the community with a wonderful opportunity to inspect a road safety advantage for the whole of Australia. My contribution was generated by representations from the Karuah

Progress Association under the chairmanship of Ron Pevitt for the \$10 million overpass on the Newcastle side towards Karuah so that drivers do not have to cross oncoming traffic. I pay tribute to many members of the community including Dick Cressy, Enid Gentle, Jill Leith, Fred and Glynis McInerney, Ken Sewell, David Holliday, Bob Westbury, Sisters Paula, Yvonne and Wendy, Ellen and Craig Cox, Mike and Alwyn Allen, and the thousands of people from Port Stephens and the Hunter. That wonderful day was the lead-in to the huge increase in northern road traffic safety.

COMMUNITY PRESCHOOLS FUNDING

Mr STEVE CANSDELL (Clarence) [5.26 p.m.]: I raise the plight of community preschools in New South Wales. Only last week I moved a motion calling on the House to recognise the value to rural communities of community preschools. I also asked the House to acknowledge that community preschools have been grossly underfunded for many years and I called on Parliament to hold an inquiry into the lack of funding for community preschools. It seems that a report has already been done on such an inquiry. In December 2002 a report by the New South Wales Children's Services Forum was released entitled "Who Sank the Boat?" which was subtitled "The impact of under funding on community based preschools in NSW". That report states:

How will rural preschools continue to survive?

To remain viable and keep fees at the lowest sustainable level, many preschools have whittled away their budgets and provisions. Many preschools are now running on empty and without a significant injection of government funds, they will have no alternative but to increase fees. (There is little more that they can cut from their budgets.) However, to increase fees now comes at the worst possible time as the effects of the State wide drought impact on families and communities. This means that even more children may not be able to access preschool.

Recommendation:

- That the government takes urgent action to address the historical and systemic funding inequities for community preschools: Funding inequities that arguably most severely disadvantaged children living in rural and regional NSW.

Two months ago, in Parliament's winter break, I decided to do something about this. I put together a Pedals for Preschool Program to visit the 16 preschools in the Clarence electorate, to raise their plight in the community and to make the community aware that preschools have been struggling. The difference between community preschools and local long day care centres is that one category is very adequately funded by the Federal Government, but the other category—

[*Interruption*]

Obviously members opposite do not send their kids to community preschools. The preschools funded by the State Government are struggling to keep their doors open. Since becoming a member of Parliament I have visited Tabulam preschool, which has had trouble raising \$80 to put in a concrete ramp in fulfilment of a regulation. On Thursday 19 August the ride started at Nana Glen. The preschool director, Lisa Ralston, organised a morning tea in an attempt to raise funds and she encouraged children to draw stick figures of riders, which was fun for them. From there we rode to Glenreagh preschool. Narelle Chesman, director of that preschool, organised a sausage sizzle and an art competition. Parents brought their children's paintings to be sold in an attempt to raise funding. Jenny Ryder, director of Coutts Crossing preschool, organised a bike-a-thon and a sausage sizzle. Children had to ride around the oval. Kids who had training wheels got their bikes stuck in the mud, but they still had a ball. The smallest children, who were determined to get around the oval, got a bit of help from their parents and friends.

Grafton combined preschool organised a mini-Olympics. Over 100 children and at least as many adults—grandparents and parents—turned up to witness the sack races, tug-of-war events and egg and spoon races, which all the kids enjoyed. As it coincided with the Athens Olympics the kids were thrilled to take part in a similar event. We then visited Copmanhurst preschool, which organised a bike-a-thon. We also visited Westlawn, Jack and Jill, Lawrence, Yamba, Iluka, Sugartown, Evans Head, Coraki and Tabulam preschools and were received joyously by the children. With the help of the community we raised over \$9,000 in funding. Once again, ClubsNSW dug deep to help these communities. Representatives from local businesses, for example, surf clubs and butcher shops, were all present to help out on the day. The week's events terminated in a dinner and a great presentation by Gillian Calvert, Commissioner for Children and Young People, who fully understands the plight of these preschools. She lent support to the event by making a small donation, enabling these preschools to survive for at least another year.

COMMUNITIES FOR COMMUNITIES

Ms ANGELA D'AMORE (Drummoyne) [5.31 p.m.] This evening it gives me great pleasure to acknowledge the contributions of a local charity, Communities for Communities, which is based in the Drummoyne electorate. On Monday 20 September I had the pleasure of hosting the Communities for Communities women's luncheon. The luncheon was attended by over 100 local women and our guest speaker was the lovely Angela Catterns, presenter of the Australian Broadcasting Corporation radio 702 breakfast program and motivator of the 702 ABC Sydney breakfast knit-in. Angela Catterns has had a distinguished career spanning over 20 years in regional broadcasting. She also worked as a sound recordist on a documentary shot in Papua New Guinea, followed by work on the highly popular children's television show *Simon Townsend's Wonder World*.

In the mid-1980s Angela joined the ABC's youth network, Triple J, as producer of its morning show before being lured to commercial radio to present mornings on 2SM. After that came a position at the SBS as a researcher and producer and then a stint overseas fulfilling a long-held ambition to work in American radio. Angela Catterns returned to the ABC as presenter of Triple J's morning show. After six years in the position she moved to the network's *Drive* program before making the move to ABC local radio, presenting the evening's program across New South Wales. Angela Catterns returned to 702 and took up the breakfast knit-in challenge. I am proud to acknowledge that she is a local girl who grew up in Drummoyne. It was great to have her back in the electorate as a guest speaker at the luncheon.

Angela Catterns also outlined the successful record attendance at the 702 ABC Sydney knit-in, which has been running now for two years. Women from all over New South Wales come together to knit and sew squares into wraps while listening to a special live broadcast by 702 ABC's Sydney breakfast show with Angela Catterns. Over 1,000 people attended this year's knit-in and hundreds more participated in their homes, in offices and at regional ABC centres around New South Wales, resulting in hundreds of woollen wraps being made and donated to the needy overseas. I thank Angela Catterns for her presence.

The Communities for Communities foundation is based on three principles. First, it is about building, experiencing and celebrating the community. Second, it is about reaching out and helping another community in need. Third, it is about creating a sense of awareness by providing an insight into the communities that are being helped—their stories, their plight and their needs. In 2002 Lance Brooks, an Abbotsford resident and participant in *Australian Survivor*, together with a group of residents, established Communities for Communities. The first project assisted the community of Ranong, which is located on the border of Thailand and Burma. Currently, over 450 Burmese refugee children in Ranong are benefiting from the work of Communities for Communities. It has built nine schools, it is educating local teachers and it is providing learning materials for students.

Since the charity commenced in 2002, members of Communities for Communities have raised in excess of \$160,000. Of that amount \$60,000 has gone towards assisting refugee children in Ranong, for which I thank them. Thousands of members of ethnic minorities originally from Burma who are suffering extreme financial hardship have been forced to seek employment in the fishing industry in Ranong which, as I said earlier, is located on the border of Thailand and Burma. One of the main problems facing these people is a lack of facilities, in particular, educational resources for their children. The money raised by Communities for Communities will go a long way towards securing their educational future. Communities for Communities held a number of trivia nights, golf days, family movie days, yoga in the park and a big picnic to raise these funds. All those events encourage residents in the Drummoyne to become involved in projects that have far-reaching benefits for less fortunate communities.

At the Communities for Communities luncheon we were fortunate to have performers Amanda Johnson and Peter Kinch. After being inspired by the work of Communities for Communities for refugees, Amanda Johnson, a local resident, wrote a song called *Brand New Day* which was recorded with the help of folk at Communities for Communities and which was played at the luncheon. It is now available on CD for people to purchase. Alex Montana-Caceda outlined at the luncheon future projects that would be undertaken by Communities for Communities in the Philippines to assist children and their families. My thanks go to the president, Lance Brooks, to the secretary, Sally Wormer, and to the treasurer, Geoff Power, for their hours of volunteer work.

My thanks also go to committee members Sally Warner, Liz Di Qual, Anna Falcone, Carolyn Kennedy, Amanda Johnson and Louise McCarthy. Special thanks go to Richard and Marie, the owners of Abbotsford Cove café, for their wonderful meal. They make the best chicken risotto in Drummoyne. My thanks go also to

the sponsors—Ecco Restaurant, Drummoyne; Over the Top Hair Design, Five Dock; Concord Beauty Spot, Concord; Worthington's Garden Centre, Drummoyne; and Cellarbrations, Abbotsford. I thank every woman who participated in the luncheon. I look forward to a long and productive relationship with Communities for Communities, which is very active in Drummoyne. I look forward in the near future to supporting that organisation in all its events. I am sure it will raise a great deal of money for communities overseas. I thank it for its efforts.

HAWKESBURY REGION SEWERAGE SYSTEMS

Mr STEVEN PRINGLE (Hawkesbury) [5.36 p.m.]: All honourable members would be aware of the recent salvinia outbreak on the Hawkesbury River. Weeds stretch for kilometres and from riverbank to riverbank. The reasons for that would be the drought and the fact that nutrient levels from the sewerage treatment plant should have been updated a long time ago. One of the major factors that contributed to this problem relates to on-site sewerage systems. Unfortunately, in the Hawkesbury electorate a lot of towns still have on-site sewerage systems. I refer to Galston, Glenorie, Freemans Reach, Glossodia, Wilberforce and other towns in my electorate. The neighbouring electorate of Londonderry, in which Agnes Banks is located, is also experiencing serious problems.

Tonight I wish to focus on the three-town sewerage project, which covers the towns of Wilberforce, Glossodia and Freemans Reach. They are located only 50 minutes from Parramatta and are closer to the geographic centre of Sydney than a lot of other suburbs. In the mid-1970s reticulated sewerage systems were to be installed in those towns, which was not a very big ask. I believe it is reasonable to expect modern cities such as Sydney to have sewerage systems. In 1997 Kerry Bartlett, the Federal member of Parliament, commissioned an environmental impact statement [EIS] which clearly outlined how sewerage systems would be implemented in those three towns. Unfortunately, that EIS is sitting on the shelf gathering dust because this Government does not consider it to be a serious problem.

Unfortunately, the alleged completion date of 2008 has now been extended. I know that a number of other honourable members have similar problems in their electorates. Since becoming a member of Parliament I have continually raised this problem and I have presented a number of petitions. Clearly, there is only one solution to this problem—the speedy installation of sewerage systems in those three towns. I will refer to some interesting figures. Approximately 1,688 properties are affected, but only 498 are suitable for alternatives, that is, the biocycle system and other sewerage treatment plants.

Some local residents pay more than \$3,000 per annum to cover pump-out costs. Families pay an average of \$1,246 for a fortnightly service. That is a huge impost for families who are often struggling. I draw the attention of the House to the fact that there is no subsidy. Residents of the Blue Mountains receive a subsidy because allegedly the area has higher environmental values. All honourable members will be aware that the Hawkesbury River has environmental values and qualities similar to those of the Blue Mountains. The subsidy must be extended but, even more important, we must ensure that sewerage services are provided as quickly as possible.

In 2001 the cost of the project was estimated at \$15 million. That is not much to ask from this Government's budget of some \$31 billion—after all, the Government is literally awash with money from the goods and services tax, stamp duty payments and so on. This is clearly a State government responsibility; it is no good farming it off to the Federal Government. The cost of the Priority Sewerage Program, which has two stages, continues to blow out. Stage 1 projects have been delayed further. For example, the Minister for Energy and Utilities claimed in a recent answer to a question on notice that the Mount Kuring-gai project was well and truly under way. Unfortunately, it is not as the cost of having to bore down some 70 metres to hit the mains has delayed the project yet again. As a result stage 1 projects under the Priority Sewerage Program will not be completed on time and stage 2 projects, such as at Agnes Banks and elsewhere, are a long way off.

The benefits of this project are certainly extreme and include cheaper costs and major environmental benefits, such as fewer nutrients flowing into rivers and fewer problems for the local environment. Local residents are demanding their fair share of the Government's promised improvements to their area. The Government has a lot of money to spare and this is a major environmental problem. The current situation is unfair and inequitable and the problem must be fixed. We need less hot air and more action from the Government. It is a State responsibility: Get on with the job!

NATIONAL ABORIGINAL AND ISLANDER DAY OF OBSERVANCE COMMITTEE WEEK

Ms LINDA BURNEY (Canterbury) [5.41 p.m.]: In my speech this afternoon I hark back to the National Aboriginal and Islander Day of Observance Committee [NAIDOC] week, which was in the first week in July during the parliamentary recess, and to some of the touching and exciting events in which I participated. Such events are important because, despite the efforts of the Federal Government to halt the process of reconciliation, some very good things are happening at a local community level.

For example, I felt extremely privileged to be the special guest at a joint assembly of the Canterbury Girls High School and the Canterbury Boys High School. Jennifer Daylight, a former student, addressed the assembly before Starley Hope, a young indigenous girl from the Torres Strait and a *Popstars Live* finalist, performed a musical item. This was followed by short speeches about the meaning of NAIDOC week by young Koori students Malarie Webster, Kimberly Simpson, Elisha Douglas, Terry Myers and Lachlan Broadbent from years 9 and 10 at both schools. It was interesting and touching to hear them speak of their families, their pride and their joy at attending the schools. Importantly, I noticed the absolutely wonderful reception these young people and the NAIDOC event received from Canterbury girls and boys high schools. That says something about the attitude to social justice at those schools, the values they teach and the value they place on their students from many different backgrounds.

A few days later I attended Hurstville City Council's NAIDOC week celebration. I spoke at the celebration's opening ceremony, which included traditional indigenous events, a smoking ceremony, welcome to country and bush tucker. I made sure that I contacted the office of the local member before I attended. I also telephoned the Leader of The Nationals, whose electorate includes the Kempsey area, before I attended a debutante ball in Kempsey. The debutantes were presented to me—it was an unfamiliar role for me—and two elders from the community. The families were so proud of the young women making their debut, who were extremely nervous. It was a wonderful night and a very good event, attended by many from both the Aboriginal and the non-Aboriginal communities.

A few days later, on 9 July, I dropped in on the Mudgin-Gal Aboriginal Corporation Women Centre's NAIDOC family day at Alexandria Park. These days are annual events and it was fantastic to see the local community, schools and organisations represented on a day that was rather cold and a bit wet. There was entertainment, including sports and games, and many government stalls offering information about the services they provide. For me, NAIDOC week this year was as diverse as the electorate of Canterbury. I visited the city and the country and attended many different events. Whilst in Kempsey I also went to a fantastic community barbecue. I came away from NAIDOC week with the impression that reconciliation is well and truly alive—perhaps not on the national scene, but certainly in local communities. I congratulate all schools, councils and community groups on working together and ensuring that local events still take pride of place on community calendars across New South Wales.

GOULBURN EMPLOYMENT

Ms KATRINA HODGKINSON (Burrinjuck) [5.46 p.m.]: Goulburn is a bustling and vibrant centre that proudly bears the title of Australia's first inland city. Modern housing developments share space with large streets full of beautiful heritage houses. The city centre is easily accessible, with fantastic road and rail links to both Canberra and Sydney. The area around Goulburn is one of rapid growth, as people seeking a lifestyle sea change settle on small-acre residential developments. Nevertheless, the Goulburn district retains its character as a prime agricultural area. The City of Goulburn has always been a railway town and the Rolling Stock and Fabrication Centre is hard to miss as a local landmark. It also hosts the Goulburn Correctional Centre and the Goulburn Police College. All these facilities are of significant importance to the economy of Goulburn.

But today Goulburn is finding out the real meaning of a Labor Government commitment. On Wednesday 12 March 2003 the Premier visited Goulburn to make a pitch for local votes. Perhaps he was smarting from an earlier editorial in the local newspaper, the *Goulburn Post*, that said "The Premier needs to reconnect with the Bush." Whatever his motivation for coming to Goulburn, during his visit he announced a raft of measures for rural New South Wales, including the transfer of 109 Corrective Service jobs to the city. Now, almost two years after making this promise of new jobs for the area, the Carr Government is ripping the heart out of the Goulburn district, with potentially 300 government jobs on the line.

The reality of Labor's lies and deceit is finally being revealed. Just as in March 2002 it reneged on its 1999 election promise to transfer the Corrective Services headquarters to Goulburn, Labor is now worming

around trying to find an excuse for the Premier to break his word again. As usually happens when breaking a promise to the people of New South Wales, the Premier has gone to ground and is nowhere to be seen. The bad-news role has been given to a spokesperson for the Minister for Justice who stated recently, "There is no guarantee that they"—the 109 Corrective Services jobs—"will come to Goulburn."

The feeble excuse offered by the Carr Labor Government is that there is no suitable office space in Goulburn. However, it is well known that part of the former Mulwaree Shire Council chambers is now vacant. I note that a member of The Nationals in another place, the Hon. Melinda Pavey, questioned the Minister about this issue during estimates committee hearings last week. The Mulwaree council building may not have marble and stucco, but it is highly unsatisfactory to the city for the Minister to simply claim in the estimates committee hearing that the building is inadequate, without providing his reasons. Union sources have also revealed that up to 40 existing Corrective Services jobs, mostly at Goulburn gaol, are also in the firing line. As I said earlier, Goulburn has always been a railway town. But under the centralist push of the Carr Labor Government that is looking less and less like an appropriate description. Between 1997 and 2001 the Carr Labor Government slashed 79 railway jobs from Goulburn. The Labor Government's failure to honour its commitment to former FreightCorp staff resulted in another 53 railway jobs being lost last year to Goulburn.

History is now repeating itself with a further 88 railway jobs in construction, signals, track maintenance and bridge inspection identified as being unnecessary because of the Labor Government's accession to the Australian Rail Track Corporation [ARTC] deal. The Carr Labor Government could have given a commitment that it would retain these jobs in Goulburn as part of the ARTC deal, but it deliberately and callously ignored the aspirations of many rail workers in Goulburn. In an apparent attempt to force these workers to take so-called voluntary redundancies Labor has left them swinging in the breeze with no meaningful work, job retraining or counselling. In any event, whatever the workers decide, the jobs themselves will be lost in Goulburn. Since 1984 the Goulburn Police College has had a valuable association with the City of Goulburn. Staff at the college contribute significantly to the community of Goulburn, and the students are a major factor in the strength of the rental housing market.

Even the Police College is suffering from Labor's demonstrated lack of support for the economy of Goulburn. I have been informed that there are approximately 40 unfilled positions at the college and the Labor Minister for Police has recently overseen the decision to declare 16 more employees as surplus. I note that on 11 August even the President of the Goulburn branch of the Australian Labor Party was quoted in our local paper, the *Goulburn Post*, as saying that the branch "expressed its displeasure that the State Government was becoming increasingly interested in bottom lines and not in services". Even the Labor Party does not support the Carr Labor Government's slash- and-burn approach to important government jobs in Goulburn.

The Government should hang its head in shame at the way it has deceived the citizens of Goulburn and district. It is obvious that local members of the Labor Party are embarrassed and upset about the betrayal of their beliefs by their own party. Upwards of 300 government jobs are either being ripped out of Goulburn or are the subject of broken promises by the Labor Government. That means a conservatively estimated loss to Goulburn of pay packets worth up to \$12 million a year. The Labor Government stands condemned for its betrayal of the people of Goulburn—condemned for actively hurting the economy of this vibrant city and condemned by its own supporters for lying to the people of Goulburn.

CLUBSNSW CARLENNIUM

Ms NOREEN HAY (Wollongong) [5.51 p.m.]: I bring to the attention of the House a recent event that took place in Wollongong, an event that combines the spirit of giving and some of the greatest rock and roll hits ever to hit the charts. I am referring to the Rock Legends Bash which was held on Saturday 11 September and hosted by the Shepherd Centre at the Illawarra Master Builders Club. Companies were encouraged to buy an official Rock Legend table for the event. By paying an extra premium donation to the Shepherd Centre they could compete in the Rock Legends Challenge. To do that they could either have those at their table sing one of their legend's hits with the band—

Mr Wayne Merton: What did you sing?

Ms NOREEN HAY: I had a professional entertainer sing a song for me. As a judge, I know the professional entertainer was extremely good. I presented the prize, which was a fabulous trophy called "The Rock" donated by Creations in Glass and also the naming and logo rights to the \$100,000 Carleonium funny money, which was used at the event instead of real cash. Ten acts, including Tom Jones, Jennifer Lopez and

Sonny and Cher, went head to head. The evaluation panel was made up of lawyer Malcolm Heard, Illawarra Regional Information Service boss Martin O'Shannessy and myself—and can I say that the performers were no Australian Idols! Whilst the scores fluctuated wildly, "ABBAritions" by Hilton King lawyers managed to walk away with the honours. The Rock Legends Bash was held to launch the Wollongong flagship event, ClubsNSW Carlennium 2005. At the end of the performances the Wollongong lady mayoress, Ms Michelle Darling, ClubsNSW Keno Executive Director Raelene Breakwell, Illawarra Master Builders board member John Carr, and Shepherd Centre Director Trudy Mitchell detonated a fireworks display which launched the Shake, Rattle and Roll Legends Tour, Carlennium 2005.

ClubsNSW Carlennium is a Wollongong innovation and has proved itself to be a first-class driving event in every sense of the word. It is strongly supported by the Illawarra and Wollongong communities, with people coming from across the State to enter. I know my colleagues in the Illawarra—the honourable member for Heathcote, Paul Macleay; the honourable member for Illawarra, Marianne Saliba; the honourable member for Kiama, Matt Brown, and the Minister for the Illawarra—are supportive of this event, which is held to benefit the Shepherd Centre. It is a fantastic way to promote a product, business, town or tourism facility. Each year the event takes a different theme based on where the Carlennium travels to. This year the theme was the shake, rattle and roll legends tour. Each day is also themed, and entrants are encouraged to dress the part. Networking opportunities are endless. However, many just come along for the great drive and to help promote the spirit of goodwill and community in country areas of New South Wales.

The event is not a race or rally. The most important thing is that speed is not important. It is an untimed navigational event that takes people on a magnificent drive into the pristine countryside of New South Wales. Along the way participants join in some fun and games with the local communities in the event's stopover towns. Whilst the event travels over some dirt roads, it does not leave public roads. The safety of passengers and vehicles is of the greatest importance. Any vehicle can participate, providing it is roadworthy and meets scrutineering standards. The entrants' preference is always for attention-grabbing older vehicles, with over-the-top decorations and cleverly co-ordinated car and crew themes. Corporate buses are also part of the event. Despite all the fun and madness, the ClubsNSW Carlennium has a serious side, that is, raising funds for the Shepherd Centre. Over the past four years the Carlennium has raised more than \$700,000.

The Shepherd Centre assists deaf and hearing-impaired children to speak and communicate in a normal hearing world. It supports six centres across New South Wales and the Australian Capital Territory. The honourable member for Illawarra and I are considering entering the 2005 Carlennium spectacular. The programs are family centred, with the parents being taught how to best assist and raise their deaf children to lead normal lives. The Shepherd Centre services are provided free of charge. However, limited funding makes it necessary for the centre to rely on special support groups and the general public to generate enough funds to provide required equipment, facilities, staffing and services.

CRESTWOOD PUBLIC SCHOOL TOILET FACILITIES UPGRADE

Mr WAYNE MERTON (Baulkham Hills) [5.56 p.m.]: On 18 March I referred in this House to my concerns about the toilet facilities at Crestwood Public School, an excellent school located within my electorate that provides a high standard of public education. Last month I accepted an invitation from Heidi Watts, a schoolteacher, to visit the school to speak to students about my role as a member of Parliament. This was an interesting time with many extremely bright young people eager to learn about how the State Government works and about the political process in general. The young people were extremely intelligent, interested, keen and enthusiastic to learn about how their State and Commonwealth governments operate.

In March I referred to the need to replace the toilet facilities at the school, the president of school's parents group, Mrs Judith Green, having advised me that the parents had been endeavouring for a number of years to have the toilets at the school upgraded. In fact, in December 2002 a letter was forwarded to the former Minister for Education and Training. In March 2003, the Minister advised the school that the toilet facilities would be considered for inclusion in the 2003-04 capital works program. However, the school had not received any confirmation that the works had been included in that capital works program. Following my representations to the Minister I received a response dated 13 May which stated:

... funding for a project to upgrade the toilet facilities at Crestwood Public School will be considered in the context of future capital works priorities.

Surely the Carr Labor Government should lead by example and provide acceptable toilet facilities for the State's students, including those at Crestwood Public School. The letter I received from those two students is a plea

from the heart. How should I respond to them? Do I tell them the Carr Government does not care about their circumstances? Mrs Green has asked why the toilets at Crestwood Public School are left in their present state and children are being treated as second-class citizens. Crestwood Public School is located within Australia, not in some third-world country. They should not have to put up with such a poor standard of toilet facilities. By voting down the Opposition bill that would have created a register of school buildings and plans for their upgrade and replacement, the Government missed the opportunity to show that it has a commitment to the orderly and properly planned upgrade of schools. Last year Crestwood Public School also faced problems with leaking roofs and a lack of airconditioning.

It is completely unacceptable for parents to be kept in the dark as to when toilet facilities at the school will be upgraded. Those toilet facilities are a health issue, and as such should be treated as requiring the utmost priority. I call upon the Minister to provide the necessary information as to when the students of Crestwood Public School can anticipate an upgrade of their toilet facilities. This is a first-rate State school. The parents are enthusiastic, and they support the school and the teachers. All they are asking for is the provision of decent, clean, sanitised toilets. Is that asking too much? When I received that plea from those year 4 children I was so moved I could not do anything for five minutes. I kept reading their handwritten letter pleading for the toilets at their school to be fixed. They did not want to go to Disneyland. They did not ask for the world. They did not want a new library or assembly hall. All they want are clean, decent toilets. I have heard stories of young people who refuse to use those toilets because of their state of disrepair. Minister, please help the young people of this school.

ARMIDALE PINE FOREST

Mr RICHARD TORBAY (Northern Tablelands) [6.01 p.m.]: The Pine Forest, as it is affectionately known, has had a special place in the hearts of the people of Armidale over a long period of time. It was once part of a larger common that was set aside in 1866. In 1910, 246 hectares were hived off to become the Armidale Afforestation Station, one of the earliest pine plantations established in the State. This followed the finding of the 1908 royal commission that the State faced a critical shortage of softwood timbers. Plantings continued intermittently until 1936, when there was a statewide review of all pine plantations, which concluded that the area was not particularly suited to pines. From that date the plantings stopped and it was subsequently proposed that the area be disposed of as private farmland. However, in 1947 the local State Member of Parliament, Mr David Drummond, stepped in to preserve the forest, arguing strongly in favour of its local benefit as a children's forest, a recreational area and a community asset.

Limited planting resumed in the mid-1960s and continued until 2001. The mixture of large, mature trees with abundant natural regeneration has created a forest with quite a unique environment. The on-again off-again nature of its development with a combination of softwood, and native and exotic species, resulted in it behaving more like a natural forest than a traditional plantation. That unique ecology was threatened in 2000 when State Forests, now a trading enterprise, decided to undertake clear felling. Initially around 20 hectares was lost in the first round, with regular rows of new trees being planted to replace them.

People in the local area were so concerned that this irreplaceable ecosystem would be lost that they formed their own organisation, Friends of the Pine Forest, a dedicated and hardworking organisation. Their aim was to maintain the area as a reserve and appoint a trust to preserve the forest's scientific, historical and recreational values. A heritage nomination has also been submitted. In recent developments the Government has considered privatising the softwood estate, of which this small forest is part, and the issue remains yet to be finally resolved. Following several years of unsuccessful negotiations with State Forests to vary their commercial zoning, Friends of the Pine Forest is now proposing that the area be managed by local trustees as a community reserve. Local volunteers would assist in maintaining the reserve, but this would require \$40,000 annually to employ a forest ranger. The trust would develop a management plan to sell off some of the timber from the forest to pay for the forestry operations that are needed.

At present the pine forest is well used by the community for horseriding, to exercise dogs, and for family picnics, walks, orienteering and school excursions. It is home to a diversity of wildlife and is of enormous interest to natural resources researchers because of its unique development over more than 100 years. The forest does not fit comfortably with the wider plantation estate. It is the oldest surviving forest of planted conifers within the State, and possibly the nation. Should the Government agree to the plan of Friends of the Pine Forest, the forest would be restored to its prior public land tenure as a Crown reserve for heritage, public recreation and environmental protection purposes.

A public reserve would recognise the crucial role that the adjacent community plays in the welfare of the forest, especially the Rural Fire Service, which has already "saved" the forest several times from bushfire. It would also represent a win for the local and State economy through increased employment and freeing the government agency involved from the constraint of the 1988 plan of management for the State forest. There is, however, an ongoing legacy of management that will require some limited recurrent funding from the Public Reserve Management Fund. There would also be considerable environment benefits through appropriate management that recognises the wonderful heritage values involved and delivers improved outcomes, not possible under present management. These include collecting rubbish, removing environmental weeds like pyracantha, thinning dense regrowth, stabilising riverbanks, managing public use during wet weather or high bushfire danger periods, and restoring vigour to the stand by appropriate thinning and culling.

The nature conservation values of well-managed plantations are substantial but are not well known. Timber management would be transformed from single-age class rotations with clear felling, with all of the associated negative impacts, to one that applies selective tree harvesting. This simple alternative creates stands of multiple ages, similar to the management systems used in native forests, and relies on natural regeneration. I strongly urge the Ministers involved to seize this opportunity and implement the changes that are needed to create far better outcomes from the limited public funding that is available rather than pursuing the course of current management.

STANDING TOGETHER AGAINST CRIMES OF SEXUAL ASSAULT

Mr PETER DRAPER (Tamworth) [6.06 p.m.]: Today I highlight the work of a support group in my electorate that has formed to help families recover from the emotional trauma of having a child fall victim to sexual assault. Sex crimes against children remain a silent epidemic in today's society, with little distinction between city and country trends. Figures from the Bureau of Crime Statistics and Research reveal a steady rise in the number of sexual assault incidents reported to NSW Police in recent years. It must be noted that in December 2000 under the Child and Young Persons (Case and Protection) Act 1998, it became mandatory for all people who work with children to report any incidents or suspected incidents of child neglect or abuse. The figures jumped slightly from 1999 to 2000, but in the years between 2000 and 2003 there was a steady increase in the number of reported incidents involving children aged 0 to 18 years, with 4,033 sexual assault incidents recorded in 2003. Some 1,765 of those victims were aged 15 and under.

At a local level, in the six years since the formation of the NSW Police joint investigation response team in Tamworth, the team reports an average of 240 notifications a year to the Department of Community Services Helpline relating to children as victims of sexual assault or serious physical assault. Tragically, the majority of these notifications relate to sexual assault. The response team, known as JIRT, services an enormous area in the north-west, stretching between Singleton, Guyra, Gunnedah and Walcha. This means that in the past six years around 1,400 families in this area have been touched in some way by this type of crime. With these figures in mind it was with great interest that I learned of a support group that has formed in Gunnedah to address the emotional support needs of such families. It began as Daisy Chain in 2002 but has since evolved into STACSA—an acronym for Standing Together Against Crimes of Sexual Assault. Beginning with three families, the members shared the common experience of being parents of children subjected to some form of sexual assault. Tragically, this group included a family who lost their son to suicide. His death was linked to the sexual abuse he suffered earlier in life.

With the backing of the Gunnedah Family Support Service, STACSA was launched at the 2002 Reclaim the Night in Gunnedah and has since grown to include around 12 members. The group—which comprises parents, siblings, extended family and community members—focuses on healing by providing a support network for people to share their common experience. As parents, the foundation members knew they needed the love and support of people who completely understood the pain and frustration they were feeling. It is important to note that STACSA has become a positive tool for educating the community. It is hoped that through education more children can be protected. The formation of a group also has opened up networking opportunities, with members regularly attending interagency meetings convened by the Department of Community Services. The group has identified inadequacies within the legal system, which they hope to highlight through these meetings.

The department's Rural Victims of Crime Bureau Northern Region co-ordinator, Preeti Kotwell, has been of great assistance. She was instrumental in securing a one-off victims of violent crime grant of \$15,000 in 2003. The grant has enabled STACSA to purchase office equipment, hold public forums, print brochures and run public courses, which STACSA members attend to gain knowledge. Foundation member Julie Scott, a

mother whose life has been irrevocably changed as a result of sexual abuse, described STACSA as a healing tool with a significant role to play in Gunnedah. No other organisation in the north-west provides this type of emotional support. It is not surprising that the concept is gaining momentum. Recently a group formed in Orange and a group of like-minded individuals in Armidale has indicated its interest. The victims are now taking inspiration from their parents, with plans to start a group of survivors in Gunnedah to share experiences, lend support to others, and highlight where the system let them down. As Mrs Scott said:

The children can see the power they get from having a voice. Their voice was taken away as children and they can see how it has helped their parents, because they can see a change in them.

The survivors group will be launched on 26 October at a STACSA public forum featuring Australian of the Year Donna Carson, a badly burned victim of domestic violence, and Howard Brown from the Victims of Crime Assistance League. STACSA is active in holding such forums to raise the profile of its work and to extend its services to the wider community. Despite their very important work, STACSA remains without a venue. Members meet in private homes. Following my meeting with STACSA representatives in Gunnedah I approached the Minister for Commerce requesting a subsidised office space in Gunnedah. I highlighted the fact that in rural New South Wales STACSA is just scratching the surface of a deeply embedded and very painful issue. Although some people wish to bury child sexual abuse to protect the victims, STACSA believes it should be in the public eye. As Julie Scott said:

It happens to a child because of secrecy and that's what protects it.

As a first step to ongoing success STACSA needs an office to co-ordinate its activities and to meet. Nothing elaborate is required, and there is underutilised space in a government building that would be ideal. I sincerely hope the New South Wales Government is prepared to lend unqualified support to this visionary group of volunteers who are prepared to confront this hidden blight. They take a brave stand against the sexual assault of children. We must find them an office and lend support to their great work so they can continue to offer these services to the Gunnedah community.

Private members' statements noted.

BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Aboriginal Land Rights Amendment (Gandangara Estate) Bill

[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 6.12 p.m. The House resumed at 7.30 p.m.]

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [7.30 p.m.]: I move:

That standing and sessional orders be suspended to provide for the following routine of business on Wednesday 22 September 2004:

1. At 11.00 a.m.:
Speaker takes the Chair;
Ministerial Statements;
Notices of Motions;
Petitions (lodged by 9.00 a.m.);
Placing or Disposal of Business;
Formal Business;
Committee Reports—
tabling;
Questions; and
Ministerial Statements.
2. From 2.15 p.m.:
Call for Notices of Urgent Motions;
Announcement of Matter of Public Importance;
Motions for Urgent Consideration;
Matter of Public Importance; and
Government Business.
3. Private Members' Statements shall be at 5.15 p.m.

I will speak briefly in support of the motion. As I indicated to the House last week, the Premier intends to attend the final session of the Forbes Global CEO Conference in Hong Kong. He is required to leave tomorrow afternoon. To facilitate his availability for question time, it is proposed to hold question time at 11.00 a.m. I indicate to honourable members that when I move the special adjournment this evening, I propose to adjourn the House until 11.00 a.m. tomorrow. We will begin at 11.00 a.m. and go straight into question time and the business I have outlined. I commend the motion to the House.

Mr ANDREW TINK (Epping) [7.33 p.m.]: I do not doubt for a minute that the Forbes Global CEO Conference is an important conference. It is a good thing that the conference will be held in Sydney in August 2005. That is a very pleasing and welcome development and it is a very important development. However, I get lost trying to see the need to have the business of the House reordered to facilitate the Premier's going overseas tomorrow, and for him to be absent for question time on Thursday. As I did not see the need for that to happen, I took a closer look at the conference on the Forbes web site. It refers to the fourth annual Forbes Global CEO Conference, 21 to 23 September 2004, at the Grand Hyatt, Hong Kong. The Premier will apparently be a speaker at the closing lunch on the topic of "Developing global cities: the road map to hub status". He will apparently speak about the mix of policies, infrastructure, the rule of law, tax and the skilled work force that is needed to win the race to attract enough foreign direct investment and multinational corporation regional headquarters to qualify as a hub city of the region.

As matters stand with this Government, the Premier personally fails on every one of those counts. The Premier has the hide to travel to Hong Kong tomorrow and speak about the rule of law when he ought to be in New South Wales. Tomorrow Independent Commission Against Corruption Assistant Commissioner John Clarke will hand down his findings on contempt against the Premier personally. The Premier is fleeing the jurisdiction of New South Wales on the very day that the most important legal proceeding in 20 years is being taken against a Premier of New South Wales. In Hong Kong the Premier will lecture the world's chief executive officers about the rule of law in New South Wales, which he is fleeing to avoid contempt. That alone is an absolute disgrace and is a joke. He ought to be explaining in Hong Kong why he is being called into question for contempt per se. How he can lecture on the rule of law when he is about to be done for contempt in New South Wales is utterly beyond me.

The Premier will also be talking about tax. He will be referring to the Hon. Michael Egan's vendor stamp duty and saying what a cracker of an idea vendor stamp duty is. It is such a good idea that New South Wales is the only jurisdiction in Australasia that has brought it in. It is so good that New South Wales property transactions have gone through the floor. It is so good that we are losing money on ordinary stamp duty as a result of the genius in the upper House and the Premier's good self running that idea as a government tax policy—which, by the way, they did not dare run past Treasury before bringing in. Tomorrow and Thursday the Premier will avoid Parliament and will instead crow to the world's CEOs about his taxation policy. He will speak about infrastructure, and perhaps while he is there he also will crow about how he and his genius Minister for Transport Services, the Hon. Michael Costa, canned the Epping to Parramatta rail link—one of the great rail lines for the future to link the northern and western parts of the Sydney region. It is a visionary idea to link the Central Coast, the Gosford area and the Newcastle area to the growing areas of Parramatta and Western Sydney.

Perhaps the Premier has seen what a great job the Prime Minister, Mr Howard, has been doing in the western suburbs of Sydney with Federal members of Parliament such as Jackie Kelly and Ross Cameron and has decided that there is no point in building a rail line that will look after the western areas of Sydney. There are no Labor electorates left in Western Sydney, so the Premier might explain while he is in Hong Kong why he canned the rail link from the northern line to The Hills. He might also explain why infrastructure expansion in the form of massive housing development is taking place in Western Sydney that would make Hong Kong look like a low-rise area, and why he suddenly canned the mass transit system that was designed to serve that area. If Western Sydney is an example of good planning and good infrastructure development, regrettably the CEOs will see through the Premier even more clearly than have the New South Wales people over the past few weeks. The Premier should be here tomorrow and Thursday. He should not be going to Hong Kong to hide from his legal obligations and avoid facing the music. He should face the contempt findings that will be handed down against him tomorrow. It is an absolute joke that the Premier is going to Hong Kong to hide from the operation of the law in New South Wales. It is a joke for him to pretend to speak about the rule of law. [*Time expired.*]

Motion agreed to.

BUSINESS OF THE HOUSE**Bill: Suspension of Standing and Sessional Orders****Motion by Mr Carl Scully agreed to:**

That standing and sessional orders be suspended to provide for the introduction and progress through all stages at this sitting of the Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill, notice of which was given this day for tomorrow.

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT (NORFOLK ISLAND PRISONERS) BILL**Bill introduced and read a first time.****Second Reading**

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [7.40 p.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill is a short bill, which I trust will find support from all members of the House. The background to the bill is that on 19 July 2004 Leith Buffet was charged with the murder of his father, a Minister in the Norfolk Island Government. On 20 July 2004 the Norfolk Island Court of Petty Sessions remanded Leith Buffet in custody. Leith Buffet is 25 years old and has a history of mental illness. The remand cell in which Leith Buffet is presently being held is unsuitable for long stays, especially for a person who needs psychiatric care. The Norfolk Island Government has asked the New South Wales Government to accommodate Leith Buffet in Long Bay Hospital.

Long Bay Hospital is a highly secure general and psychiatric hospital that accommodates remand and sentenced inmates and certain persons found unfit to plead on mental illness grounds. Long Bay Hospital is a proclaimed correctional centre. Long Bay Hospital would be appropriate placement for Leith Buffet under the circumstances. However, there is no legislative mechanism by which the Norfolk Island Government is able to transfer Leith Buffet to a New South Wales correctional centre. Sections 47 to 50 of the Crimes (Administration of Sentences) Act 1999 provide for the transfer from Norfolk Island to New South Wales of sentenced prisoners but not remand prisoners: Leith Buffet is a remand prisoner. This bill will amend sections 47 to 50 of the Crimes (Administration of Sentences) Act so that not only sentenced prisoners but also remand prisoners may be transferred from Norfolk Island to New South Wales.

The amendments will mesh with Norfolk Island's Removal of Prisoners Bill 2004, which will be introduced into the Norfolk Island Legislative Assembly shortly. The Norfolk Island bill is modelled closely on the Australian Capital Territory's Removal of Prisoners Act 1968. Under that Act, the Australian Capital Territory is able to transfer remand and sentenced prisoners to New South Wales. The Australian Capital Territory Government pays the New South Wales Government a daily fee per prisoner in respect of those prisoners transferred from the Territory to New South Wales. Both the New South Wales bill and the Norfolk Island bill provide for the relevant legislation to commence on the date of assent. While the circumstances of Leith Buffet are the motivation for introducing the bills, the bills apply generally. I commend the bill to the House.

Mr ANDREW HUMPHERSON (Davidson) [7.43 p.m.]: The Opposition offers strong bipartisan support for the Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill. The Opposition is completely supportive of the purpose and objective of the bill. The amending bill will allow for a particular offender to be transferred from Norfolk Island to a New South Wales correctional facility while that offender is on remand. Under existing New South Wales legislation a person facing charges on Norfolk Island cannot be brought to and placed in a New South Wales correctional institution. By way of background, on 19 July 2004 Leith Buffet was charged with the murder of his father, a Minister in the Norfolk Island Government. On 20 July the Norfolk Island Court of Petty Sessions remanded Leith Buffet in custody.

The alleged offender, Leith Buffet, is 25 years old and has a history of mental illness. However, because of circumstances on Norfolk Island, the Norfolk Island Government has asked the New South Wales

Government to assist in accommodating him in the Long Bay Hospital at the Long Bay Correctional Complex in southern Sydney, until such time as he can face charges and whatever follows from that. That is a sensible thing to do. This is similar to an arrangement with the Australian Capital Territory, under which convicted and remand prisoners can be accommodated within the New South Wales correctional system. The same principles would apply to offenders who are held in the Norfolk Island jurisdiction. As with the Australian Capital Territory arrangements, the Norfolk Island administration would be responsible for making a contribution to the costs of incarceration in care whilst a person is within the jurisdiction of the New South Wales Department of Corrective Services.

The bill will enable persons who are on remand for offences committed on Norfolk Island to be held in a New South Wales prison until required for trial on Norfolk Island. Current legislation allows a convicted offender who has been sentenced to be held in a New South Wales prison but does not allow for someone held on remand to be held in a New South Wales prison. Complementary and supportive legislation has been drafted and will go before the Norfolk Island Legislature tomorrow, Wednesday 22 September. When this legislation passes through this House and the other place, with the support of the Coalition, that proposed arrangement will be able to occur at a suitable and appropriate date, possibly as early as the end of this week. Under all the circumstances I have outlined, the Coalition is supportive of the legislation. I make the point that this is one occasion on which we worked strongly and closely in support of sensible legislation. We offered strong bipartisan support for the bill and for it to be fast tracked.

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [7.47 p.m.], in reply: I thank the honourable member for Davidson for his contribution to debate on the Crimes (Administration of Sentences) Amendment (Norfolk Island Prisoners) Bill. I repeat: The Government has introduced the bill simply to assist the Norfolk Island Government in respect of Leith Buffet. The way in which Leith Buffet will be transferred to New South Wales will follow the tried and tested procedures by which Australian Capital Territory remand and sentenced prisoners are sometimes transferred to New South Wales. Norfolk Island will pay New South Wales to hold Leith Buffet. I trust that all honourable members will agree that, in the spirit of true federalism, a large entity such as New South Wales should assist a small entity such as Norfolk Island to deal with what is a difficult and pressing problem for Norfolk Island. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LOCAL GOVERNMENT AMENDMENT (DISCIPLINE) BILL

Second Reading

Debate resumed from 3 June.

Mr ANDREW FRASER (Coffs Harbour) [7.50 p.m.]: The Coalition does not oppose the Local Government Amendment (Discipline) Bill but it will raise some concerns that it would like either the Parliamentary Secretary, who is in the Chamber, or the Minister in the other place to address. I was dismayed by the statement made by the Minister for Local Government on Channel 9 news that he was urgently introducing legislation in this House because of a report released today by the Government relating to the most complained about councils in 2003-04. In that media interview the Minister clearly said that he had urgently introduced this legislation because of the complaints that had been received.

In 2003 the Minister introduced legislation to enable him to force council amalgamations. In an attempt to push the legislation through this House he included in it disciplinary provisions. The Local Government and Shires Associations, the Local Government Association and the majority of councils across New South Wales rejected it outright as some of its provisions were draconian. It is pleasing to note that the Minister has relaxed some of those provisions in this legislation. However, as I said earlier, Opposition members will be seeking a response from the Minister on a number of issues. The top 10 councils on the list of most complained about councils this year include Warringah council, at number nine. However, Warringah council is not a council per se.

Minister Kelly appointed as administrator Mr Persson, who has been a Labor mate for many years. Last week in this House questions were asked about the rezoning of a hospital site that was done single-handedly by council, or by Mr Persson, an old Labor mate. As I said earlier, Warringah council is listed at number nine on

the complaints list of 152 councils in New South Wales. This complaints list is not about councils as they are understood by the majority of members in this House; it is about a council as defined by the Government under the Local Government Act—an administrator and Labor mate appointed by this Government who had a poor record in this State, who went to Queensland and had a poor record there and who was then appointed to handle a major council in Sydney.

Warringah council has been on a complaint list for many years, but complaints about that council have not ceased. It appears as though the magical appointment of Mr Persson has not solved its problems. The Parliamentary Secretary gave Opposition members a copy of the second reading speech that she read in this Chamber on 3 June. This urgent bill, which has to be passed through this Parliament this week, has been sitting for some time on the business paper but this morning I was advised by the Minister's office that it would be debated tonight, so it makes me wonder just how urgent it is. In the second reading speech that the Parliamentary Secretary gave to Opposition members the bill was entitled the Local Government Amendment (Council Misbehaviour) Bill. It appears as though the bill has been sitting in the Minister's bottom drawer for some time, as its title does not correspond with the title of the bill referred to in the speech given to us by the Parliamentary Secretary. In the second reading speech the Parliamentary Secretary said:

The Government recognises that if community confidence in local government is undermined and councils cannot function in the best interests of ratepayers the State Government must intervene.

That is laughable. The Government said that if community confidence in local government were undermined councils would not be able to function in the best interests of ratepayers. I suggest to members in this House and to New South Wales ratepayers that the only reason community confidence would be undermined would be because of the way in which this Government and this Minister have treated local government in the past 12 to 18 months. The Minister has gone into the community with his jackboots on and he has forced councils to amalgamate. He has given councils a very hard time. Any council that objected was dissolved, amalgamated or coerced into amalgamation. In a last-ditch attempt to save some local councils submissions were sent to the Government. The hypocrisy of that statement in the second reading speech is indicative of the behaviour of the Minister and this Government in their so-called reform of local government in New South Wales.

I have received a number of representations from people right across New South Wales. I wish briefly to address the issues that they have raised with me relating to this legislation. Armidale Dumaresq Council said that there was no definition of "period" in the legislation—the amount of time that a councillor, under this legislation, may be suspended by a majority vote of council, backed up by a ministerial appointment, that is, the director-general of local government or someone that he appoints. Council said that it could be argued that repeated incidents of misbehaviour might be defined as a week, a month, or a term, but that it should be for the term of council. We do not know, as it is not defined in legislation.

We want an assurance from the Government that it will take a partisan view in relation to a member being named or suspended. A registered political party that controls a council could prevent an independent member of council from raising issues on behalf of constituents or issues of concern to him or her relating to planning processes, et cetera. If an independent member continues to raise those sorts of issues, council as a whole might find that member disruptive because he or she might insist on presenting important issues to council on behalf of his or her constituents. On the basis of a partisan vote, council could then suspend that member for an undetermined period. That is not in the best interests of local government or the community.

Occasionally a member of council will take a non-partisan view and do things that are in the best interests of the community. As there is no caucus when those sorts of issues are raised, councillors often pillory those people for not representing their views. I would like the Minister or the Parliamentary Secretary to respond to that concern. Shane Godbee from Cootamundra Shire Council wrote to me in the following terms:

This Bill looks a lot better than the original. Other than the continuing concern that the Director General (an employee of a party politician) may institute action against a councillor, most of the concerns appear to have been addressed.

The Parliamentary Secretary put her head in her hands and groaned. I will give her a few examples later and I am sure she will support me. The second reading speech that was delivered by the Parliamentary Secretary—a speech that was written by the Minister—states that local government is self-governable and that the code of conduct that will be introduced by this bill will be decided on by councils. No-one can tell me that that is not open to abuse by a caucus of members who control a council. If it happens Mr Godbee's complaints will be well founded on the basis that the issue will be referred to the director-general, who throughout the farcical forced amalgamation process in New South Wales basically rubberstamped all the Minister's desired boundary adjustments.

The director-general should run the Department of Local Government in defence of local government. He should keep local councils on their toes and ensure that they are serving the best interests of ratepayers. However, the partisan Local Government Boundaries Commission and partisan regional reviewers and facilitators have acted according to the Minister's instructions and adopted a preordained position. It is easy to see how another preordained position would be adopted in this context. For example, six or seven Labor councillors could form a caucus, get rid of a couple of independents and shoot the issue off to the director-general. They could send a letter to the Minister for Local Government or telephone him to have a quiet word and say, "For God's sake make sure you keep these people out for the time being until we get this issue resolved." That is a farcical situation and it could happen—particularly in light of events during the past 12 months. Bob Behl says:

I have no major problems with the proposed amendments. Two points I would like to make are—

1. The original model code of conduct was so subjective as to be useless, notwithstanding that similar peak bodies had input into its preparation. Will the new code be available for comment before it is formalised?

The new code has been put out to consultation, and I will be interested to hear Mr Behl's views about it. He continues:

2. Proposed section 440K(3)(a) provides that a suspended councillor is not entitled to exercise any of the functions of the civic office. At a council where I previously worked three councillors were concurrently suspended for three months by the Pecuniary Interest Tribunal. Their suspension resulted in a change to the factional balance of power. On their return from suspension, the councillors successfully lodged a number of rescission motions to over-turn decisions made in their absence. It appears to me to be against the spirit of the Act where suspended councillors can play a part in over-turning decisions made during their absence, yet there is nothing in the amendment to prevent a repeat.

The reverse also applies. When independents or others hold the balance of power on a council they could progressively get rid of their opposition within council and rescind motions while their opponents are spending time in the sin bin. Although the Minister claims that the spirit of the legislation is in the best interests of local government in New South Wales, I think it could have the opposite effect for the reasons given by Mr Behl and by me. In a letter dated 7 July the Mayor of Penrith City Council, David Bradbury, stated:

I have been advised that the proposed Code provides guidance and advice to both Councillors and staff, but the document, as currently proposed is too lengthy. I understand that the proposed Code that will be prescribed is in excess of 10 pages—

I have got news for Mayor Bradbury: The code is actually 57 pages long, and he is looking for something succinct. He goes on:

compared to the Council's current code that is 4 pages in length.

I do not believe a 57-page code will improve conduct—in this place there is a basic set of guidelines that we hold a plumb-rule against. I tend to agree that a four-page code would be better. He continues:

I am of the belief that a Code of Conduct should be a concise document and act as an umbrella for an all embracing governance manual that includes policies such as gifts policy, access to information, secondary employment policies etc.

While the code covers some of the issues mentioned by Mayor David Bradbury, it is such a lengthy document as to be confusing. Several parties took issue with the word "culpable", which I understand has been removed from the legislation. The Local Government Association of New South Wales and the Shires Association of New South Wales raised the matter with me in correspondence dated 9 June, in which they say:

The concerns expressed in respect of the previous Bill remain. They are:

- Deletion of the word "*Culpable*" from section 435 of the Act. This appears to extend the liability of a councillor, general manager or any other member of staff for losses incurred by a council;
- Costs of Departmental investigations, including Tribunal proceedings involving misbehaviour issues to be borne by councils;
- No specialist Tribunal to deal with misbehaviour issues. The role of the present Pecuniary Interest Tribunal is to be extended to cover disciplinary matters. The Associations have argued that a Tribunal comprising specialist panels from which suitably qualified persons could be selected depending on the circumstances, should be established.

The Minister should give that simple undertaking, and possibly include it in the legislation. The associations continue:

- There appears to be a lack of right of appeal from a decision of the tribunal.

In addition, under the proposed Section 440H the Director General can instigate the process for the suspension of a councillor for misbehaviour. There is no explanation as to how these allegations can be made to the Director General, and there is a possibility of vexatious allegations being made. Safeguards against politically motivated allegations also appear lacking.

Yet again I suggest to honourable members, to the Parliamentary Secretary, the honourable member for Kogarah, who is at the table, and to the Minister that these concerns are valid and should be taken into account. We must examine this issue on the basis that the director-general is appointed by the Minister and subject to ministerial direction. As I said, the actions of the director-general of the Department of Local Government during the forced amalgamation process were not what one would expect from an independent officer. The association goes on:

The proposed Section 440L introduces the concept of disruptive behaviour. A councillor may be suspended for such behaviour, but there is no interpretation of what this conduct might be. Any councillor interjecting could be classified as disruptive and be subject to suspension.

That is a valid point. The Deputy Leader of the Opposition and I have been ejected from this place simply because the Government has the numbers. On those occasions the Speaker made an interpretation of the standing orders that I believe would be found wanting—to say the least—if scrutinised properly. Yet such is the partisan nature of Parliament: This arrogant Government has 55 members in the House and I was suspended because I tried to take a point of order.

Mr David Barr: Was your pay suspended as well?

Mr ANDREW FRASER: No, it was not. As the honourable member for Manly points out, under this legislation a councillor's pay may be suspended. Councillors receive a fairly meagre salary or recompense—

Mr Alan Ashton: It's not a salary.

Mr ANDREW FRASER: No, it is recompense for the time they give to the community. That is another issue of concern. The Local Government Association of New South Wales and the Shires Association of New South Wales highlight the fact that the director-general has the power to suspend someone for "disruptive conduct". What is that? Is it an interjection? A councillor who is attempting to protect ratepayers' interests, who has genuine concerns about the actions of a caucus within a council with a Labor majority and who tries to state those concerns and put them on the public record for the benefit of ratepayers, councillors and others could be suspended on the word of the director-general following a direction from the Minister, who got a report from a Labor mate. That is not good government. I also raise concerns from the general manager of a council—I am not sure which—who wrote to the Minister for Local Government on 11 August and he has not received a reply. On 3 August Mr R. J. Ball stated:

I wish to express my deep concern in relation to an amendment to Section 435 (Surcharging by the Departmental Representative) of the Local Government Act 1993 proposed in the above Bill.

The amendment proposed, is to omit "*culpable*" from section 435 (2) (a).

My concern emanates from the fact that councils are frequently involved in court cases which depend upon a finding of negligence against the Council. This claim of negligence generally relates to an action by council undertaken by its employee.

The removal of the word "*culpable*" from section 435 (2) (a) has the potential to leave any council employee open to a surcharge by a departmental representative.

My concern is deepened by reference to section 731 of the Local Government Act 1993 which provides generally, that if a matter or thing was done in good faith, an employee so acting, is not personally liable to any action, liability, claim or demand.

It is feasible that a negligent act can be undertaken in good faith. Therefore, there is a potential conflict between section 731 and the proposed amendment to section 432 (2) (a).

If the intention, as I understand it, is to clarify section 435 because the meaning of the word capable is unclear, then one section may be clearer, but another confusion has been created.

It is sincerely requested that you arrange for a review of this proposed amendment to be undertaken and the matter clarified and discussed with local government prior to the amendment being passed by Parliament.

Mr Paul Pearce: What is his name?

Mr ANDREW FRASER: R. J. Ball.

Mr Paul Pearce: Bob Ball.

Mr ANDREW FRASER: Robert Ball of Hornsby has raised a genuine concern. Even though the Minister claims urgency with this legislation, he has had since last December to try to get it right. His

consultation has been second rate, to say the least. The Minister's response to queries from the people whom I have mentioned has not been good. They are concerned about how this legislation will affect the running of the level of government that is probably closest to the people, as some would say. The model code of conduct, 57 pages long, has been put out for comment. I am unsure of how many councils and councillors have read it because of the amount of paperwork they have. A number of councils and organisations have acknowledged the code but there still are concerns.

The model code of conduct sets out, in part A, the purpose of the code of conduct, key principles general conduct obligations, conflict of interests, personal benefit, relationship between council officials, access to information and council resources, reporting breaches and investigations and sanctions, and a glossary. It then sets out, in part B: the purpose of the guidelines, the introduction, statutory requirements, role of the code of conduct, development and implementation and review, key principles, topics to be addressed, useful resources, and glossary. Key principles include selflessness, in paragraph 3.1, which states:

Council officials have a duty to make decisions solely in the public interest.

I think everyone expects that to happen. That paragraph continues:

Officials must not act in order to gain financial or other benefits for themselves ...

I remind honourable members of the former Liverpool council and the Oasis development. I and others often question why this Minister, after sacking a council that deserved to be sacked, did not give the local community an opportunity to re-elect a council in March this year. Why did the Minister not give the council the opportunity to appoint a general manager who could resolve the issues with the Oasis development and other problems? I believe that yet again there has been political interference in the process. The Minister knew full well that if Liverpool council went to an election, especially given the actions of the seven councillors who were members of the Australian Labor Party, and caucused very solidly on Oasis and failed to heed any warnings or proper prudential governance—they were on the nose because of the ICAC report and other reports—there would have been no chance of a Labor council being re-elected in March this year.

I am amazed why the Government would sack a council but not give the people of Liverpool the opportunity to re-elect the council last March. It is a disgrace that the community has to wait another four years. I suggest that the Minister read the Code of Conduct, in particular, in relation to selflessness. Paragraph 3.2, Integrity, states:

Council officials must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

What went on at Rockdale? They did not place themselves in a position, it was just a matter of them putting out their hands and saying, "Fill it with cash and we will do something about it." In relation to the Oasis development, Liverpool council was out of control and did not act in the best interests of the people but in the interests of a caucus of the Australian Labor Party that had decided what would happen. Liverpool council was in a sound financial position until Mr Latham got there and then he left it with a \$15 million deficit. I support comments made by the Federal Treasurer, Peter Costello, in relation to the mess that Mr Latham left behind at Liverpool.

Mr Alan Ashton: Point of order: I know it is not common to raise a point of order when an Opposition member is speaking, but could the honourable member be brought back to the leave of the bill? He has made his point about Liverpool council and the Leader the Opposition—

Mr ANDREW FRASER: I have not even started—

Mr Alan Ashton: You will not be able to continue if you continue to speak against the leave of the bill.

Mr ANDREW FRASER: Yes, I will.

Mr ACTING-SPEAKER (Mr John Mills): Order! I will allow the honourable member for Coffs Harbour to continue, and I will resume listening carefully.

Mr ANDREW FRASER: It is amazing how the Left jumps up to support themselves. I think the honourable member for East Hills was prominent in Liverpool in the Left with his preselection—or was that the honourable member for Liverpool?

Mr Alan Ashton: We have a lot in common.

Mr ANDREW FRASER: Yes, unfortunately you have got a lot in common.

Miss Cherie Burton: You have got no idea, and nothing of substance to say, so you are just going to sling rubbish like you usually do in your speeches.

Mr ANDREW FRASER: I have a lot of ideas. Is it not amazing that the Left come out of their cages when one starts attacking Labor. How can we trust a fellow that leaves a council in a hellish mess behind him?

Mr ACTING-SPEAKER (Mr John Mills): Order! There is too much interjection from the Government side of the House. The honourable member for Coffs Harbour will return to the bill.

Mr ANDREW FRASER: We are going to get on to Newcastle shortly.

Miss Cherie Burton: Tell us about Warringah.

Mr ANDREW FRASER: I have already referred to Warringah and Dick Persson, the old Australian Labor Party mate who is ruining the place. It is the ninth most complained about council in New South Wales. Let us talk about Mark Latham and the mess he left Liverpool council in—a \$15 million debt that he pretends never happened, a debt that he wants us to believe had nothing to do with him. Yet he asks Australians to elect him to run an \$800 billion economy! God help us if Mark Latham is elected. We have just been discussing integrity. There is little of that in Australian Labor Party members of this House when it comes to administering local government or the running of this State. This is provided under the heading "Objectivity":

Council officials must make decisions solely on merit in accordance with their statutory obligations when carrying out public business.

Mr Paul Pearce: Are you opposing that as a concept?

Mr ANDREW FRASER: No, I am not. I fully support that as a concept.

Mr Alan Ashton: He has a prop.

Mr ANDREW FRASER: It is not a prop. It is in the *Newcastle Herald* of Friday 3 September 2004. It has the heading "Divided party" and says:

The rot which has infested the Labor Party at a local level will necessarily creep up the electoral tree.

It also notes:

Councillor may face expulsion over rates vote.

When you read comment in that edition of that paper by Greg Ray—

Mr Alan Ashton: Which Herald is that? It is the *Coffs Harbour Herald*.

Mr ANDREW FRASER: It is the *Newcastle Herald*, that old-fashioned Labor rag!

Mr Barry O'Farrell: That is not a reflection on the Chair, is it?

Mr ANDREW FRASER: No, he represents Wallsend. This newspaper is defending one of the stalwarts of the Labor Party in Newcastle. It is defending a councillor who did the right thing by Newcastle constituents. The councillor did not want her constituents, the ratepayers, to be belted with a hefty rate hike.

Mr Barry O'Farrell: She should be the State member.

Mr ANDREW FRASER: She should be. She has some integrity: she will go against the ruling of caucus and decide in favour of ratepayers. I will be interested in how some honourable members opposite vote on the clubs legislation. If those Labor Party members had the integrity of this Labor Party member in Newcastle, New South Wales could have a government with a conscience. But the present Government does not have a conscience.

Mr Barry O'Farrell: Who is the councillor?

Mr ANDREW FRASER: I am sorry if I did not tell you. It is Barbara Gaudry. It is probably Mrs Gaudry, Bryce's wife. I have met Barbara; she is a lovely person. She stood up for her constituents' rights. Barbara said, "I am not going along with the caucus of council." Now there is a move by the Newcastle City Council to sack Barbara from the Australian Labor Party because she did what the ratepayers elected her to do: stand up for their rights rather than the rules of the ALP. Since the stink hit the front pages of the paper and the issue has blown up in Labor's face, the caucus of the Newcastle City Council has decided that it will allow their members a free vote. It is a bit like the caucus of the Liverpool council, the council once led by the man who would be Prime Minister. I omitted quoting earlier from a report that every member of this House would have received and read. It is the a report of an inquiry into the Liverpool City Council entitled "Primary Findings and Interim Report", by Emeritus Professor Maurice Daly, delivered in March this year, in which he said:

ALP Councillors held 7 of the eleven representative places on council. In every significant vote at a council meeting related to Woodward Park the ALP Councillors voted as a block. ...

He went on to say that some councillors did not wish to do so, then noted:

... [but] ALP rules dictated that they must vote according to the wishes of the caucus majority.

The report goes on to say:

Following the ICAC Inquiry into Rockdale Council, the ALP modified its rules about caucus voting behaviour to permit Councillors to have a free vote on Development Application matters.

Whilst the report states that the ALP rules have been modified and suggests that the Newcastle councillors should have a free vote, I suggest that, as has happened with the Liverpool council and now at Newcastle, caucus meets and caucus decides. Though ALP members were said to have been given a free vote, that meant that if they did not stick to their party's preselection rules they would no longer have its endorsement for re-election to that council as ALP councillors. I commend Barbara Gaudry for what she did. I read these comments of the *Newcastle Herald* of Friday 3 September written by journalist Greg Ray:

The ALP is a complicated beast. It has two wings, but they both flap in different directions. The party's right wing has control of the NSW Government. But in Newcastle the left wing rules.

Newcastle City Council has four ALP members—all notionally left-wing. State member Mr Gaudry is left-wing and so is federal member Sharon Grierson.

One result is that Newcastle is frequently marginalised on issues that matter particularly in the state arena.

The ALP right wing would like to change all that, and its prescription for change might well involve replacing the left-wing politicians with its own.

Miss Cherie Burton: What is your point?

Mr Alan Ashton: Yes. Come on, be a bit fair!

Mr ANDREW FRASER: This is all about the way the Australian Labor Party dictates to its council members, against a code of conduct. There is a little bit more that I would ask honourable members to listen to:

There is constant talk among those who watch Macquarie Street of the possibility that noted right-winger Michael Costa—currently in the upper house but keen to move to the lower house, where the real action is—might one day find himself occupying Mr Gaudry's place as member for Newcastle. ...

One can imagine the horror with which ALP members in general, and right-wingers in particular, might have viewed the spectacle of two left-wingers like Cr Gaudry and Mr Davis involved in a spat.

Fancy the member's wife being accused of the heinous sacking offence of breaking caucus solidarity!

Miss Cherie Burton: You are just quoting from a newspaper. You are so lazy! What are you talking about? You don't even know what you are talking about.

Mr Barry O'Farrell: He is giving an insight into Labor Party voting.

Mr ANDREW FRASER: That renowned authority on ALP politics, the *Newcastle Herald*, says, and I repeat:

Fancy the member's wife being accused of the heinous sacking offence of breaking caucus solidarity! And in the middle of an election campaign.

The issue at the heart of the argument was the divisive matter of rates. On the previous council the ALP had agreed—

Mr Alan Ashton: Point of order: Some twenty minutes ago I raised a point of order to bring the honourable member back to the leave of the bill. The honourable member is now reading from a document. We do not know whether it is a proper newspaper, who wrote the article, or what the aim of it is. It certainly has nothing to do with a disciplinary code for local government. The honourable member is entering into a debate about the Labor Party. Labor members could do likewise about other political parties. We could talk about Wentworth, if that were appropriate. I ask you to direct the honourable member to return to the leave of the bill, or else conclude his speech. After all, the Opposition does not oppose the bill.

Mr Barry O'Farrell: To the point of order: I have been listening attentively to the honourable member for Coffs Harbour, and I have to say I find the quotations more riveting than a Barbara Taylor Bradford book. The point that the honourable member for Coffs Harbour has been making from the time he rose to his feet is that if you happen to be of the wrong faction of a council, these proposals can be used against you and against the interests of residents. He has used the case of Councillor Barbara Gaudry, who stood up for residents against her factional colleagues, and as a consequence is being penalised. That is precisely the point the honourable member has been making. The quotes are apposite. More than that, they are interesting, and I wish we could get on with hearing them.

Miss Cherie Burton: To the point of order: That point was made at least 20 minutes ago. Now we are going into newspaper articles that he has photocopied lazily and quoted from. He is getting into areas that are not even relevant to the point he is trying to make. He has made his point. He should get on with debating the substance of the bill. He has nothing more to say, and that is the problem.

Mr ANDREW FRASER: To the point of order: The fact is absolutely relevant. The point I am trying to make is that the code of conduct talks about accountability. It talks about—

Mr ACTING-SPEAKER (Mr John Mills): Order! I will interrupt the honourable member for Coffs Harbour and rule on the point of order so that the debate can continue. The honourable member would have been well advised to have linked what he was saying to the code of conduct and to new section 440, rather than giving the appearance of merely attempting to take advantage of his position. I suggest that he proceed and link his remarks to the relevant sections of the bill. To that extent I uphold the point of order.

Mr ANDREW FRASER: I draw your attention to the heading "Caucus votes" on page 37 of the draft the code of conduct, which is part of the legislation. The draft code of conduct must be dealt with in depth in this debate because there will be no other opportunity in this House to discuss it. The draft code of conduct is on the Department of Local Government web site, the bill refers to a code of conduct and the Minister has issued a draft code of conduct for comment from councils. The code of conduct is extremely relevant because the legislation is about discipline and the conduct of councillors, who will be encouraged to accept a 57-page code of conduct prepared by the Government. I remind honourable members that I am responding to a second reading speech on a Government bill, which the Minister said today is most urgent and most important. It has been a tradition in this House that a shadow Minister is given the opportunity to query a number of matters—

Mr Daryl Maguire: And probe.

Mr ANDREW FRASER: And probe, as the honourable member for Wagga Wagga says, to ensure a response from the Government on important issues. I return to the article in the *Newcastle Herald* I was quoting before I was rudely interrupted by a spurious point of order. The article continues:

... but in May this year, when it was time to vote on the new council's draft budget, caucus had agreed to back the recommendation of council staff to reduce the existing base rate from 35 per cent to 25 per cent.

Cr Gaudry disagreed and fought hard to also put the 35 per cent option on public display.

She knew she'd deliberately broken caucus solidarity and she reported her breach to ALP head office. As did Mr Davis.

The article contains further information. It goes on to say:

Warning that the "rot" might "creep up the electoral tree" and harm state and federal candidates, Mr McNaughton fretted that "elements within the Labor Party" would "seize on this deep fissure to embarrass Bryce—

We would not want to embarrass the honourable member for Newcastle.

—this at a time that he can ill-afford further bad press." Perish the thought!

The embarrassment is from Mr Costa. Under the heading "Caucus votes" on page 37 the draft "Model Code of Conduct and Guidelines" says:

Binding caucus votes on members is inconsistent with the obligation of each councillor to consider the merits of the matter before them. Political group meetings must not be used to decide how councillors should vote on matters like development applications where there are specific statutory considerations for each decision-maker to consider.

Once again I commend Councillor Barbara Gaudry for her stance. She was very brave to act as she did. She has upheld the draft code of conduct. If that is a family trait, I look forward to Bryce Gaudry, the member for Newcastle, being on our side of the House more often on matters of great importance to Newcastle. Under the heading "Staff political participation" the draft code of conduct states:

Council staff must ensure that any participation in political activities does not conflict with your primary duty as an employee to serve the council of the day in a politically neutral manner.

Over the years the ALP has been very good at using local government as a grounding for candidates. It puts them in as staffers, then runs them on tickets in nice safe Labor wards to get them on the council. If they work well they end up with preselection, although I must admit that some of them, such as Dominic Sullivan, are not all that pleased with the way the Labor Party treats them in preselection matters. Dominic Sullivan played the party game. I would not be surprised if, once the code of conduct is applicable, someone like Dominic from Randwick City Council breaks ranks and votes against caucus because neither caucus nor Sussex Street supported him in his political aspirations to come into this place or to Federal Parliament. The code of conduct refers to openness. One cannot combine caucus and political parties. One cannot have openness in the public arena when decisions are made behind closed doors along party lines.

The code of conduct says that council officials have a duty to act honestly. Earlier I referred to cash kickbacks at Rockdale City Council and the scathing attack on the ALP by Emeritus Professor Maurice Daly in his report on Liverpool City Council. Basically the council rubber-stamped the Oasis development, which meant that ratepayers, who were barely recovering from the \$15 million deficit which Mark Latham left them, had to cope with another huge mess. It is yet another example of a caucus decision that did not serve the interests of the ratepayers but, instead, cost them a lot of money. We must ensure that councillors act with honesty, accountability, openness, objectivity, integrity, selflessness, leadership and respect. Although the draft code of conduct refers to those principles, until the Minister reforms the Act the Labor mates will get away with what they have done in the past. It is totally unacceptable. In relation to leadership the code of conduct says:

Council officials have a duty to promote and support these principles by leadership and example and to maintain and strengthen the public trust and confidence in the integrity of the council. This means promoting public duty to others in the council and outside, by their own ethical behaviour.

I draw the attention of the House yet again to the bags of cash in Rockdale council. People felt that unless they greased the right palm their development applications or their proposals before council, no matter what they were, would not be dealt with in the manner they had hoped for but purely on the basis of the amount of cash the council received. One report stated that such cash was in the form of a direct donation to the ALP. My recollection is that such a practice occurred at Rockdale council and the matter was referred to the ICAC. Basically the ALP used people who submitted development applications to raise funds. Before the report, people who had development applications before the council felt obliged to turn up and pay \$1,000 a plate at ALP fundraisers to ensure that their applications would be dealt with by the council. That is an absolute disgrace. When he became the Minister for Local Government the Minister would have been far better off getting rid of alleged rorts by the ALP in local government instead of beating country councils into submitting to amalgamations which in most instances are not necessary.

The Minister should make sure that councils are run according to the principles of openness, accountability and integrity—all the principles that are espoused in the front part of the draft code of conduct. All ratepayers expect that those principles are integral to the running of councils, but in many ALP-dominated councils the procedures cannot be fairly described as open and above board. Behind closed doors and in caucus meetings, cash changes hands and decisions are made for mates. It is not local government, but ALP government for the benefit of the ALP. That is a cancer that runs through the three tiers of government, and it has been a feature of ALP politics for many years. As I said, the Opposition does not oppose the legislation. However, we are dismayed that the Government has not engaged in adequate consultation. The letters to which I have referred have not been answered. I welcome the Premier into the Chamber.

Mr Bob Carr: I am keenly interested.

Mr ANDREW FRASER: The Premier should be, because the debate concerns the Liverpool council and Mark Latham—that friend of his, a man the Premier had enough sense to get rid of, and who now wishes to lead the country. The Premier should have gone for the leadership of the Federal Labor Opposition. It would have been great for New South Wales and for the Federal Parliament.

Mr Barry O'Farrell: A win-win.

Mr ANDREW FRASER: A win-win for us all. The Government would have been better advised to address issues of partisan politics with local government rather than forcing amalgamations. I hope that ultimately the code of conduct will be reduced in size. Hopefully the 57-page document that has been circulated will not be one that people have to base their decisions on. I also hope that recommendations based on caucus votes and party political decisions in councils are opened up to public assessment so that councils and councillors are made accountable for their actions, thereby ensuring that the best decisions are made in the interests of the ratepayers of New South Wales.

Mr ALAN ASHTON (East Hills) [8.42 p.m.]: It is appropriate with the Premier in the House that I acknowledge a famous and great republican, Abraham Lincoln, who, in a matter of approximately one and half to two minutes, gave one of the greatest speeches ever given, the Gettysburg Address. He was followed by a gentleman who spoke for approximately three and half hours but said nothing.

Mr Bob Carr: His name was Edward Everett.

Mr ALAN ASHTON: Of course it was. It was on the tip of my tongue.

Mr Bob Carr: Of Massachusetts.

Mr ALAN ASHTON: That is right. Hopefully, there will be a President of the United States from the state of Massachusetts very early in November.

Mr Bob Carr: Hear! Hear!

Mr ALAN ASHTON: Yes. Perhaps the Premier and I might give a history lesson as a team act. At the outset of the long speech given by the Opposition spokesman for local government, he told us that the Opposition supports the bill. An hour after he began, he told us that the Opposition supports the bill. In the middle, there was a fair bit of reading of the *Newcastle Herald*. We thank him for his contribution and we certainly thank the Opposition for its support of the bill. The time of Parliament is valuable. We appreciate the Opposition spokesman finally finishing his speech. I thank the Premier for arriving at the appropriate time and hastening him to conclude. I support the bill, which addresses the behaviour of local government councillors. The Government understands how important it is for local communities to have confidence in their local councils. This bill and the draft code of conduct it endorses sets out standards of behaviour that the community expects from their local elected representatives and council staff.

The Government believes that the clear guidelines constituted by the bill and the code of conduct will assist councillors and council staff to understand their responsibilities and to meet community expectations. I am pleased to note that since the bill was introduced into the House during the last session, the Department of Local Government has released its draft code of conduct and guidelines for public consultation. The period for submissions closed last week. There is bound to be comment before the final code of conduct is produced. As a former Bankstown councillor of 14 years experience, I am also pleased to note that councils will be able to include items in addition to minimum standards that are set out in the code. That will allow councils to ensure that the code of conduct best reflects the views of the local communities they serve while ensuring that a basic standard applies across the State. The code will be reviewed by the council after each and every election to ensure that it remains consistent with the objectives of the bill.

As I mentioned, I have had the honour of serving in local government, as have many Government members—perhaps with the exception of the Premier, who took a faster track into Parliament and was not tainted with the experience of being a member of a local council. Nearly every member present in the Chamber is a former councillor, with the exception of the honourable member for Monaro. I remember in 1999 that one of the great Labor strategies of Country Labor was to bring many country mayors into the Parliament. What quality they added to this place!

Mr Bob Carr: Beyond my wildest expectations.

Mr ALAN ASHTON: Exactly. That showed that the fostering of talent in local councils can be of great advantage when a person with council experience is elected as a member of a Federal or a State House. However, I digress slightly, and I wish to avoid following the style of the honourable member for Coffs Harbour during this debate. I have no doubt that the overwhelming majority of councillors will be quite happy to follow the new code of conduct in good faith, but I am concerned that there will always be some irresponsible individuals who will put their own interests ahead of those of the council and the community. In proceedings of the council I served on, it was not uncommon for healthy interjections to be made, for some debate to arise, or for someone to take a point of order about the clothes someone was wearing.

Mr Barry O'Farrell: Confess!

Mr ALAN ASHTON: I might. I recall one incident concerning someone who just happened to be, quite by chance, a Liberal Party councillor. Without notice, he used to switch between being an Independent and a Liberal Party member of the Bankstown council.

Mr David Campbell: Ambidextrous!

Mr ALAN ASHTON: Ambidextrous, yes. I remember one night that he was so upset when he was trying to understand the officers and the budget papers that he threw them across the chamber and stormed out of the council's chambers. When he came back a week later, I presented him with a cricket bat and suggested that the next time he wanted to leave, he could throw down the bat and storm out. I was also tempted to bring him a white towel so that he could just throw the towel on the floor and leave. We laughed at that, but it was not necessarily incredibly bad behaviour. It was not misbehaviour of the type that is being addressed by the code of conduct. People will not be given warnings or suspended from the council for a month because they have interjected a couple of times too many. But if they continue to ignore the mayor's call for order, disrupt proceedings by outrageous language or become totally disruptive by, for example, working the public gallery into some type of hysteria, they should, of course, face appropriate warnings.

In the first instance, the warning could take the form of a month's suspension. Longer suspensions may apply for continuing bad behaviour. Such censures may remain within the council, and councillors may be readmitted to the council after making an apology. However, if bad behaviour continues, obviously the councillor concerned will be in trouble. The provisions of the bill are not intended to stifle councillors, especially minority councillors, or to prevent them from expressing their views. I notice that the Opposition spokesman, the honourable member for Coffs Harbour, referred to the possibility of minority councils being adversely affected through persecution by the many.

However, the provisions of this bill will assist minority councillors who may be the target of irresponsible behaviour. The bill is not designed to impede the smooth flow of debate at council meetings: It has been drafted with quite the opposite effect in mind. It will help to ensure that council and committee debates operate according to proper procedures. Most local newspapers are fairly sympathetic to councillors who often find themselves outnumbered. Such councillors find a fairly reasonable ally in local newspapers that publicise their case rather than the case of the majority. While there must be a proper flow of debate and a proper understanding of the issues that are before a council, it is reasonable to expect the minority not to abuse its position to create havoc in a council while hiding behind the excuse that the majority is giving the minority a hard time.

If a disruptive councillor does not take heed of a censure in the first instance and continues to behave in an unacceptable manner, the Director-General of the Department of Local Government will be able to suspend the councillor for up to a month or longer. The Government hopes that that one-month period will be a circuit-breaker. After a little bit of counselling, perhaps with the general manager and the mayor, the councillor might realise that his or her behaviour was inappropriate. Most council meetings are taped, so it is possible to obtain a transcript of the meeting. In most councils—certainly in Bankstown—a number of people attend the gallery, including the press, and they can see what is bad behaviour and what is not. In more serious cases of misbehaviour, the director-general will be able to refer a matter to the Local Government Pecuniary Interest Tribunal. The tribunal will be given new powers and will be renamed the Pecuniary Interest and Disciplinary Tribunal to better reflect its new role.

Along with councils, the bill proposes that the Ombudsman and the Independent Commission Against Corruption will have the ability to raise matters with the director-general when grounds may exist warranting

the suspension of a councillor. Obviously, we are moving to a more serious level if suspension of a councillor is involved, especially given that he or she has been publicly and fairly elected. The director-general will be able to request a report from a council about the alleged misbehaviour of a councillor. The Government does not believe that suspension from civic office is a matter to be taken lightly. I imagine that only the most serious circumstances would lead to suspension from civic office for misbehaviour.

A good example of when suspension may be warranted is an ongoing pattern of disruptive misbehaviour, or in a serious individual incident of misbehaviour. If a councillor's first offence is to jump up and punch another councillor, it is reasonable that the offending councillor be charged by police and probably face civil action as well as suspension from the council, as he or she should be. However, if interjections are made or allegations are raised about a councillor, as often happens in local government, and I have heard racist comments—

Ms Clover Moore: That doesn't happen in here, does it?

Mr ALAN ASHTON: Not in here. I knew that someone would raise that point, and I am sure that the honourable member for Bligh will raise it in her contribution to the debate. As has been said, this is the bear pit and it is a little different from local councils that work on a slightly lower level of community interest. People take some degree of queer pride in the fact that this is the bear pit.

Mr Barry O'Farrell: Speak for yourself—did you say "queer pride"?

Mr ALAN ASHTON: Yes. People look forward to debate in the House. It is a challenge for all of us to think on our feet and to engage in repartee, but we have time limits. Years ago councils did not have time limits and councillors could speak 7, 8 or 10 times on a matter. To have a time limit during council meetings is an important change. If someone wants to talk all night long, that is his or her right, as long as the rules provide for that. I have been a member of a council when councillors decided to walk out of a meeting simply to cause the council to lose its quorum. That is not a reasonable act, but if it is done once it is a good trick and might be worth a political point. However, if three or four members walk out of a nine-member council in which the quorum might be five or six, the quorum is lost. That could be considered to be misbehaviour and could be brought to the attention of the tribunal.

As councils must continue to work, those powers should be looked at as well. The provisions in this bill would benefit minority councillors. I do not agree with the honourable member for Coffs Harbour, who said that certain minority councillors would be in great trouble. If their action is within their own party, that party has ways of dealing with those matters, but that is not necessarily within the ambit of the bill. Frankly, it is very hard to legislate for that because in all 152 councils in New South Wales the councillors will not always agree. However, there are limits to the circumstances in which a council can begin the process for suspending a councillor. A council may refer a matter to the director-general only when it has already formally censured the councillor or expelled the councillor from a meeting because of the relevant incident or misbehaviour.

That provision will also encourage councils to deal with misbehaviour at a local level wherever possible. As I said previously, the last thing the director-general, the Ombudsman or the ICAC need to do is consider whether a councillor was naughty, bad or mucked up too often. If the matter can be dealt with at a local level, it should be. I know of recent incidents within councils in my local area where apologies were forthcoming within a week and they all got back to the business at hand. Suspension would be the most serious step to take. The community expects appropriate behaviour from their locally elected representatives. I anticipate the honourable member for Bligh will make the point in her contribution that parliamentary behaviour that is sometimes observed in this House is not necessarily the standard that we should dictate to local councillors.

Ms Clover Moore: Do what I say, rather than what I do.

Mr ALAN ASHTON: I am alluding to the fact that the honourable member for Bligh may say that, but I understand that that could be seen as a fair point. But the nature of Parliament, from its historical beginning in moots in England, in Athens and other places, is that people will never always agree. The best thing for members to do is to abuse each other across the Chamber, if we have to, to fight out an argument. When I debate a matter with members opposite, such as the Deputy Leader of the Opposition, I like to think that when we leave this place we can say, "That was all right, that was a bit of fun, we made our points." That is what usually happens. It was always like that at Bankstown council. No matter what we debated or how heated the debate

became, we would walk out and not talk about what had happened in the council chamber—that was the rule. Instead, that was the time to have a soda water and talk about the weekend's rugby league or how well the Waugh boys were playing cricket for Bankstown. We tried to keep all council politics within the council chamber.

After digressing about my local council experiences I return to the bill. If a councillor is to be charged with a level of misbehaviour, the councillor will be able to appeal any such decision to the Pecuniary Interest and Disciplinary Tribunal. That tribunal is an independent body and will draw on its experience to reach its decision. In keeping with the Government's commitment to look for long-term solutions to address councillors' misbehaviour, the tribunal will be able to counsel a councillor in less serious cases. If an established code of behaviour is well read and well understood a mayor can remind a councillor that there is a code of behaviour for councillors; and probably that should be enough. If it is not, it is reasonable that some level of responsible behaviour be forced on councillors through legislation. People have read enough about council arguments, brawls and decisions made without transparency, but within the council chamber behaviour should be as best as it can be.

Ms CLOVER MOORE (Bligh) [8.57 p.m.]: The Local Government Amendment (Discipline) Bill proposes amendments to the Local Government Act. I strongly support the introduction of a minimum, mandatory code of conduct to be adopted by all councils. I support also the clarification that neither a councillor nor a council may direct a member of council's staff as to the content of an advice or recommendation. However, I am very concerned about the agenda behind the bill. It seems to me that this is just another example of the political manipulation of local government and of the democratic process. People are really sick of this.

It is quite extraordinary that the bill is introduced now after, for example, the response of people to the last Council of the City of Sydney election, in which there was a sacking, an amalgamation and an imported candidate. After a three-week campaign I was able to get 67 per cent of the vote and be elected on a majority. After that election people asked me, "Do you think they will learn?", to which I replied, "Introducing the bill to the House, the answer is very definitely no, because this bill seems to be doing nothing more than providing an opportunity to interfere with the democratic process." I am very concerned about the proposal to censure councils for misbehaviour and suspend a councillor for a month.

This bill is but one example of the Government's breathtaking hypocrisy. It is a question of the pot calling the kettle black. For many years I have sat in this Chamber in question time and I have been appalled at the rudeness, lack of courtesy, abuse and shouting that goes on day in and day out. This Government dared to introduce a bill that will condemn those who are democratically elected to another important tier of government and to censure them in this way. If this legislation is good enough for local government it is good enough for the State Government and for the Federal Government. If a bill such as this can be introduced to control the behaviour of councillors we should also introduce a bill to control our behaviour in this House.

I say to the Minister and to the Government, "Before you introduce a bill such as this, get your own house in order." We should apply these principles to ourselves. We should start walking tall and we should start setting an example. It is all about democracy. Today Mark Latham was interviewed at a school and he was questioned about our democratic process. He said, "In other countries people go to war, but we have a process of voting—a process of democracy." In New South Wales we constantly experience interference in the local government democratic process. People take seriously their jobs in local government. That level of government is closest to the community.

People care about that level of government because it affects their immediate neighbourhoods and their lives. This Government should not proceed with this bill. This Government's draconian agenda and its desire to manipulate another tier of government is an indictment on it. We are continuing a truly shocking tradition that I have experienced as an elected member—that is, the State Government manipulating local government for its purposes, which is not in the interests of the community. I strongly oppose this bill.

Mr STEVE WHAN (Monaro) [9.02 p.m.]: I support the Local Government Amendment (Discipline) Bill, which contains important provisions to ensure that local councils live up to the expectations of their communities. This Government is committed to ensuring transparent and accountable local government systems. The Government believes that the reputations of an entire council should not be tarnished because of the actions of one councillor or a couple of councillors. Many speakers have already alluded to the fact that most councils are comprised of community-minded people who do a fantastic job for their communities. The Government wants to ensure that those councillors are protected.

I listened earlier to some of the contributions to this debate. The honourable member for Coffs Harbour went on at length to talk about councillors whom he said were representing the Labor Party. It has always amazed me that members of The Nationals accuse people of being Labor Party councillors when there are so many councillors of whom I am aware who are card-carrying members of The Nationals and whose views as members of The Nationals cannot be divorced from the views that they express in council. There is nothing wrong with being a member of a political party and being a member of a council, and it is outrageous to suggest that there is.

All those who are members of political parties tend to get involved in politics in their communities because they want to achieve things and they want to change things. The same thing applies to members of councils, members of State parliaments and members of Federal Parliament. Although I have never been a member of a council, it is offensive to those who are members of political parties and who serve on councils—in particular members of the Labor Party—when people such as the honourable member for Coffs Harbour go on about this issue. This bill is designed to ensure that we protect our councils and councillors, who are acting in the best interests of their communities, from those who want to disrupt the activities of councils.

This legislation is directed at councillors who have committed serious breaches of a council's code of behaviour. In recent years there have been a number of cases when the behaviour of a few councillors has had a serious impact on the efficiency and effectiveness of councils. Because of serious misbehaviour by a small number of councillors the Minister has had little option but to dismiss the entire council. Warringah Council was mentioned tonight. One of the things that inquiry found was a persistent use of crude and offensive terms by some councillors. That behaviour was offensive both to the community and to councillors. In the area that I represent Bega Valley Shire Council was dismissed after a report highlighted a number of issues. They included the intensity with which individual councillors pursued staff over errors or views, and frequent instances of councillors verbally abusing fellow councillors, council staff and members of the public during council meetings.

In 1994 Burwood council was dismissed after a report concluded that council did not conduct its meetings with dignity or decorum. In that case there were reported instances of sexist and racial abuse and physical assault. Earlier the honourable member for Bligh referred to the Government as being hypocritical because it does not expect the same behaviour in State Parliament. In the 18 months that I have been a member of Parliament I have never seen behaviour that matches the behaviour of councils, where people in the public gallery have been abused. No-one in this Chamber has done that and I have not heard anyone in this Chamber swearing. There is robust debate and interjections in this place, but I have not heard rude or personal abuse from anyone on either side of this Chamber. Sometimes there are implications, but there is no outright or personal abuse.

Honourable members would be aware that I represent the city of Queanbeyan. For almost two years disgruntled councillors consistently delayed Queanbeyan council's meetings. At the start of every meeting they raised issues or points to try to stop council proceedings. Those councillors had to be escorted out of the meeting by the police and that happened regularly for some considerable time. That is not something that I have seen happening in this place. The police have not had to be called into this Chamber to maintain order. In one council of which I am aware a councillor imitated a goostep in the chamber and shouted, "Heil Hitler" at the mayor—something that I do not think any of us would accept in any form of democracy or representative government.

Some interesting comments were made in debate tonight. The honourable member for Bligh accused this Government of hypocrisy. I noted in the newspapers a while ago strong action being taken in relation to election posters being posted around Sydney. I distinctly remember driving around Sydney over many years and frequently seeing posters that were put up by the honourable member for Bligh. So I find some of her hypocrisy and accusations a little hard to take. This bill will try to ensure that councillors conduct themselves in a way that is in the best interests of ratepayers and that delivers good government, which, after all, is what ratepayers are after.

The bill gives council the power to apply to the director-general to suspend a councillor for one month when there has been misbehaviour serious enough to warrant such action. That can serve as a circuit-breaker and assist in cooling down a heated situation. The Independent Commission Against Corruption and the Ombudsman will be able to refer allegations of misbehaviour to the director-general and recommend that the councillor be suspended. The director-general will consider such a recommendation and may suspend the councillor for one month, if necessary. I note that the director-general would consider such a recommendation and not just a clique of councils.

Before the director-general can suspend a councillor he or she must examine the circumstances and provide the councillor complained about with a copy of the allegations that have been made. That councillor must also be given the opportunity to respond. A councillor who is suspended by the director-general can appeal the suspension. The bill proposes to rename the Local Government Pecuniary Interest Tribunal, which is to be known as the Local Government Pecuniary Interest and Disciplinary Tribunal. That is the body that will hear such an appeal. The tribunal is a part-time tribunal so the bill provides for the deputy tribunal member to sit at the same time to allow for the better management of caseloads.

The powers of the tribunal have been widened. In addition to dealing with appeals regarding suspension, the tribunal will also be able to discipline councillors who have previously been suspended for one month but who have not ceased their misbehaviour. In those cases the tribunal will be able to reprimand or counsel a councillor, suspend payment of a councillor's fees for up to six months, suspend a councillor's right to participate in meetings for up to six months, or suspend both the fees and rights to attend meetings for up to six months. That will ensure that a serious breakdown in council operations caused by the serious misbehaviour of a councillor can be dealt with without having to dismiss the entire council.

The bill further strengthens the provisions of the Act to set a standard of negligence or misconduct before a councillor can be charged. In the past the Department of Local Government has been forced to intervene in the operations of several councils, thereby justifying the need for this sort of legislation. The bill will amend the Act to prohibit a councillor from directing or influencing a staff member in the performance of his or her duties. The current provisions of the Act allow for the preparation of a model code of conduct—several members have discussed the code in this debate and I do not plan to examine it in great detail—with which councillors and staff are obliged to comply. The code will establish a minimum set of behavioural standards and its adoption by councils will be mandatory. I understand that the Local Government Association of New South Wales and the Shires Association of New South Wales have been involved in drafting the code with the assistance of a reference group. So its implementation should proceed without too much trouble.

A serious or substantial breach of the code will be a disciplinary matter and will fall within the jurisdiction of the Independent Commission Against Corruption. This will meet the concerns previously raised by the ICAC about its ability to deal with breaches of the code that may amount to corrupt conduct. Various provisions of the Act allow complaints to be made to the director-general in relation to a council's activities and conflicts of interest, including pecuniary interest. Those sections also permit the investigation of such complaints. The bill amends the Act to make it plain that the director-general may make preliminary inquiries for the purpose of deciding whether to exercise investigatory powers under the Act. A similar amendment was made last year to the Ombudsman Act. The Government is committed to ensuring the smooth functioning of local government for the benefit of ratepayers and residents—after all, that is what they want.

I lived in the Queanbeyan City Council local government area during a period when a couple of individuals persistently disrupted the council's activities. Local residents constantly urged the council to get on with the business of running the council. Those disgruntled people took their complaints to several different forums—which found them to be without substance in most cases. Nevertheless, they had that opportunity and did not need to disrupt the good governance of Queanbeyan city for so long.

Earlier tonight the honourable member for Coffs Harbour spoke in this debate. I am suspicious that it is an Opposition tactic to get back at the Government—I am not sure what we have done to deserve it—to call on the honourable member to make long speeches during the second reading stage of a bill. He continually goes into great detail about council amalgamations but he often has a problem joining the dots on some issues. The honourable member for Burrinjuck has given notice of her intention to move a motion about Yass Valley Council and its shortage of water. The honourable member for Coffs Harbour has criticised in this Chamber that amalgamation that gave Yass shire the power to control development in its own catchment. Perhaps it is too hard for some Opposition members to understand that what flows into a catchment has a direct impact on what flows into a dam near the township. That is why we must consider council boundaries sensibly. I have raised numerous local electorate issues in this place in response to the same speech from the honourable member for Coffs Harbour.

Tonight the honourable member for Coffs Harbour also took the opportunity to diversify into having a go at Mark Latham. The honourable member tried to lend credence to the disgraceful advertisements that the Howard Government is currently running about Mark Latham's time at Liverpool City Council. The current Federal election campaign is descending to the level of American-style politics. The Republicans have employed similar tactics against Kerry: hit the person rather than discuss the issues. It is awful that the shadow

Minister for Local Government in this place should attempt to prop up those disgraceful campaign tactics by departing so far from the leave of the bill. This bill is very simple: It is about ensuring that we have good standards of conduct in our councils and it is about giving councils some way of dealing with individuals who disrupt consistently the proceedings of councils and the good governance of shires without sacking entire councils, which punishes those who are innocent of any infringement. I urge honourable members to support the bill.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [9.14 p.m.]: The Local Government Amendment (Discipline) Bill should be one of those pieces of legislation that occupies little time in this Chamber because it enjoys the support of both sides of the House as it seeks to ensure the better functioning of local government. However, this Government has been in power for nine years and even independent observers know that nothing is as it seems—smoke and mirrors and media spin reign—and claims about legislation do not necessarily apply. For the benefit of the honourable member for East Hills, it is possible not to oppose this bill but to raise concerns about how it will operate. I raise five concerns this evening. I will start with the second reading speech of the Parliamentary Secretary, the honourable member for Menai. As the honourable member for Bligh, the Lord Mayor of Sydney, pointed out, this issue goes to whether this Government is committed to local government. I remind the House that the honourable member for Menai said:

The Government recognises that if community confidence in local government is undermined and councils cannot function in the best interests of ratepayers the State Government must intervene.

Tell that to the ratepayers of South Sydney Council and of the City of Sydney, who were subjected to the most goddamn awful attempt to rot the city's civic electoral boundaries before the last local council elections for the sake of getting Michael Lee elected Lord Mayor of Sydney. It ultimately caused such upset and disquiet amongst ratepayers in the combined city of Sydney that the honourable member for Bligh and her team achieved 67 per cent of the vote. This bill goes to the heart of whether this Government is committed to the principle of local government. The honourable member for Coffs Harbour raised council amalgamations because Labor campaigned at the last State election on a policy—a pledge; a commitment—of no forced amalgamations. But as soon as the election was over the Government did the reverse and sought to make across the State changes that it was not prepared to be judged on during the election campaign and about which it lied to communities in the affected areas—it was well known where changes were likely to take place. People were lied to and ratepayers were not listened to and were not given a voice.

The State Government has interfered in development in my electorate of Ku-ring-gai even though, if left to their own devices, ratepayers would have ensured that the local council adopted a development strategy that ensured that Ku-ring-gai continued to bear its share of this city's growing population—as it has done since its inception more than 100 years ago. In reality the first black mark against the motives behind this legislation is that this Government is not committed to democracy. This Government is committed to one thing only: its version of events and its determination. The Government will push aside anyone who gets in its way. The suggestion by the Parliamentary Secretary in her second reading speech that this bill is based on the Government's historic commitment to the practice of democracy at a civic level is easily exposed as false.

Secondly, I support the honourable member for Bligh because I share her concerns about the innate hypocrisy behind this bill. I have raised this issue before. Earlier this year the Government introduced legislation that required of directors of registered clubs in this State standards that are not required of members of Parliament. Such directors now have to advise not only fellow directors but club members if they have business interests that might impinge upon their duties. The honourable member for Wentworthville does not have to do that in relation to the directorship for which she is paid. I have raised that issue before and I do not intend to discuss it again tonight. I simply point out that this bill seeks to make a variety of prescriptions for local government that do not apply to this House. That clearly makes us guilty of hypocrisy. Forget the individual cases that the honourable member for Monaro tried to use against the honourable member for Bligh. The reality is that this bill seeks, first, to impose codes of conduct—we have a code of conduct in this place; I will come back to that. Secondly, it seeks to set up a process for the formal censure of councillors—I do not think that applies in this place. Thirdly, it seeks to provide for the suspension of councillors—which certainly can apply at State level—or their remuneration.

When I am put out of this Chamber—more often than not, for simply trying to ensure that standing orders are applied equally by whoever sits in the Chair—thankfully there is no suspension of my remuneration, but we are about to impose that upon individual councillors. Fourthly, the issue of surcharges. Heaven forbid that the former Minister for Transport should be surcharged for the disaster that he made in public transport in this State! We have a public transport system which is on its knees, thanks to that man's inability to act and to

put political interests and spin ahead of real reform in the railways. The current Minister for Transport Services is doing his best, according to channel 9 news tonight, to try to repair the mess, which is clearly costing a significant amount. Perhaps we ought to be surcharging the former Minister for Transport for the cost of the additional training required for all these emergency drivers and for the additional infrastructure going in. The good news is that it would bankrupt the Minister for Roads and we would actually finally be rid of him.

My point is that behind this legislation again is the hypocrisy of this place saying to others, "Do this, but we will not be doing it ourselves and do not expect us to follow the same rules." What drives small business maddest in this State is that, as the Minister knows, the Government applies rules to small business that it will not apply to itself. The citizens of this State are driven mad by us saying they should do things that we are not prepared to abide by ourselves. The reality is that there is hypocrisy in this place. My major concern relates to the code. The code means that one can be suspended or have remuneration taken away for misbehaviour. "Misbehaviour" is defined in three paragraphs of proposed subsection 440F (1), in schedule 1 to the bill:

- (a) a contravention by the councillor of this Act or the regulations,—

I have no problem with that—

- (b) a failure by the councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5),—

I do not have a problem with that either—

- (c) an act of disorder committed by the councillor at a meeting of the council or a committee of the council.

What is disorder? According to the *Macquarie Dictionary* "disorder" has six definitions:

1. lack of order or regular arrangement; disarrangement; confusion. 2. an irregularity. 3. breach of order; disorderly conduct; a public disturbance. 4. a derangement of physical or mental health or functions. 5. to destroy the order or regular arrangement of; disarrange. 6. to derange the physical or mental health or functions of.

That is a broad range but clearly it provides for an interjection to be termed disorderly. An interjection could trigger the suspension of a councillor. The honourable member for Coffs Harbour pointed out, and I also point out, that that puts minority councillors on a council, whether the majority is political, religious or whatever, at risk. As the honourable member for Coffs Harbour indicated, majority caucusing could be going on, as happened, for instance, at Liverpool council in relation to the various developments that have got it into trouble. We know that a couple of independent councillors on Liverpool council were trying to blow the whistle. This bill would have given to the Labor caucus the power to take even more punitive action against those minority and independent councillors who were seeking on Liverpool council to do the right thing throughout that fiasco. I accept that that is not the intention of the legislation, but the reality is that the legislation will provide that opportunity.

If a councillor is not a part of the majority, and gets offside with the majority when doing the job of trying to hold people accountable, these provisions can be used against him or her for as great a crime as interjecting at a council meeting. The Bible of every other Parliament except this place is Erskine May, *Parliamentary Practice*, when one is looking at discipline as it applies to Parliaments. Erskine May lists six orders of offences: irrelevance or tedious repetition, which some would have accused my colleagues opposite of; minor breaches of order; the use of disorderly or unparliamentary expressions; grossly disorderly conduct; grave disorder; and the obstruction of the business of the House, otherwise than by disorderly conduct or persistence in irrelevance or tedious repetition.

Ms Clover Moore: That happens every question time.

Mr BARRY O'FARRELL: I say to the honourable member for Bligh that nowhere in this legislation does it seek to distinguish between levels of disorderly conduct. The poor punter sitting on a council led by a majority, who is determined to press ahead irrespectively and pursue the issues of accountability, transparency and the need to answer to the general citizenry, is going to be put at risk by these provisions. This measure was perversely designed not to punish those people, but that is exactly the way it will be used—that is the way standing orders in here are used. That is a legitimate concern to raise and it is a concern that the Government ought to answer either in this House or in another place.

I accept that the honourable member for Monaro came into this House after the last election and said that in his experience he has not seen much in the way of terrible behaviour in this Chamber, particularly in

relation to language. He referred in his speech to the 1994 sacking of Burwood council for what he described as the making of sexist, racist and other personal remarks. I say that until the election of this Parliament, whenever one of my colleagues, the honourable member for North Shore, made a point of order or asked a question, the backbench of the Australian Labor Party would start to bark like dogs. It was a clear attempt to attack and unsettle her reputation. It is to her credit that she never let it get in her way.

The former member for Lane Cove was told by the Premier to go and take hormones. She was also told by the honourable member for Murray-Darling to go and have a facelift. Quite frankly, very offensive remarks were regularly made. The former member for Ku-ring-gai, Stephen O'Doherty, had some of the worst things said to him across this Chamber about his height that I have ever heard. I suspect that the Minister for Regional Development and I have put up with it for a long time and we cope.

Mr David Campbell: Since I was about 10.

Mr BARRY O'FARRELL: And I am exactly the same but, as I have demonstrated, one can actually do something about it. The point is that if one is short, does not look like everybody else or is a woman one should not be subjected to those sorts of taunts that went on in this Chamber from members of the other side time and time again. It is unacceptable. Yet with this legislation the Government is putting in place a regime at a local council level that will make such behaviour unacceptable and will seek to try to stop it occurring, but it is not applied at this level in this Chamber. That is hypocrisy. My penultimate point is that I find no satisfaction in the Local Government Pecuniary Interest Tribunal being renamed the Pecuniary Interest and Disciplinary Tribunal. If I have concerns about the way in which the Independent Commission Against Corruption has been winding down, the Pecuniary Interest Tribunal has been completely ineffective as long as I have been a member of Parliament. It has never been proactive. The director-general has never been proactive and I simply do not believe it will provide the hope expected.

I was bemused by the reference the honourable member for Coffs Harbour made to a letter from the general manager of Hornsby council. I am not surprised the general manager of Hornsby council is concerned about surcharging. When one has presided over the debacle in relation to what was termed bioremediation in Hornsby shire council that cost ratepayers \$4 million I reckon one would be living in concern that this legislation will perhaps apply retrospectively in relation to those who, like the general manager, made those decisions. So the legislation is not all bad. If it stops the sorts of crazy decisions that Hornsby ratepayers are still having to pay for, thanks to those who had stars in their eyes, who thought they could make gold out of manure and who were trying to respond to the brave new environmental targets of the then Minister for the Environment, the honourable member for Wentworthville, I am not surprised that they would be terrified of the issue of surcharging. But there are serious concerns with this legislation that deserve to be addressed because minority councillors can find themselves outside their councils for doing no other than their job.

Mr DAVID BARR (Manly) [9.29 p.m.]: This legislation proposes to address misbehaviour at council meetings by introducing provisions that will allow for councillors to be suspended. My concern is that one can get an impression of a minority of councillors, and I am not convinced that the bill as it is now structured deals in any way with that problem. The grounds for bringing an action against a councillor for misbehaviour include failure to comply with a relevant code of conduct, or an act of disorder at a council or committee meeting. Clearly, there is no definition of "disorder". There is no objective definition of what is meant by that term.

Speaking as someone who as a councillor was ejected from a council meeting for disorderly conduct—a basis on which a councillor would have to be ejected from a council meeting—for suggesting that someone should be ashamed of themselves for what they said, and nothing more, I simply wonder how far this measure can go. The honourable member for Monaro mentioned the public inquiry into Warringah Council, which found that a councillor or two had used crude and offensive terms against other councillors. That was majority councillors against minority councillors. There was no way that that majority would move to censure or eject one of its own from a meeting. The issue of entrenched majorities oppressing minorities is not addressed in this bill.

The problem as I see it is that there are many grey areas in local government where councillors may sail close to the wind, and the Act as it now is does not capture that sort of behaviour. This bill is an attempt to do something about that. However, I do not think it will work because if a naughty councillor is sin-binned—I think the original term for this bill was the "sin-binning legislation"—that will invite the majority to persecute the minority. I cannot see anything in this bill that would stop that from happening. The Act does not address councillors sailing close to the wind, which is the last grey area that needs to be addressed.

A couple of times in this Chamber I have moved a bill to restrict the terms of councillors; both times I called a division and I was in a minority of one. However, many members of the public would agree that restricting the terms of councillors to two terms, which is plenty of time to make a contribution to the community and give an opportunity for other people to participate in local government, would stop the entrenchment of councillors in a council. The entrenchment of councillors is one of the core problems in what goes on at councils, including the conduct of councillors and council staff.

One recommendation that came out of the investigation into Warringah Council—this was the investigation prior to the public inquiry—was to appoint an ombudsman. Warringah Council now has an ombudsman, whose job is that of a public complaints officer. He is not an ombudsman in the same sense as the State Ombudsman; he does not have the same powers. I will make representations to the Minister that we should think about the role of an ombudsman at councils or groups of councils, whereby people can have an avenue to complain about the way they are dealt with either by councillors or council staff. That would go a long way to help clean up the public perception of councils and the way that councillors and council staff behave.

There is no question that the general public is not enthused about councils and councillor conduct. I do not believe they have a particularly high view of their local government—they may not have a high view of this place either—and that is the case with Warringah Council in my neck of the woods. Can we legislate to ensure good conduct? I do not think so. I am not persuaded that this legislation will clean up the behaviour at councils, particularly in those circumstances where a majority is oppressing a minority. As I said, the majority can move to have councillors censured or ejected from chambers; and because they have the numbers they will succeed. After censure of a councillor they will then refer the matter to the director-general.

I am also not persuaded that the Pecuniary Interest Tribunal should be renamed the Pecuniary Interest and Disciplinary Tribunal. I agree with the Deputy Leader of the Opposition that the Pecuniary Interest Tribunal has done remarkably little over the past few years; few matters have gone to the Pecuniary Interest Tribunal. The Act has been a lamentable failure in dealing with councillors who breach their pecuniary interest matters, and it is one of the scandals of the way the whole local government system works. Certainly, there are shortcomings in the system, and there are things that need to be done to address and improve the conduct of both council staff and councillors.

In terms of the notion that a councillor can be censured and subsequently suspended for a month or up to six months, and lose pay during that time, I am not convinced that this sin-binning legislation will overcome the problem of crude and offensive terms being used, particularly by the majority of councillors. There may be circumstances in which people will be rightly caught out by this legislation, but I am not convinced that it will deal with the problem of an entrenched majority oppressing a minority that is trying to battle against the majority. That is what we saw at Warringah Council.

I think we need to look a lot deeper and further into reforming local government and the Local Government Act than merely considering legislation that provides for the censure of a councillor for an act of disorder at a council or committee meeting. What is meant by a "committee meeting"? Is that one of the formal committees? What kind of committee meeting is it? That is not defined in the Act; nor, as I said, is the issue of what is an "act of disorder". That is a severe shortcoming. I think this bill is largely window-dressing in terms of cleaning up councils and making them better. I am not convinced that it will. I think we have a long way to go on this matter. This bill is certainly not enough; it is far short of what is required.

Ms GLADYS BEREJIKLIAN (Willoughby) [9.37 p.m.]: I shall comment briefly on the Local Government Amendment (Discipline) Bill. In principle, I do not oppose what this bill attempts to do or the main objectives of the bill. However, I have some significant concerns, as do many previous speakers, in relation to how some of the provisions of the bill might be implemented. It is important for both councillors and the community alike to be aware and to understand the standards of conduct and behaviour that are expected of them, and to act in a way that at all times enhances the public's confidence in the integrity of local government, as with all levels of government.

The Local Government Act 1993 requires councils to prepare or adopt a code of conduct, but I understand that since 1994 a proportion of councils have adopted parts of the code to varying degrees. I understand also that councils had until Friday 17 September to submit comments on the draft model code of conduct and guidelines as distributed by the Department of Local Government over the past few months. This bill attempts to amend arrangements regarding the discipline of councillors, council staff and council delegates, including matters connected with codes of conduct, the formal censure of councillors and the suspension of

councillors or their remuneration. The bill makes amendments to the independence of council staff from direction in certain circumstances and to preliminary inquiries preceding a decision to institute an investigation, in addition to proposed amendments to the Independent Commission Against Corruption with regard to the jurisdiction of the ICAC to deal with conduct that could constitute or involve a substantial breach of a code of conduct applied to a council.

I would now like to outline briefly my main concerns about the implementation of this bill. The first relates to timing. It may have been more appropriate for the bill to have been debated after submissions on the draft model code had been considered and displayed publicly. Though submissions closed only last Friday, the bill was introduced this week. Members would have been better served in this debate and would have been able to deal with the issues with greater certainty had we been closer to reaching finality on the draft code prior to many councils making their submissions.

I share the serious concerns that a number of honourable members have raised about the provisions of the bill that enable a council to formally censure a councillor for misbehaviour. I think all honourable members of this place know how easily people in a minority could become victims of political situations and political outcomes. The majority does not always mean right in a case of right versus wrong. This provision puts councillors in the small minority on councils, irrespective of their political persuasions, at considerable risk. Councillors who do not belong to the majority affiliation of a council are, under this bill, at greater risk of being the subject of a vote of censure for "misbehaviour", using a very broad definition of the word. Other honourable members have alluded to the lack of teeth that the Pecuniary Interests Tribunal has shown in the past, and its shortcomings. I fear that the provisions of this bill do not go far enough to tidy up those legislative provisions.

In conclusion, I must say that I would have preferred this bill to have provided greater certainty. It certainly does not go far enough in many ways. It also enhances the potential for undue political influence of people who form minority groupings of councils. Tighter provisions should have been provided regarding matters defining behaviour and also in relation to the Pecuniary Interests Tribunal. Having said all that, I think it is vitally important for public confidence that we have standard codes of conduct prescribing minimum forms of acceptable behaviour. In that respect, the objectives of the bill are clear and indisputable. However, the Government could have been more efficient and it could have better timed the introduction of the bill, given that submissions for the draft code closed only last Friday. Having outlined those concerns and placed on the record the importance of maintaining confidence in local government, as with all levels of government, I commend my comments to the House.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.42 p.m.], in reply: I thank all honourable members for their contributions to the debate. The bill reflects the Government's ongoing commitment to ensuring the proper functioning of local government and encouraging conduct that reflects the high standards that the community expects local councils to uphold. Since the bill was introduced last session, the Department of Local Government has released its draft model code of conduct and guidelines for councils. The draft of the new model code and guidelines was developed by the department in consultation with a review group of representatives from local government and other key State agencies.

All councils in New South Wales and other key stakeholders were invited to comment on the draft model code and guidelines. Submissions closed on 17 September, and I place on record the Government's thanks to all councils that provided feedback on this important document. Once finalised, the new model code of conduct will assist councils to review and enhance their codes of conduct. The guidelines will also provide guidance to councils in achieving better practice in this area. The bill will be welcomed by those concerned about the proper functioning of local government in New South Wales. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Ms CLOVER MOORE (Bligh) [9.45 p.m.]: I move:

Schedule 1 [4]. Page 5, line 1 to page 11, line 24. Omit all words on those lines.

I move this amendment because I respect the institution of local government and I respect our democratic institutions in Australia. I am very concerned about the potential misuse of the measure in the bill relating to the censure of councillors for misbehaviour and the suspension of such a councillor for up to a month. I am very concerned about the agenda. I am very concerned about the political manipulation of elected councillors. I am very concerned about the threat to democracy. And I am very concerned about the threat to the independence of elected councillors. That measure should be deleted. The bill has a number of meritorious aspects relating to a code of conduct and to councillors not directing staff. However the measure I am speaking to undermines the very independence of local government, and I call upon the Government to accept my amendment.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.46 p.m.]: The Government does not support the amendment. Government members have already spent considerable time explaining the reasons why the bill is needed, and I will not revisit them in detail now. Suffice it to say that this bill is an important package of complementary measures to address councillor misbehaviour and provide a better legislative framework for local government in New South Wales. As I said, the Government does not support the amendment.

Question—That the amendment be agreed to—put.

Division called for. Standing Order 191 applied.

Ayes, 4

Mr Barr
Ms Moore
Mr Oakeshott
Mr Torbay

Question resolved in the negative.

Amendment negatived.

Schedule 1 agreed to.

Schedules 2 to 4 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

BILLS RETURNED

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

Commercial Agents and Private Inquiry Agents Bill
Crimes (Interstate Transfer of Community Based Sentences) Bill
Mine Health and Safety Bill
Mining Amendment (Miscellaneous Provisions) Bill
Police Amendment (Senior Executive Transfers) Bill

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

Motor Accidents Legislation Amendment Bill

Consideration of amendments deferred.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 22 September 2004 at 11.00 a.m.

The House adjourned at 9.56 p.m. until Wednesday 22 September 2004 at 11.00 a.m.
