

# LEGISLATIVE ASSEMBLY

Wednesday 20 October 2004

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

**Mr Speaker** offered the Prayer.

## SPECIAL COMMISSION OF INQUIRY (JAMES HARDIE RECORDS) BILL

### Second Reading

**Debate resumed from 19 October.**

**Mr CHRIS HARTCHER** (Gosford) [10.00 a.m.]: Before I commence, I thank Davina Langton from the Premier's office and Leigh Sanderson from the Cabinet Office for the briefing they gave me at short notice yesterday afternoon. This bill was announced by the Premier's press release on 19 October. Notice was given that would normally only allow for the bill to be introduced the following day; however, standing orders were suspended to allow the bill to be introduced by the Premier that very afternoon. After the Premier finished speaking, the debate was adjourned by me, and later in the afternoon standing orders were again suspended so the matter could be debated this morning and the bill pass through all stages. It has also been indicated that the Government intends to introduce this legislation into the Legislative Council today if possible.

One is entitled to ask why the great hurry? What organisation is so urgently awaiting the passage of this bill that the bill must in effect be rushed through Parliament in an urgent sitting? There is no answer to that question. The whole process has taken some time. The Government announced an inquiry back in February and the inquiry completed its deliberations in September. The understanding is that any action taken will have to be taken by the Australian Securities and Investments Commission [ASIC]. This bill facilitates in its own terms the work of ASIC, yet it is all being done in an enormous hurry. One is entitled to ask, "Why the hurry?" As I said, there is no answer to that question.

The story behind this bill is the story behind the hurry this morning. The story is as significant as the bill itself. The history of asbestos and the terrible injuries it inflicts on its victims are well known. Also well known is the fact that before the company involved in this matter, the company under investigation in this inquiry, the company the subject of this bill, relocated its operations to the Netherlands it briefed the Premier's chief of staff and the chief of staff of the Minister for Industrial Relations about its intentions. Both chiefs of staff duly reported back to their principals on the briefing.

Notes disclosed to the special commission of inquiry, as prepared by Mr Stephen Loosely, a former general secretary of the New South Wales branch of the ALP, reveal that the Premier's chief of staff, Graeme Wedderburn, stated, "Carr okay, Carr okay." The relocation to the Netherlands has Carr's okay. In relation to the Minister for Industrial Relations we have the words, "Support from Della." So, Carr is okay and Della supports the relocation of James Hardie to the Netherlands, and the whole program of operations, including the establishment of the foundation that James Hardie instituted.

On 23 June I asked the Premier why he had not made further inquiries. The Premier's reply was that corporations are a matter for the Federal Government not for the New South Wales Government, and the State Government lacks a corporations power and that all the State Government had was the same briefing that was about to be given to the Stock Exchange. Of course, the State Government has a responsibility to protect the citizens of its State. A State government aware of any potential problem to victims of whatever nature and standing surely has a moral if not a legal duty to take whatever reasonable measures are available to it to protect those victims.

The Premier's chief of staff, the industrial relations Minister's chief of staff and their two principals, the Premier and the Minister for Industrial Relations, made no further inquiry about the implications of James Hardie's announcement and did not seek at that time any further information. They made no attempt to examine actuarial papers, they made no attempt to satisfy themselves through any independent process whether James Hardie was correct or entitled to take the action it did and whether the foundation would have the funds

necessary to meet all potential and outstanding claims. The Premier and the Minister for Industrial Relations stand accused of dereliction of their duty. It is no wonder that the Premier is so anxious to flick pass this whole sad and sorry matter to the Federal Government which is what this legislation is designed to facilitate.

The establishment of the special commission of inquiry followed a complaint by the foundation, supported by some victims, that there would be a potential shortfall in the capacity of the foundation to meet liabilities for asbestosis and mesothelioma illnesses as they arose. That is a potential shortfall. The inquiry, once established, found that there was a potential shortfall. The emphasis is on the word "potential". To date not a single person, not a single victim, has lost a single dollar because of James Hardie's action or because of the foundation's lack of money. The foundation still has millions of dollars to meet claims. What is at stake is whether it can meet all potential claims.

It is appropriate that the Government, where it is able to do so, takes action to ensure that what happens in the future—where it is known in the present—is safeguarded. That is the normal responsibility of government. But it contrasts vividly with the failure of this Government to take action of a similar nature in relation to Camden and Campbelltown hospitals. In those two hospitals some 32 people have died, yet there is no special commission of inquiry into their operations. The only limited inquiry is that conducted by the former president of the Bar Association.

The Government's hypocrisy in its approach to James Hardie is revealed fully in its preparedness to establish a special inquiry and introduce special legislation against a potential liability when it is not prepared to not take the same action for an actual liability. Let us be clear: tragically, people have died in Camden, Campbelltown and Liverpool hospitals because of the State Government's rush to open those hospitals for electoral purposes when they were inadequately staffed. So far as James Hardie is concerned no-one has lost one dollar. The Government is not prepared to take action on behalf of the relatives of people who have died in our hospitals, yet it is prepared to take action on behalf of people who potentially may not recover their full entitlement. We do not deny them their entitlement. No-one denies asbestosis and mesothelioma victims their due entitlements—they are tragic and terrible illnesses. I am contrasting the hypocrisy of the Government's preparedness to take action against a potential liability when it will not take action against its own liability.

On 23 June the Premier made the point again and again that the Government had no power over corporations. But it has full power over its hospital system. Why action in one instance and inaction in another? The answer is simple and it speaks volumes for this Government and all Labor governments: if you have a trade union you will be looked after. If you are a victim of asbestosis or mesothelioma and you are supported by the Construction, Forestry, Mining and Energy Union or the Australian Manufacturing Workers Union you have a support base. But if you are the relative of someone who died in Camden, Campbelltown or Liverpool hospitals you have no union to take up your case and you are ignored. It is a tragedy of the operation of government that the families of victims who suffer because of the Government's incompetency and maladministration of health do not attract the same level of concern and attention as the victims of asbestosis and mesothelioma. The cynicism and the hypocrisy of the Premier, aided and abetted by the Government and the whole system the Government represents, are appalling.

What does the bill achieve for the Government? It achieves what the Government has always wanted: the capacity to wash its hands, like Pontius Pilate, and pass off the whole tragic and sorry affair to Canberra. Yet the Government hides behind a pious smokescreen in front of the cameras when the Premier speaks about facilitating claims because it is simply passing the buck to Canberra. If the Government were sincere about compensating victims of asbestosis and mesothelioma why would it not conduct, as the Opposition has requested, a full State audit of its potential liability? Historically the biggest users of asbestos in this State were the old Commission for Railways, the Electricity Commission in its power stations and the Housing Commission in the construction of thousands of houses. Hundreds, if not thousands, of people have been exposed to asbestos cladding on trains and in railway workshops, and thousands of other workers have been exposed by the Electricity Commission's constant and heavy use of asbestos.

When asked this question in the context of the debate about asbestos the Treasurer's reply has been that the State is able to meet its liabilities. What we do not know, because the Treasurer and the Government refuse to tell us, is whether the State can meet its potential liabilities. The same concern arises for the capacity of James Hardie and the foundation to meet their potential liabilities. The commissioner found the potential liabilities of James Hardie and its subsidiaries to be more than \$1 billion. But the potential liability of the Government is far greater than \$1 billion. The Government cannot hide behind the statement that it is meeting its liabilities because it is the same defence that James Hardie and the foundation could have used. The question is whether they will

be able to meet their future liabilities. We have an audit of their potential liability but we do not have an audit of the State Government's potential liability because the State Government refuses to undertake one.

Again, the hypocrisy of the Government is only too apparent: it is prepared to single out an individual company but it is not prepared to acknowledge and face up to its own liabilities. Mr Jackson's inquiry, which was completed by the submission of his report on 21 September 2004, was thorough. He is to be commended for the way in which he undertook the inquiry and for the detail and substance of his report. This is no reflection on Mr Jackson or his inquiry, but it fails to make the point that the State has no power to take action in the matter he is investigating. The Government was aware of this when the inquiry was established. The Government's only power was to investigate, warn and facilitate further action. Yet in 2001 it had the potential to take action. I repeat the point I made earlier: in 2001 when the Premier and the Minister were briefed by representatives of James Hardie the Government had the capacity to seek further information and to take action if that further information was determined to justify an argument of inadequacy to meet future liabilities. Unfortunately, they failed to do so.

The establishment of the commission of inquiry in 2004 and the introduction of this special legislation in no way obviates the Government's responsibility for its failure to act in 2001. The Premier cannot hide behind the legislation, as he has sought to do in his public statements, and pretend he is taking appropriate action to protect victims when he took no action in 2001 when he had the chance. The bill seeks to achieve a number of objectives. First, it transfers the records of the special commission of inquiry to the Australian Securities and Investments Commission [ASIC]. To do this it must override the State Records Act and, accordingly, absolve itself of any liability for breach of that Act. The bill allows ASIC to share with other agencies the records it receives from the special commission of inquiry. Clearly there is no problem with either of those aspects of the bill. The bill also deals with legal professional privilege. I appreciate the assistance of Ms Sanderson and Ms Langton in obtaining for me the relevant section, page 138, of Special Commissioner Jackson's report, which states:

The James Hardie Group documents are littered with claims for legal professional privilege in circumstances where the claims, if challenged, would have been very difficult to justify.

The statement by the commissioner justifies the legislation as set out in the Premier's remarks yesterday in his second reading speech to the bill. The Premier said:

The bill removes legal professional privilege over the records so that they can be used in these proceedings.

The bill also makes it clear that orders made by the special commission restricting the publication of material no longer apply to the purpose of proceedings to which the Attorney General has given approval.

In relation to the issue of legal professional privilege the Premier stated:

This means that any legal professional privilege and confidentiality in the records will be overridden despite the New South Wales Special Commissions of Inquiry Act 1983 to the extent provided for under ASIC's legislation and general powers ... The Government recognises that legal professional privilege is an important common law right.

But the Premier went on to say:

But when abhorrent corporate conduct on this scale is uncovered the offenders should not be able to avoid prosecution or other proceedings by hiding behind spurious claims for legal professional privilege. The special commissioner's report found that James Hardie's records were littered with claims for legal professional privilege that would be very difficult to justify.

Legal professional privilege is one of the fundamental rights of the common law system that operates in this State and throughout the English-speaking world. Its rationale is well set forth in the judgment of the Federal Court of Australia, General Division, consisting of judges Beaumont, Hill and Lindgren as given in the case of *Propend Finance Pty Ltd and Richard Scheinberg Holdings Pty Ltd*, which is to be found in 1995 Australia Law Reports 128 at page 657 and following. The learned judges quote the rationale of what constitutes professional privilege and the reasons for its justification from the High Court, Justices Stephen, Mason and Murphy, in the case of *National Employers Insurer's Association Ltd v. Waind*, a 1979 decision to be found at 141 Commonwealth Law Reports page 648. I quote from the judgment:

The rationale of this head of privilege, according to traditional doctrine, is that it promotes the public interest because it assists and enhances the administration of justice by facilitating the representation of clients by legal advisers, the law being a complex and complicated discipline. This it does by keeping secret their communications, thereby inducing the client to retain the solicitor and seek his advice, and encouraging the client to make a full and frank disclosure of the relevant circumstances to the solicitor. The existence of the privilege reflects, to the extent to which it is accorded, the paramountcy of this public interest over a more general public interest, that which requires that in the interests of a fair trial litigation should be conducted on the footing that all relevant documentary evidence is available.

The High Court made it clear that this is a fundamental and paramount right. This right is now to be denied to James Hardie, and it is to be denied on an ex post facto basis. When James Hardie went before the commission it did so on the basis of the special commissions Act of 1983. It produced documents believing that it had the protection accorded to it by that Act. This bill will now take away the protection that the Act granted to James Hardie. Ex post facto or retrospective legislation is to be avoided wherever possible. Nobody doubts that there are circumstances in which such legislation is justified, and only in the last few days the Coalition has called for the introduction of retrospective legislation to validate child pornography prosecutions, a call which the Attorney General acceded to yesterday when he announced that the Government would introduce the legislation as called for by the Coalition. I place on record our appreciation of the generosity of the Attorney General at the press conference yesterday when he was asked whether this would have happened had Mr John Brogden not raised the matter. The Attorney General acknowledged that it was Mr Brogden raising the matter that brought forward the addressing of the problem and the Government's announcement to introduce retrospective legislation.

Clearly we do not take the view that all retrospective legislation is wrong but we do take the view, appropriately, that retrospective legislation needs to be strongly justified. Has a justification been produced in this instance? There have been no cases before the courts in which people have been denied their legal rights or had their legal rights deferred because of a potential claim for professional privilege. Such legislation was not called for by the special commissioner: his remarks were that the James Hardie group documents are littered with claims for legal professional privilege, but he did not say necessarily that that right should be denied to the company. Nonetheless, the Coalition will not oppose the bill. But it places on record its belief that the Government should make a stronger case for the ex post facto legislation it is now proposing.

As I asked, where is the evidence of any claims being denied or delayed due to a claim of professional privilege? A government that abrogates such a fundamental right has a duty to justify that abrogation. I challenge the Attorney in his reply to adduce to the Parliament the justification for the action. Assertion that this is a good idea is not the same as justification. The onus is on the Attorney, as a person who is charged with the protection of the legal system of this State and the protection of the litigants, to advise the Parliament where the justification is. I could find no justification in the Premier's second reading speech, but there was a statement that it was considered necessary. As everybody knows and as I have already said, assertion is not justification. A further point that arises concerns the extent to which this waiver can operate. The Premier's second reading speech states:

The bill will allow the records obtained by the foundation throughout the special commission to be used in civil proceedings brought by the foundation to which the bill applies. Under clause 11 the Attorney General will be able to make an order declaring that the provisions of part 3 of the bill will apply to particular proceedings. The Attorney will be able to make the order only where he believes that the proceedings are in the public interest.

So the test is to be the public interest, and the test is the Attorney General's belief in what constitutes the public interest. That has been defined in many administrative law cases, so that of itself is unexceptionable. It does not give the Attorney General carte blanche. But the Premier goes on to say:

The primary public interest that the Government is seeking to advance in introducing the bill is the public interest in ensuring adequate compensation for James Hardie's asbestos victims.

Yesterday at the briefing I raised my concern, and I would think the concern of every person in this State, that a distinction is being drawn between the general public interest and other public interests. Is the compensation of victims the primary public interest and are other public interests at stake? If there are other public interests at stake we are entitled to know what they are. Otherwise the word "primary" should be taken out and the word "sole" should be substituted. I invite the Attorney in his reply to state whether in the granting of his approval under the bill will he consider other matters as being in the public interest, or will the compensation for victims be the sole public interest. According to my understanding, compensation for victims is the sole public interest. The inquiry, this legislation, and the sad and tragic issues are all about whether every person who has suffered from terrible illnesses associated with asbestos will receive his or her just compensation. There is a question mark over other types of public interest that may be involved. The Premier's second reading speech left the definition of "public interest" in a state of ambiguity, to say the very least.

I reiterate the comments I made at the outset: asbestos is a tragic story. Thousands of Australians have endured terrible suffering and even death under the most horrendous circumstances. All of us are familiar, although perhaps not as familiar as we should be, with the suffering that has been induced by what was regarded

at one time as a very useful building material. As early as the 1920s or 1930s—well before the harm was established in the 1950s—there was a suspicion that asbestos carried inherent health risks for those who used it. Even women who washed their husbands clothes after their husbands had been working with asbestos became infected with mesothelioma, and that is enough to chill the heart of any person who is concerned about the wellbeing of their fellow human beings. Therefore it is the responsibility of all members of Parliament to take all possible steps to protect and assist people who have been afflicted. It is certainly the responsibility of this Parliament to play its part. The Opposition does not shrink from acknowledging its share of that responsibility.

The Opposition therefore has to accept the assurance of the Government that this legislation is necessary and appropriate. However members of the Opposition are entitled to make points in debate and are entitled, in the public interest, to have those points addressed in reply. The Attorney is the Minister in charge of the bill, notwithstanding that the Premier introduced it, and it is the Attorney's responsibility to respond to the Opposition's points. The people of New South Wales have a right to be concerned about the manner in which asbestos and diseases associated with it have been addressed by this Government, about the Premier's failure in 2001 to make further inquiries, about the State Government's failure to undertake an audit to assess its potential liability to tens of thousands of workers in this State, and about the State Government's capacity to guarantee to all those tens of thousands of potential victims its willingness and capacity to pay compensation.

The Opposition joins with Commissioner Jackson in expressing regret to the many victims of diseases associated with the use of asbestos. They have had to endure not only the trauma associated with their illnesses but also the fear that they will not be able to obtain compensation. The Opposition indicates that, while not opposing the legislation, we believe that questions remain to be answered. The Parliament is entitled to have those questions answered.

**Mr PAUL LYNCH** (Liverpool) [10.30 a.m.]: I support the bill. Given the understandable and justifiable urgency that attaches to it, I will not speak at great length but will make a couple of points. In addition to my general interest in this bill as a member of this House, as a former legal practitioner who for many years conducted the very noble profession of a plaintiff lawyer, my special interest is that I acted for a number of victims of mesothelioma and I had more than the odd dealing with Hardie over the years.

I will comment briefly on the contribution made by the honourable member for Gosford, who indicated that the Opposition would not oppose the bill. That is an interesting conclusion, given that the tenor of his speech was largely in opposition to the bill. His performance in this Chamber reminded me of the appalling performance of counsel who acted on behalf of Hardie—those I used to oppose in court. They would prevaricate and put every conceivable argument in the way of a perfectly proper and reasonable proposition. The performance of the honourable member for Gosford in this debate was just as despicable as that of Hardie's legal representatives whom I so often fought.

I will make specific points on the contribution by the honourable member for Gosford. He carried on about the Premier, Minister Della Bosca, and Stephen Loosely. Anyone who knows me and the Labor Party knows that I do not particularly have a brief to defend a couple of those people, but despite whatever else the honourable member for Gosford might wish to say, this Government established the Jackson inquiry, this Government has introduced this legislation, and this Government, through the Premier, has said it will not negotiate with Hardie until Hardie has come to an arrangement with the unions and the victims groups. I am not quite sure what more could possibly be expected of a government at this point.

Regarding the honourable member for Gosford's suggestion that the Government should have made further inquiries, I point out that if Hardie was prepared to lie to the Supreme Court, why on earth would it not be prepared to lie to a government? The point made by the honourable member for Gosford is utterly absurd. The honourable member for Gosford referred to the public interest and the manner in which the Attorney will assess it. I must say that that was one of the more bizarre jesuitical arguments ever advanced in this House. I suggest to the honourable member for Gosford that instead of giving his standard speech in defence of Hardie, he look at the legislation, particularly clause 11, and note its precise wording and the way in which it will operate.

The honourable member for Gosford also said there is a question mark associated with this legislation because there is no evidence of cases being denied or delayed. It strikes me that it is perfectly absurd to contend that cases should grind to a halt and victims should be without compensation before legislation of this type can come before the House. Heaven knows that Hardie, through people such as the honourable member for Gosford, have managed to delay and prevaricate for many years, and it serves no good cause to allow them to continue to do so.

The honourable member for Gosford criticised the Government for passing the buck to Canberra. Again it is a matter of considerable regret that he has not read the legislation. The second part of the legislation that relates to civil proceedings is all about proceedings being conducted in the New South Wales jurisdiction. This legislation is not about buck-passing to Canberra; it is very precisely about allowing matters in the New South Wales jurisdiction to be dealt with.

The honourable member for Gosford also made the rather stupid point that no assessment of the New South Wales Government's liability has been made in a manner similar to the way in which Hardie's liability has been assessed. Of course that is the case because the situations are slightly different: the assets of the New South Wales Government are still in New South Wales, whereas the assets of Hardie were transferred overseas. That is the precise point of this legislation. Regrettably, the honourable member for Gosford does not seem to have quite got his head around that proposition.

The honourable member for Gosford also advanced the quite outrageous proposition that the only people who are being assisted by the Government are those who are members of unions. If he had the slightest knowledge of the position adopted by the Government, he would understand that most of the victims who are yet to be compensated and who will be compensated after 2007 are not members of unions because they were not working when exposure to asbestos occurred. The victims are others who have been exposed to asbestos in other ways. His suggestion that this legislation benefits only union members is quite wrong and dishonest. It is an intellectually corrupt argument and it flies in the face of the reality of the circumstances. If the honourable member for Gosford had the slightest acquaintance with the facts, he might understand that point.

The honourable member for Gosford also tried to cheapen and demean this legislation by introducing issues relating to Campbelltown and Camden that have nothing to do with this debate. The legal situations are very different; there have been findings of liability in appropriate courts and tribunals in one instance, but not in the other. It is a pity that the honourable member for Gosford did not get his head around that basic legal principle.

What I thought he would deal with in great depth but touched on only briefly is a fundamental legal principle that is being overturned by this bill. The overturning of legal professional privilege is incredibly significant, because that privilege is one of the cornerstones of the legal system. A legal system cannot operate properly unless legal practitioners and their clients can have proper and full discussions. It is trite to point out that legal professional privilege is not intended to benefit lawyers, but is for the benefit of clients. The reason it is being overturned by this legislation—in my view perfectly properly—is the appalling behaviour of the client.

The privilege that would otherwise attach to communications and documents can be waived legitimately because of the behaviour of Hardie over a lengthy period. I indicate in passing that this is not the only situation in which the client-solicitor privilege or the client-lawyer privilege can be inquired into. There are other circumstances, albeit very limited, in which privilege may be limited in other aspects of the legal system. While the overturning of this legal principle represents a very significant change, it is not completely earth shattering or groundbreaking. As one of the few members of this Parliament who is concerned about rights and liberties being taken away, I must say that it is a pleasure to see rights being taken away from the big end of town rather than other parts of society. I am delighted to support the bill on that basis as well.

The other point that should emerge from this legislation is the absolute determination of people that Hardie will not get away with this. James Hardie must understand that a large number of honourable members will do whatever is necessary to ensure it pays its fair share. It has not until now, and if it continues to adopt the tactics it has for so long to maximise its profit levels, honourable members will get more and more angry and do whatever needs to be done to ensure it pays its fair share. That includes very strong advocacy of boycotts of all of its products. The only thing the company seems to understand is money, and if the only way we can have an impact is by hitting its bottom line, honourable members will be only too delighted to do so. I commend the bill to the House.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [10.41 a.m.], in reply: I thank honourable members for their contributions. I particularly acknowledge the force of the remarks by the honourable member for Liverpool—I do not disagree with a word he said. The bill is urgent because the Australian Securities and Investments Commission [ASIC], the Federal body, is waiting for the documents from the special commission conducted by David Jackson QC. Part 2 of the bill will give ASIC the documents and the clear power to use them in its investigations. The sooner the bill is passed the sooner ASIC will be able obtain the documents of the special commission and the sooner it will be able to pursue James Hardie and its senior executives. That is the obvious source of the urgency of the bill.

It is silly to suggest, as the honourable member for Gosford did, that by taking this action the Government is in some way or another anxious to pass the buck. The fact is that, unlike the State Government, ASIC has the power to conduct investigations and prosecutions under the Commonwealth's corporations power. ASIC wants the documents and, of course, the New South Wales Government wants it to have them. ASIC has the relevant powers, and to describe the exercise of handing on the documents as buck-passing is at best silly and at worst deliberately mischievous. The Government also wants the Medical Research and Compensation Foundation to be able to launch civil proceedings in New South Wales. Even the honourable member for Gosford could not describe that action as buck-passing. In any event, that is the second effect of this legislation.

I mention for the record that this Parliament has legislatively overridden legal professional privilege in the past. It is overridden in some circumstances in the Criminal Assets Recovery Act, the Victims Support and Rehabilitation Act, the Ombudsman Act, and the Community Services (Complaints, Reviews and Monitoring) Act. All of those examples relate to circumstances involving potential serious wrongdoing and the consequent justification has been made for removing legal professional privilege in carefully defined situations. There are other circumstances in which it also occurs. The common law overrides legal professional privilege in cases of criminal conduct and fraud. New South Wales legislation also overrides privilege in relation to proceedings for environmental offences. Even the High Court acknowledged, in the Yuill decision, that legal professional privilege should not get in the way of ASIC or the corporate regulation and investigative powers that it is able to exercise.

Nevertheless, and again confirming the remarks made by the honourable member for Liverpool, the Government acknowledges that overriding legal professional privilege is a serious matter—and most serious in the case of private proceedings. That is why it has been especially careful to make the provision that applies for the benefit of the Medical Research and Compensation Foundation as restrictive as possible. Part 3 of the bill removes legal professional privilege in private matters only in civil proceedings. Importantly, it includes a special public interest requirement.

Privilege is removed only if the Attorney General makes an order and provides certification under the bill. The Attorney General will be able to make an order only if it is in the public interest. As the Premier made clear yesterday, the public interest here is that of ensuring adequate compensation for James Hardie asbestos victims. I cannot imagine that any fair-minded person would seek any wider public interest than that. After all, the Jackson inquiry found there is a shortfall of least \$1.5 billion in the funds available to the Medical Research and Compensation Foundation set up by James Hardie for the compensation of victims. Part 3 of the bill is designed to facilitate the recovery of that shortfall.

The bill also pursues the public interest in corporate regulations and the enforcement of the Corporations Act. Compensation for victims is the sole public interest under part 3 of the bill and the sole public interest relevant to the question of the Attorney General's approval of proceedings. However, it is not the only public interest that lies behind the bill. I mention that particularly to respond to questions raised by the honourable member for Gosford. The compensation of victims is sufficient justification to invoke public interest in this case. It is obviously the main public interest, but at the same time there are other and more general interests that go to the ethical operation of the corporations power lying behind this bill.

The justification for overriding privilege is made in the Jackson report. The commissioner said that James Hardie's claims for privilege are spurious. I cannot imagine that the Opposition would want the Government to wait until the money available to the foundation ran out or until James Hardie hid yet more of its assets in foreign places before it acted. It would obviously be too late then. Just how many more reprehensible company restructures would James Hardie go through to hide its assets in the meantime? This company has descended to new depths in unethical corporate behaviour. I will not say that we have not seen this kind of behaviour on this scale before, but we have no memory of such behaviour. We are dealing with a company that has behaved extraordinarily badly and does not appear at its executive or board level to understand that. The degree to which it has breached all of the ordinary and proper assumptions about corporate behaviour justifies the action the Government is taking in the interests of the victims. I have no hesitation in commending the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

**ADMINISTRATIVE DECISIONS TRIBUNAL AMENDMENT BILL****Second Reading****Debate resumed from 1 September.**

**Mr ANDREW TINK** (Epping) [10.50 a.m.]: The purpose of this bill is to amend the Administrative Decisions Tribunal Act 1997 to make further provision with respect to interlocutory matters and to amend certain Acts to provide direct rights of appeal to the Supreme Court from the Administrative Decisions Tribunal [ADT] instead of to an appeal panel of the tribunal. The ADT was established to provide a central, cost-effective, and convenient way for the people of New South Wales to obtain a review of administrative decisions and to have certain general complaints resolved. A number of specific changes are proposed in the bill. The first is to provide that any appeal against an interlocutory decision of the tribunal to an ADT appeal panel may proceed only with the leave of the panel. That provision will promote the finality of interlocutory decisions and will give the tribunal the power to control the number of interlocutory matters that proceed to appeal.

That is an important development, because interlocutory issues should be kept within tight parameters. Otherwise, endless problems of trials within trials within trials can follow and there could be a complete blow-out in what is and what is not relevant in costs and other matters. The goal is to keep relevance and costs tight, and that is entirely consistent with the just, cheap, and quick disposal of matters of that type.

The second major amendment is to enable the President of the ADT to direct that an interlocutory matter, both in the first instance and at the level of the appeal panel, can be dealt with by a single presidential judicial member. That will mean that those matters can proceed more quickly and at a reduced cost to the ADT. Again, the themes that come through are supported by the Coalition. Plainly the nature of interlocutory matters is such that it is quite appropriate that they be dealt with by a single member rather than a panel. By their nature, panels can have a difference of opinion, majority and minority views, and other disparities. At the end of the day I am not sure that that would be helpful or desirable in interlocutory proceedings. I welcome the proposal that a single presidential member can constitute an appeal panel in those circumstances.

The third major amendment is to remove any right to appeal decisions involving architects, surveyors, and veterinary surgeons to an ADT appeal panel. Instead, those appeals will have to be made directly to the Supreme Court. Currently most professional disciplinary matters appealed to the ADT are then appealed to the Supreme Court. Abolishing the intermediate level of appeal will expedite the appeal process for the applicant and will produce both administrative and financial savings for the ADT. That is probably unarguably true for the parties also, because double handling, which is what current the arrangements provide, simply provides more opportunities for one party or the other to delay, dissemble, run up costs, or take up the time of the tribunal, and that is to be avoided. Personally, I believe that the Supreme Court is the appropriate place for the appeal.

Alternatively, such matters could have been left with the ADT, but if there is a choice as to whether the final forum be the ADT or the Supreme Court, I believe that the Supreme Court is the appropriate forum. In reaching that view the Coalition sought comment from the New South Wales Law Society, the Australian Institute of Quantity Surveyors, the Australian Veterinary Association, and the Royal Australian Institute of Architects, and none of them expressed any concern about the proposal. The Coalition does not oppose the bill. It hopes that as a consequence of it the ADT is able to carry out its important work with greater efficiency and effectiveness, and also at less cost and with quicker decision-making for the parties.

**Mrs BARBARA PERRY** (Auburn) [10.55 a.m.]: The Administrative Decisions Tribunal Amendment Bill amends the Administrative Decisions Tribunal Act 1997 to improve the operational efficiency of the Administrative Decisions Tribunal [ADT]. The ADT was established to provide a cost-effective and convenient way for the people of New South Wales to obtain a review of administrative decisions and resolve general complaints. Since the tribunal was established by this Government its jurisdiction has been expanded and it now reviews a wide range of administrative matters. The ADT has been one of the Government's less-heralded success stories: it provides fast, affordable justice in areas as diverse as the discipline of legal practitioners and other professionals, guardianship decisions, revenue decisions, and anti-discrimination and privacy matters.

The bill implements a number of recommendations by the tribunal to improve procedures to bring greater efficiencies, particularly in relation to certain interlocutory and professional disciplinary matters heard on appeal. The bill contains four amendments affecting the jurisdiction of the Administrative Decisions Tribunal. The bill will ensure that, in any interlocutory matter, whether at first instance or appeal panel level, the



tribunal may be constituted by a single judicial member of the tribunal appointed by the president. This will expedite the interlocutory process and reduce the cost and inefficiency of panel hearings of matters that could be effectively dealt with by a single member. The bill provides also that appeals against interlocutory decisions of the tribunal at first instance may proceed only with the leave of the appeal panel. The aim is to promote the finality of interlocutory decisions and reinforce the authority of the judicial member hearing matters at first instance.

The bill also removes the right of appeal to an appeal panel in professional discipline matters involving architects, surveyors, and veterinary surgeons, so that parties may appeal direct to the Supreme Court. This amendment recognises the tribunal's practical experience that most professional disciplinary matters appealed to appeal panels are subsequently appealed to the Supreme Court. Removing the intermediate level of appeal means that these matters will therefore reach the Supreme Court more quickly.

Finally, the bill expands the jurisdiction of the tribunal to enable it to hear appeals concerning decisions involving family day care services. The bill enables regulations to be made under the Children and Young Persons (Care and Protection) Act 1998 to provide for certain decisions in relation to family day care children's services to be reviewed by the ADT. Reviews are presently restricted to the Supreme Court. The amendment allows for such reviews to occur at a more practical, less resource-intensive level, to the benefit of all parties involved. The bill is further evidence of the Government's commitment to ensuring fast and affordable resolution of administrative disputes, and I commend it to the House.

**Mr PAUL LYNCH** (Liverpool) [10.58 a.m.]: I support the Administrative Decisions Tribunal Amendment Bill. The establishment of the Administrative Decisions Tribunal [ADT] in 1997 was a significant step in the legal history of this State. It realised a demand that had been made for some considerable time by those supportive of law reform and those supportive of traditional labour law reform. The originating bill was introduced some 24 years after it was originally recommended by the Law Reform Commission in 1973. I recall that when the Administrative Decisions Tribunal [ADT] was first introduced a number of people said, "It's about time." I should add that my interest in the bill stems from a statutory review of the jurisdiction and operation of the ADT that was completed in November 2002 by the Committee on the Office of the Ombudsman and the Police Integrity Commission, which I chair.

The bill contains a number of comparatively minor amendments that focus on increasing the operational efficiency of the tribunal and also saving money. One of its provisions removes the right of appeal to an appeal panel in what are described as professional discipline matters that include architects and veterinary surgeons. Effectively this involves the removal of an intermediate level of appeal, affected professionals still being able to appeal directly to the Supreme Court. I understand that it is rare for an appeal to an appeals panel to result in a different decision to that being appealed. As well, most appellants also appeal in any event to the Supreme Court. The second reading speech predicts not insignificant financial savings from that change. By itself, that would not be enough to justify such a change; however, as an extra by-product, obviously it has attractions.

Another amendment that will have useful financial consequences is the provision that in interlocutory matters a single judicial member, rather than a panel, may constitute the ADT, whether it is in the first instance or on appeal. This is hardly an extraordinary provision, and it is paralleled in other jurisdictions. Another provision introduced in this legislation that is echoed in other jurisdictions is that appeals against interlocutory decisions of the tribunal at first instance may only proceed with the leave of the appeal panel. Encouraging the finality of interlocutory decisions must, I would have thought, be regarded as desirable. A further amendment involves changes to section 245 of the Children and Young Persons (Care and Protection) Act. The amendment will provide for a review by the ADT of decisions to suspend or cancel a family day carer's registration. This change has the useful advantage of providing an option apart from the current option of appealing to the Supreme Court.

The restricted nature of the amendments does not allow for any greater changes. I would like to think that at some stage in the future some of the recommendations of the committee report I referred to earlier might be looked at. The amalgamation of various other tribunals within the ADT would be a significant and useful measure to be introduced in law reform. When the previous Attorney introduced the original bill in 1997, he said that over the next 18 months the Government would review all administrative decisions to see which of them should be reviewed by the ADT. That review has not occurred. I would have thought there are good reasons why the jurisdiction could be expanded, and I look forward in hope to that occurring at some stage in the future.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [11.02 a.m.], in reply: I thank the honourable members representing the electorates of Epping, Auburn and Liverpool for their contributions to the debate. As I said in my second reading speech, the amendments proposed will bring real benefits to our system of administrative review. They will allow the tribunal to utilise its resources more effectively to hear matters more quickly. Improved access to justice is a measure I am sure all honourable members would support. At the same time, amendments providing for a direct right of appeal to the Supreme Court in professional disciplinary matters can only speed up the process of disciplinary review, to the benefit of all concerned.

I reiterate the great benefit of these reforms. The benefit is not about money, though saving public money is to be applauded. It is not even about administrative efficiency, although that is also helpful. The real benefit of these reforms is that more people are able to have more matters heard by the tribunal. In many cases, because of the better allocation of resources, matters will proceed more quickly. For these reasons I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

### **PROFESSIONAL STANDARDS AMENDMENT BILL**

#### **Second Reading**

**Debate resumed from 1 September.**

**Mr ANDREW TINK** (Epping) [11.04 a.m.]: The purpose of the Professional Standards Amendment Bill is to amend the Professional Standards Act 1994 to make further provision for the operation of schemes under that Act for limiting the occupational liability of members of occupational associations. The bill amends the definition of "occupational associations" to include associations that comprise members of more than one related occupational group. I believe that reflects the trend for the creation of groups between groups of professional associations, groups with wider interests and groups with common interests, and for that reason the amendment is to be welcomed and facilitated. The bill also clarifies existing provisions to limit the liability of partners, officers, employees and associates that arise in connection with the liability of the member of an occupational association. Plainly, if occupational associations are to perform effectively, such safeguards need to be in place.

The bill extends the coverage of the Act to liability arising from negligence of legal practitioners in acting for clients in personal injury claims, which is currently excluded from the Act. It allows an occupational liability limitation scheme to calculate liability caps by use of a formula so that different variables can be taken into account. The bill clarifies that the minimum cap on liability provided for by a scheme must not be below the minimum amount set out under the Act. It allows members of a scheme to rely on business assets alone, as opposed to business assets and an insurance policy, to establish their ability to satisfy a claim. I believe that that additional flexibility is important. The bill enhances the ability of an occupational liability limitation scheme to set different caps on liability for different situations, and enhances the ability of a scheme to set different insurance standards for members. This recognises that different activities and services attract different levels of risk. It also recognises and reflects the market of professional services, allowing flexibility to cover all contingencies.

The bill implements a number of changes to ensure that the New South Wales Act is consistent with the Victorian Professional Standards Act 2003 and with professional standards bills developed in other States and Territories in accordance with an agreement by all States and Territories in August 2003 to implement nationally consistent professional standards legislation. Plainly, there is a national market for professional services. These days even modest-size firms in all sorts of professions have offices right around the country, and of course professionals who practise in one State jurisdiction commonly commute all over the Commonwealth to carry out their work. It is therefore vital that there be nationally consistent standards in professional activity. It is as basic as having a standard railway gauge from Sydney to Melbourne. Nationally consistent standards in professional activity will ensure an effectively functioning professional sector right around the country.

The marketing of professional services offshore also adds to, and lends credibility to, the types of services that are on offer. If all States in the Commonwealth can consistently provide for traditional standards,

and for the policing of them and insurance for them, we can demonstrate to other jurisdictions offshore that we have got our act together, so to speak, on these fundamental issues. This then allows us to be more credible in taking services to other jurisdictions. These days the offshore opportunities are enormous, especially with regard to legal and accounting services. If we can demonstrate that we have a consistent nationwide approach to the underpinning of these services—in which, regrettably, from time to time things do go wrong—we will be better off in the international marketplace. The Coalition has no objection to this bill. We note, in particular, the support of the Law Society and the Professional Standards Council for this bill. We note the work that has been done by the Professional Standards Council to bring legislation of this type forward. It will be valuable for all professions.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [11.10 a.m.], in reply: I thank the honourable member for Epping for his support for the Professional Standards Amendment Bill. Obviously, in recent years professionals and occupational and community groups have become increasingly worried about increases in the cost of insurance. It is encouraging to see that in more recent years State and Territory governments, and indeed the Commonwealth Government, have been also working together to address that issue. They have adopted a national approach where possible. Indeed, the work that has been taking place to establish a national legal profession, led by New South Wales, has been quite closely associated with work that has been taking place to establish common schemes for professional standards around the country.

In New South Wales there are schemes for accountants, solicitors, engineers, surveyors, valuers, and soon for barristers. Professional standards legislation is part of a broader set of measures that are being agreed to by all jurisdictions to address issues regarding the cost and availability of insurance. New South Wales is the leading jurisdiction with respect to professional standards legislation, having had its legislation in place since 1994. I am pleased that in quite recent times other jurisdictions have begun to take up the lead that New South Wales established. The Professional Standards Amendment Bill is important because it brings aspects of the New South Wales Act into line with the national approach to professional standards that have been agreed to by all States and Territories. It also implements a number of other improvements to the Act. One of the most important improvements contained in the bill is that it will increase the flexibility for specifying different caps on liability. That, in turn, recognises that there are significant differences between individuals and firms within a profession, and it recognises the commercial realities faced by those individuals and firms.

As a result of all States and Territories implementing professional standards legislation we can now look forward to professionals across Australia being encouraged to adopt schemes that improve the quality and the standard of their services while at the same time protecting them from exposure to catastrophic liability risks in the course of professional practice. Professional standards legislation offers benefits to professionals through that protection from absolutely catastrophic exposure to insurance risks or to liability risks that may or may not be insurable. The legislation also offers protection to consumers, who can be assured that the professionals with whom they are dealing are insured and are adopting appropriate risk management practices within the conduct of their business. I am pleased to commend this modest but significant bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

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

#### **Second Reading**

**Debate resumed from 16 September.**

**Mr ANDREW TINK** (Epping) [11.15 a.m.]: The purpose of the Classification (Publications, Films and Computer Games) Enforcement Amendment (Uniform Classification) Bill is to amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to give effect to uniform film and computer games classifications. The Commonwealth Classification Amendment Act 2004, which was passed in May, provides for the replacement of existing classifications for films and computer games with new classifications. The amendments in the bill are consequential on the new classifications under the Commonwealth Act. In March, State, Territory and Commonwealth censorship Ministers agreed to amendments to the classification descriptors in the Commonwealth Act and to consequential amendments to the State and Territory enforcement legislation.

This bill, which is to commence at the same time as corresponding Commonwealth, State and Territory legislation, will implement uniform classification categories for films and computer games in New South Wales. The changes relate to the names of classifications only and do not affect the type of material that is permitted within each classification. The type of material that is permitted within each classification is assessed by the Classification Board and the Classification Review Board using the criteria set out in the national classification code and guidelines. The amendments in the bill are consequential on the Commonwealth Act and they use well-understood and well-known classification types to enhance community awareness.

This bill recognises the national market for publications, films and computer games. It is appropriate and necessary that there be agreements nationwide by all jurisdictions on these things so that people can readily understand the passage of the classification of material from one jurisdiction to another and can readily understand the classification of what is passed in that way. I will read some correspondence that passed between the Attorney General and the chairperson of the Legislation Review Committee because I think the committee has raised an important point. The point concerns the sliding nature—if I can call it that—of this legislation because, in some respects, when and how it comes into effect is contingent and dependent on things that will happen in other jurisdictions, particularly in the Commonwealth jurisdiction. The chair of the committee, the honourable member for Miranda, made a particular point in his letter to the Attorney General. I will read the chair's letter of 21 September and I will then read the Attorney General's reply. The chair's letter stated:

The Committee has considered this Bill under s 8A of the *Legislation Review Act 1987*.

The Bill provides that the display of a film or computer game with the equivalent former classification does not constitute an offence under the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

This is the important part:

However, the Bill provides that subsequent Regulations may make this an offence [proposed cl 10(2) of Sch 4].

The Committee seeks your clarification as to the circumstances in which it is contemplated that such Regulations may make it an offence to indicate the equivalent former classification of a film or computer game.

The Attorney General replied:

Thank you for your letter of 21 September 2004 concerning Schedule 1[33] to the Classification (Publications, Films and Computer Games) Enforcement Amendment (Uniform Classification) Bill 2004.

Schedule 1[33] contains transitional provisions. You are concerned that proposed cl 10(3), in Schedule 1[33], is a delegation of legislative powers and are seeking clarification as to the circumstances in which any Regulations may make it an offence to indicate the equivalent former classification of a film or computer game.

This is basically a suggestion for there to be a delegation of a power to create offences, which is quite a significant thing. The Attorney General continued:

This is required to enable flexibility in the event that any new determined markings issued by the Commonwealth do not allow previously classified products to continue to use their old markings—

I am not being critical of this because I think I understand that point. However, it is important to put this on the record—

A regulation would then be made negating cl 10(3), or parts thereof, to ensure consistency with the requirements of any new determined markings. There is currently no intention to make any regulations under cl 10(3).

Under the provisions of the Classification (Publications, Films and Computer Games) Enforcement Act ('the NSW Act'), films and computer games must carry 'determined markings' indicating the classification. The 'determined markings' are determined by the Commonwealth under section 8 of the Classification (Publications, Films and Computer Games) Act ('the Commonwealth Act').

The States and Territories have been informed by the Commonwealth that there will be new determined markings, intended to commence on the commencement of Schedule 1 to the Classification (Publications, Films and Computer Games) Amendment Act 2004 ... It is currently proposed by the Commonwealth that the new determined markings will allow previously classified products to continue to use their previous determined markings. For instance, it will allow that films previously classified 'R' will not have to carry a new determined marking indicating that they are now classified 'R18+', but they will instead be allowed to continue to carry a determined marking indicating a classification of 'R'.

The sections of the Classification (Publications, Films and Computer Games) Enforcement Act ... that are affected by cl 10(3) are sections 15, 34 and 43. These sections contain provisions relating to the use of markings (both 'determined' markings and 'markings') indicating the classification that a film or computer game has. Presently they ensure that classified products indicate the classification a product has, in the form determined by the determined markings issued by the Commonwealth and that any

other markings are not misleading or deceptive. The NSW Act uses the determined markings to dictate the requirements for the labelling of classifications on films and computer games in NSW.

However, it is not clear that any new determined markings will be broad enough to ensure that people are not liable for prosecution under sections 15(3), 34(4) and 43(2) by using a 'marking' indicating or suggesting that a film or computer game 'has a different classification'. Clause 10(3) was therefore drafted to ensure that people were not prosecuted if, as expected, the new determined markings to be released by the Commonwealth allow previously classified products to continue to use their old markings. If the new determined markings do not allow this, contrary to what is currently proposed by the Commonwealth, cl 10(3) will be negated by the regulations to the extent required to ensure consistency with the determined markings.

Yours faithfully,

**BOB DEBUS**

I do not want to belabour disappointment, but in the light of recent issues arising from classification matters relating to child pornography, it is important that considerable care be taken. I do not suggest that on this occasion the issues are not being attended to. However, this is a relatively unusual provision and I think I understand the reason for the Attorney General doing it. However, it is important to have his reason placed on the record in case any concern or misunderstanding is raised in the future. I hope that that does not happen. The Opposition has no objection to the bill.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [11.23 a.m.], in reply: I thank the honourable member for Epping for his support for the bill and for reading my letter onto the record. I assure him that the Government intends to stand by the propositions outlined in that letter, which was received by the chairperson of the Legislation Review Committee, the honourable member for Miranda, on 28 September. I should emphasise that the changes to the names and classification types to be legislated do not affect the type of material permitted within each classification. That will be assessed by the classification board and the classification review board, using criteria set out in the national classification code and guidelines. The most likely commencement date of these amendments is early 2005. All States and Territories have to pass similar legislation amending their classification enforcement legislation. The Commonwealth passed its legislation in May this year and it is assumed that all jurisdictions will have introduced and debated relevant bills, as we are doing, around this time and that the new arrangements will come into effect at the national level in 2005. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

#### **PROTECTED ESTATES AMENDMENT (MISSING PERSONS) BILL**

**Bill introduced and read a first time.**

#### **Second Reading**

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [11.26 a.m.]: I move:

That this bill be now read a second time.

This bill represents a further major step in the Government's initiatives to assist families and friends of missing people. The Victims Rights Act 1996 was amended in 2000 to include the families of missing people as victims of crime. At the same time the Family and Friends of Missing People Unit in Victims Services was set up, and funding was provided for a telephone support and counselling service. Through interagency work and stakeholder participation, the unit has identified the need for clearer and simpler laws to help relatives and friends deal with the estates of missing people. Presently, family or friends can only manage the affairs and estates of missing people after obtaining a grant of probate from the Supreme Court. This means the missing person is presumed to be dead. Unless there is strong evidence that the person has died, probate may not be granted until they have been missing for seven years.

The presumption of death process is particularly distressing for families and friends of missing people because they usually do not want to accept, let alone prove, that the person is dead. It is also unsuitable for the majority of missing people, who are subsequently found alive. The process takes too long to provide any practical, timely assistance to people wishing to look after an estate in the short or medium term. More than

8,000 people go missing in New South Wales each year: 70 per cent are found within three days, 86 per cent are found within two weeks and 99.7 per cent are located overall. Long-term missing people are those who have been missing for more than a year. In New South Wales there are more than 500 long-term missing people. The Government, in consultation with families and friends of missing people, has developed a clear and simple legal procedure for applications to be made to allow others to manage property belonging to missing people.

The bill creates a statutory scheme, unique in Australia, for administering estates of missing people when it is not known if they are still alive. The bill includes a new section 21C in the Protected Estates Act 1983—the Act—to allow applications to the Supreme Court for a declaration that a person is missing and order that the person's estate is subject to management under the Act. An application to the court can be made by the spouse of the person, relative of the person, a business partner or employee of the person, the Attorney General, the Protective Commissioner or any other person who has an interest in the estate of the person. Section 21C also provides that the court may be satisfied a person is missing if it is not known whether the person is alive, all reasonable efforts have been made to locate the person, and people with whom the person would be likely to communicate have not heard from, or of, the person for at least 90 days. The court may make a declaration and estate management order if the person is missing, the person's usual place of residence is in New South Wales, and it is in the best interests of the person to do so. The court may then appoint any suitable person, or the Protective Commissioner, to manage and administer the estate of the missing person.

A new definition is inserted in section 4 of the Act and a "protected missing person" is a person in respect of whom such an estate management order is made. The Protected Estates Act will then apply to the estates of protected missing people, as it does to the estates of protected people who have been found to be incapable of managing their affairs. Amendments to section 24 of the Act ensure that when the Protective Commissioner is appointed to manage the estate of a protected missing person, the Protective Commissioner has all powers necessary to manage the estate, including the power to receive money or rent from real or personal property, to grant leases of property, to sell or mortgage real and personal property, to settle a demand against the estate, to carry on a business that the protected missing person had carried on, and to bring and defend proceedings on behalf of the protected missing person.

Division 4 of the Act applies to the management of estates by people other than the Protective Commissioner. Amendments to section 30 of the Act ensure that orders can be made when another person is appointed to manage the estate of a missing person, giving them all powers necessary to manage the estate. Under Division 4 of the Act, the Protective Commissioner will provide direction, supervision and support when another person is appointed to manage the estate of a protected missing person. Section 32 of the Act is amended to enable the court to make such orders as appear necessary for making the property and income of a protected missing person available for the payment of the debts, or otherwise for the benefit of the protected missing person; the maintenance and benefit of the family of the protected missing person; and other purposes for the care and management of the estate.

The Act is also amended to provide that fees can also be prescribed for functions exercised by the Protective Commissioner in relation to the estates of protected missing people. That is section 8. It is proposed to amend the Protected Estates Regulation 2003 to allow the Protective Commissioner to charge the same fees for the administration of the estates of missing people as is currently charged for other protected persons. The bill also provides for estate management orders for protected missing people to be terminated. A new section 35A will allow an application to be made to the Supreme Court for the revocation of a declaration and order when there is evidence that the protected missing person is alive.

Section 38A provides for the Protective Commissioner to be able to terminate the management of the estate of a missing person when he or she is satisfied that the person is alive. The bill also provides for consultation of the relatives of a protected missing person by the Protective Commissioner. Amendments to section 50 require that before the Protective Commissioner takes any action in respect of the estate of a protected missing person he or she must determine whether the relatives of the person should be consulted. Section 76 is amended to provide that a power of attorney is suspended while the estate of a protected missing person is subject to management under the Act. This bill fills a significant gap in the present law.

The proposed amendments to the Protected Estates Act 1983 create a clear, effective mechanism for dealing with the estates of protected missing people. The scheme uses the extensive expertise that already exists in the Supreme Court and in the Office of the Protective Commissioner. The proposed role for the Protective Commissioner is compatible with the current role, duties and responsibilities of that office, that is, looking after the estates of people who are not able to do it for themselves. Considering that a proportion of people become

missing because of a disability—for example, dementia—managing the estates of missing people will complement the Protective Commissioner's existing role.

The family and friends of a person who is missing are confronted with harrowing social and personal issues. These issues are presently made much more difficult by the complex legal processes involved in attempting to manage and preserve the missing person's estate. This legislation will be the first of its kind in Australia. Similar schemes exist in only two other countries in the world, Guam and Canada. The scheme proposed in the bill provides families and friends with a simple, timely and effective method for ensuring that the estate of a missing person can be managed when it is not known whether that person is alive. It is hoped that this legislation will help ease the grief and uncertainty of relatives and friends whilst at the same time help to preserve the property and assets of missing people.

I express my sincere thanks and sympathy to the families and friends of missing people who shared their personal stories and experiences with me during the development of this legislation. I am indebted to them for having the courage to speak out, in the face of terrible tragedy and heartache. They have experienced first hand the quagmire of legal problems involved in trying to deal with the estate of a missing loved one. Through their courage and insight, they have assisted in developing this legislation. They have eased the burden for all those other children, parents, spouses and friends who may in the future have to deal with the unexplained disappearance of someone dear to them. I commend the bill to the House.

**Debate adjourned on motion by Mr Thomas George.**

### **HISTORIC HOUSES AMENDMENT BILL**

**Bill introduced and read a first time.**

#### **Second Reading**

**Miss CHERIE BURTON** (Kogarah—Parliamentary Secretary) [11.35 a.m.], on behalf of Mr Bob Carr: I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Historic Houses Act 1980 to reflect more accurately the role of the trust in managing and maintaining not only houses of historic importance but other buildings, structures and sites. The bill also provides measures to streamline the trust's procedures. The Historic Houses Trust currently manages 15 properties, including house museums such as Elizabeth Farm and Vacluse House, two museums of social history, the Hyde Park Barracks, the Justice and Police Museum and two sites of great historical significance, Government House and the Museum of Sydney, which is on the site of the first Government House. When the Historic Houses Act was originally drafted the trust was responsible for only two properties. In the 24 years since then the trust has acquired an international standing in the conservation and interpretation of buildings and places of historic importance, and is the recipient of numerous heritage and tourism awards. It has successfully combined research and scholarship with innovation and popular appeal.

The philosophy of the trust is to maintain a range of properties representative of different historical periods, architectural styles and social associations—not only house museums, in which we see a period recreated, but museums and programs that engage the community in our social history and cultural heritage. The trust is guided by the view that museums should be part of current debates in the community, open to new ideas as much as they are the repositories of important collections and memories of the community. As a result, the properties managed by the trust are living places that emphasise community involvement, in which visitors enjoy and learn through activities, seminars and workshops, and theatre and dance performances. The trust has a diverse and robust program of exhibitions, public events and festivals. Its publications are widely read and appreciated, and the trust's professional advice is a valuable resource.

The approach of the trust to the presentation of its properties means that visits are entertaining and may involve a range of educational activities. Students and teachers come away knowing more about the people who lived and worked in these places, understanding the significance of the buildings, the furniture and the objects they contain. About 50,000 schoolchildren attend one of the trust's 30 different education programs each year. The trust's management of Government House is a good example of the way in which the trust combines conservation, collection management and access.

Since 1996, when the trust took over management of the property, more than one million people have visited the house and grounds. The Governor continues to use the property for all principal vice-regal functions. The trust has extensively researched the property and its history and developed policies to guide its conservation. The property also hosts a regular and diverse cultural program including lectures, seminars, a popular subscription music series, specialist tours and festivals. The trust continues to improve its capacity to manage its various responsibilities. Last month it relocated its scattered head office units into one facility at the Mint, in a project that has seen the conservation, adaptation and refurbishment of the 1850s coining factory buildings at the rear of the Macquarie Street building.

Current collection management and conservation projects being undertaken by the Historic Houses Trust also illustrate its capacity to meet the many challenges presented to it in an exemplary fashion. In August 2004 it was announced that the four children of the late Caroline Simpson had agreed to gift their mother's collection and a \$1.5 million endowment to the trust. The total value of the gift is in excess of \$12 million and makes it one of the largest gifts ever given to a cultural institution in Australia. The material comprises an outstanding collection of colonial pictures, including 21 major paintings by Conrad Martens, colonial furniture and objects and a large number of paintings of other eighteenth and nineteenth century British colonies.

The gift also includes many twentieth century views of Sydney, such as etchings by Lionel Lindsay and photographs by Max Dupain. The collection will be used to enhance a number of the trust's properties and part of it will be placed in other institutions to provide the greatest possible access to it. The trust will also guide a project to restore Newstead Homestead in Inverell, where artist Tom Roberts painted some of his most famous works. This year the trust will contribute its expertise and \$120,000 to work in partnership with Inverell Shire Council, the New South Wales Heritage Council, the University of New England and others to assist the owners of the homestead, the Bruderhof community, to conserve this important historic house.

Proposed section 7 of the Act substitutes new principal objects for the trust to reflect its role in managing, maintaining and conserving historic buildings or places and other property of the trust. It recognises that the trust has responsibility for historic houses and house museums, as well as certain other buildings, sites and museums of historical significance. The Act currently provides for ministerial approval for alterations or improvements to trust properties. Proposed section 10 of the Act will replace this ad hoc process with a requirement that the trust develop conservation plans for each property to be approved by the Minister for the Arts. The proposed amendment will allow alterations or improvements consistent with approved plans. By obtaining approval for a comprehensive conservation plan for an entire property, including details of how repairs and construction are to be appropriately carried out, the work can be seen in context and dealt with as the need arises.

The Historic Houses Trust, consistent with worldwide museum practice, disposes of objects such as household items that are no longer suitable or appropriate to its collection. The current Act requires that the Governor must approve of the disposal of any such property that was originally acquired by the trust by gift, devise or bequest without being subject to conditions. Proposed amendments to section 11 will require the trust to obtain the approval of the Minister, rather than the Governor, to dispose of such items which the trust no longer requires, including furniture and other household objects. The amendment does not affect current requirements relating to the Governor's approval for the sale of real property, that is, properties managed by the trust.

At present the legislation allows for the Minister administering the Public Works Act 1912, the Minister for Commerce, and the Minister administering the Heritage Act 1977, the Minister for Infrastructure and Planning, to each nominate a trustee. When the trust was established in 1980 the formal input of these administrations was considered necessary to support its work. The trust has operated for 24 years and has developed expertise and an international reputation in specialist areas. It is adequately equipped to assume full responsibility for its operations without the need for formal representation by other portfolios on its governing board.

The Department of Commerce, the Heritage Council and the Heritage Office play an important role in advising and guiding a wide range of government agencies without formal representation on their governing bodies. The usual consultative channels will continue to be available to the trust as with any government body. These two trustee positions are no longer required to be reserved for public servants. Proposed section 6 (1) provides that the responsible Minister nominate all nine trustees, but that at least one person have knowledge or experience in history and one have knowledge or experience in architecture. This will allow for representation from members of the wider community with professional expertise, and is consistent with other legislation in the arts portfolio.



The reform of the composition of the board of the trust has the full support of my colleagues the Minister for Infrastructure and Planning and the Minister for Commerce. The trust balances its conservation work with the community's need to look at, experience and enjoy the properties it manages. The amendments will effect necessary improvements to the Historic Houses Trust enabling legislation. A revised Act will provide the trust with the necessary foundations to build upon its excellent record in the management of some of the most significant treasures of the State. I commend the bill to the House.

**Debate adjourned on motion by Ms Jillian Skinner.**

### **DISTINGUISHED VISITORS**

**Mr ACTING-SPEAKER (Mr John Mills):** I take this opportunity to welcome to the public gallery Ba Teer, the Vice Governor of the People's Government of Inner Mongolia Autonomous Region, together with representatives of the People's Congress of Inner Mongolia.

### **THREATENED SPECIES LEGISLATION AMENDMENT BILL**

#### **In Committee**

**Consideration resumed from 19 October.**

**The CHAIRMAN (Mr John Mills):** Order! The Committee will continue its consideration of Opposition amendments 1 to 5.

**Mr MICHAEL RICHARDSON (The Hills) [11.47 a.m.]:** Last night I said all I wanted to say about these amendments. It is in the best interests of procedural fairness and conservation if the Minister is able to seek a second opinion from the Biological Diversity Advisory Council on expediting a listing. I do not envisage that this option would be taken on more than a few occasions; I do not envisage that the Minister would routinely seek a second opinion on a listing. I would expect that in most instances, the nomination would be accepted, as is the case currently. But there are some contentious issues where that second opinion is necessary, notwithstanding what the Minister had to say last night about the regulations he is proposing be created to guide the Scientific Committee in its decision-making process. Notwithstanding that, I still believe it would be in the best interests of everyone concerned if the Minister were able to seek that second opinion.

**Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [11.48 a.m.]:** As I indicated in the debate that took place over a considerable time last night, the Government is examining those amendments proposed by the Opposition, having received a copy of them yesterday. I have also explained the stage we have reached in further consultation with stakeholders, especially the Farmers Association, over several amendments that the Government proposes to move in the upper House. I had explained—and I do not think it is necessary for me to do it again—the details of the amendments that we propose to move, although I understand there are still to be some final negotiations about the precise drafting of those amendments.

In that context, and bearing in mind that it is necessary for consistency for the Government to talk with all of the stakeholders about the Opposition's amendments as well, as I have already indicated, I am reluctant to support Opposition amendments now. But I do commit to a thorough examination of the Opposition's proposals and to circulating the Government's proposed amendments before the bill receives a second reading in the other place. I hope that at least it can be seen that I am in this respect consistent. For effective consultation and to comply with the procedures of the House we need to consider all the amendments in the other place.

**Mr MICHAEL RICHARDSON (The Hills) [11.51 a.m.]:** I am disappointed at the Minister's response. If the Government wants further time to consider the Opposition amendments it would be appropriate to adjourn the debate at this stage, consider the amendments, undertake the consultation that the Minister has promised and then come back to the Chamber. It would not waste our time. If the Government then supports the amendments they can be passed in this Chamber and the Government can debate whatever it wants to in the other House. The lower House is the House that represents the people. We all have individual electorates to which we are beholden. That is particularly true of country members, who are most affected by this bill.

It would be a complete abrogation of our responsibility and their responsibility to their constituents if we were simply to take the Government on trust over these amendments and leave consideration of the

amendments to the upper House. If the amendments are passed in the upper House they will have to come back here for further consideration and ratification. That involves an awful lot of duplication. The most sensible course of action for the Government unquestionably would be to adjourn the debate. The debate can be resumed next week and the Government can come back with a firm position on the amendments. It should tell us where it stands on these important issues that affect its constituents.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [11.53 a.m.]: A final word: notwithstanding certain completely spurious claims made by several members opposite last night, consultation on the amendments has been under way for months. The general approach that has been taken to debate in this Chamber, and the approach that I am suggesting that we take to the final amendments to the bill, it being a very complex bill, is completely conventional. This is exactly the way that complex bills proceed through this Chamber more often than not. That is especially the case if, as in the present instance, the Opposition's amendments are delivered at the eleventh hour. I do not particularly criticise the Opposition for that, but that is the case. I have no more to say: the fact is that the procedure that I am suggesting is absolutely normal and conventional.

**Question—That the amendments be agreed to—put.**

**The Committee divided.**

**Ayes, 31**

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Armstrong	Mr Humpherson	Mr Slack-Smith
Ms Berejikian	Mr Kerr	Mr Stoner
Mr Cansdell	Mr Merton	Mr Tink
Mr Constance	Mr O'Farrell	Mr Torbay
Mr Debnam	Mr Page	Mr J. H. Turner
Mr Draper	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

**Noes, 47**

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

**Pair**

**Mr Fraser**

**Ms Saliba**

**Question resolved in the negative.**

**Amendments negatived.**

**Mr MICHAEL RICHARDSON** (The Hills) [12.04 p.m.], by leave: I move Opposition amendments Nos 6 and 7 in globo:

No. 6 Page 18, schedule 1 [66]. Insert after line 32:

- (a2) clearing of native vegetation as authorised by a property vegetation plan approved under the *Native Vegetation Act 2003* for land that had the benefit of biodiversity certification under Division 6 of Part 7 of this Act when approval of the plan was given, or

No. 7 Page 25, schedule 1 [67]. Insert after line 36:

**Division 6 Biodiversity certification of catchment action plans**

**126O Biodiversity certification**

- (1) The Minister may by order published in the Gazette confer biodiversity certification on a catchment action plan for the purposes of this Act.
- (2) In this Division, *catchment action plan* means a catchment action plan under the *Catchment Management Authorities Act 2003*.

**126P Effect of biodiversity certification**

While biodiversity certification of a catchment action plan is in force, all land within the area of operations of the catchment management authority responsible for the plan has the benefit of biodiversity certification.

Note. If a catchment action plan is certified under this Division:

- (a) the clearing of native vegetation as authorised by a property vegetation plan that is approved for land while the land has the benefit of biodiversity certification is not an offence under Part 8A of the NPW Act, and
- (b) development consent to clearing of native vegetation does not require the preparation of a species impact statement or consultation between Ministers (see section 14 (4) of the *Native Vegetation Act 2003*).

**126Q Period of certification**

- (1) Biodiversity certification remains in force for such period as the Minister determines and specifies in the certification. If no period is specified, biodiversity certification remains in force for 10 years.
- (2) Prior to the expiration of biodiversity certification of a catchment action plan, the Minister may by order published in the Gazette extend by a period of up to 10 years the period for which that certification remains in force, but only if the Minister has reviewed the catchment action plan to take account of any new listing of a species, population or ecological community or the discovery of a species, population or ecological community not previously known in an area.
- (3) This section does not prevent further biodiversity certification of a catchment action plan under this Division.

**126R Suspension and revocation of certification**

- (1) The Minister may by order published in the Gazette suspend or revoke biodiversity certification of a catchment action plan if:
  - (a) the plan or its current or likely future implementation will result in a failure to conserve threatened species, populations and ecological communities, or
  - (b) the catchment management authority responsible for the plan has failed to properly exercise its functions under the plan, or
  - (c) the catchment management authority responsible for the plan has otherwise failed to exercise its functions in a manner that promotes the conservation of threatened species, populations and ecological communities.
- (2) During the suspension or following the revocation of biodiversity certification of a catchment action plan, land within the area of operations of the catchment management authority responsible for the plan does not have the benefit of the biodiversity certification of the catchment action plan.
- (3) The Minister is only entitled to form an opinion for the purposes of this section:
  - (a) based on the outcome of any audit undertaken by the NRC, or
  - (b) based on the results of an investigation conducted by the Director-General, or
  - (c) in such other circumstances as may be prescribed by the regulations.

**126S Notification of certification, suspension or revocation**

Notice of the grant of biodiversity certification under this Division or of any suspension or revocation of that certification under this Division is to be given:

- (a) to the relevant catchment management authority, and
- (b) to the Director-General of the Department of Infrastructure, Planning and Natural Resources, and
- (c) on the website of the Department of Environment and Conservation.

These amendments will provide for the biodiversity certification of catchment action plans in advance of the Minister certifying the entire native vegetation reform package. There is a sound reason for doing this. Were the amendment proposed in the bill to be accepted it could take five years or more for the entire package to be finalised. A farmer living, for example, in the Border Rivers-Gwydir Catchment Management Authority area who wanted to submit a property vegetation plan would not be able to have it signed off until the entire package was finalised. The Minister said in his reply to the second reading debate that the Government would introduce an amendment in the Legislative Council to allow the Minister for the Environment to certify the package even though some sections might not be finalised. He went on to say:

The intention of this amendment will be to achieve the flexibility required to enable the Minister to certify the package no later than the end of January 2005, or at any other appropriate time—

which could be 10 years hence—

ahead of the commencement of the Native Vegetation Act ... This would allow the Minister for the Environment to confer certification even if the protocols and guidelines relating to specific activities are not finalised, for instance those concerning private native forestry.

That is simply not good enough. We are talking about the certification of individual catchment action plans so farmers can have property vegetation plans drawn up and signed off and get on with their lives and businesses. Any reasonable Government would accept that this is a different proposition from that put by the Minister for the Environment. His proposition might not streamline the process more than minimally. It is a disgrace that the Minister and the Government will not adjourn the consideration of this legislation and consider the Opposition's amendments in detail.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [12.07 p.m.]: The Nationals support the amendments moved by the shadow Minister. They are commonsense amendments that will improve the Government's legislation. This legislation has been introduced in a half-baked manner. It is a shemuzzle that brings back memories of what occurred with the introduction of the Native Vegetation Bill late last year—legislation that was crucial to the future of regional and rural New South Wales but which was full of holes. The Minister for the Environment is now foreshadowing his own amendments in the other place, but the Opposition still has no idea what those amendments are. In fact, the New South Wales Farmers' Association is still considering the amendments, so the Opposition has no indication whether they are acceptable to key stakeholder groups. The Government is forcing a vote without either those amendments or the views of the affected groups having been presented to this place.

It is not good enough for the Minister to oppose the Opposition's amendments while giving an assurance that he will consider them at some other stage and that they will be dealt with in the other place. There is no reason why he cannot adjourn the Committee, consider the amendments, and, if necessary, consult the affected groups and then consider the legislation in a proper manner in this place. He is asking us to take him on trust that everything will be fixed in the other place. Given the Government's track record and its repeated broken promises on issues affecting landholders in regional and rural New South Wales, we do not trust it. The Opposition's amendments will improve this half-baked legislation. The Minister should adjourn the Committee, consider our amendments more thoroughly, and then resume the Committee and accept them.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [12.10 p.m.]: For the reasons I have given repeatedly, the Government does not support the amendments.

**Question—That the amendments be agreed to—put.**

**The Committee divided.**

**Ayes, 33**

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

**Noes, 46**

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

**Pair**

Mr Fraser

Ms Saliba

**Question resolved in the negative.****Amendments negatived.****Mr MICHAEL RICHARDSON** (The Hills) [12.18 p.m.]: I move Opposition amendment No. 8:

No. 8 Page 28, schedule 1. Insert after line 30:

**[74] Section 157A**

Insert after section 157:

**157A Review of amendments made by Threatened Species Legislation Amendment Act 2004**

- (1) The Minister is to review the amendments made to this Act by the *Threatened Species Legislation Amendment Act 2004* to determine whether the policy objectives remain valid and whether the terms of the Act, as so amended, remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Amendment No. 8 requires a review of the Threatened Species Legislation Amendment Act after five years, and we believe that is entirely appropriate—the Minister himself has said on a number of occasions that this is

complex legislation. We do not know exactly how well it will work. It may well be that improvements will need to be made to the legislation, and the review process is the appropriate way to deal with that.

The Opposition's proposal is consistent with the provisions of the Native Vegetation Act, which provides for a review after five years. It is also consistent with the original threatened species legislation, which provided for a review after 18 months. Eighteen months would not be an appropriate period after which to review this legislation. The legislation is too complex and it is vital that a sufficient period be provided to implement the reform package, get it up and running, and see how it works. The Minister said that for reasons he has outlined repeatedly, he cannot accept these amendments today. I would not have thought it was beyond the competence of even the Minister for the Environment to give a decision on whether this legislation should be reviewed after five years. It is pretty basic stuff, it is not complicated, and the Minister can make a decision here and now on this amendment.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [12.19 p.m.]: Over the past nine and a bit years of this Carr Labor Government, ill-conceived legislation such as the Threatened Species Conservation Act has had a huge impact on farming and the viability of farmers to make an income off their land. There has been over the past few years huge pressure on coastal areas from coastal development. In my view, some of that development has not been appropriate and has not taken into account its impact on threatened species. Now the Government is saying it is going to fix up the mess. It is essentially saying, "Trust us with this legislation. We will introduce it in this place but we will fix it up in the other place at the eleventh hour." That is simply not good enough.

That is even more reason why there ought to be a review of this legislation after five years. We are not getting the complete picture; we are not getting the Government's amendments; we have not had an indication from stakeholder groups as to whether they are happy with that. Yet the Government is saying, "Trust us and we will put it through and all will be well." The Minister has admitted that it is complex legislation, and there must be a review after a suitable period: five years. The Minister's colleague the Minister for Infrastructure and Planning, and Minister for Natural Resources inserted a five-year review clause in the Native Vegetation Act, so he should be consistent and support the Opposition's amendment.

**Question—That the amendment be agreed to—put.**

**The Committee divided.**

**Ayes, 32**

Mr Aplin  
Mr Armstrong  
Mr Barr  
Mr Cansdell  
Mr Constance  
Mr Debnam  
Mr Draper  
Mrs Hancock  
Mr Hartcher  
Mr Hazzard  
Ms Hodgkinson

Mr Humpherson  
Mr Kerr  
Mr Merton  
Ms Moore  
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 Torbay  
Mr J. H. Turner  
Mr R. W. Turner  
*Tellers,*  
Mr George  
Mr Maguire

**Noes, 46**

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

Mr Greene  
Ms Hay  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Ms Judge  
Ms Keneally  
Mr Lynch  
Mr McBride  
Mr McLeay  
Ms Meagher  
Ms Megarrity  
Mr Morris  
Mr Newell  
Ms Nori  
Mr Orkopoulos

Mr Pearce  
Mrs Perry  
Mr Price  
Dr Refshauge  
Mr Sartor  
Mr Scully  
Mr Shearan  
Mr Tripodi  
Mr Watkins  
Mr West  
Mr Whan  
Mr Yeadon  
*Tellers,*  
Mr Ashton  
Mr Martin

**Question resolved in the negative.****Amendment negatived.**

**Mr MICHAEL RICHARDSON** (The Hills) [12.28 p.m.], by leave: I move Opposition amendments Nos 15, 16, 21 and 22 in globo:

No. 15 Page 44, schedule 2 [29], proposed section 220ZFA, line 27. Omit "an imminent risk". Insert instead "a risk".

No. 16 Page 44, schedule 2 [29], proposed section 220ZFA. Insert after line 28:

- (j) any activity certified by the Director-General of the Department of Primary Industries, by order published in the Gazette, to be a routine agricultural management activity.

No. 21 Page 61, schedule 3 [7], proposed section 118G, line 17. Omit "an imminent risk". Insert instead "a risk".

No. 22 Page 61, schedule 3 [7], proposed section 118G. Insert after line 18:

- (j) any activity certified by the Director-General of the Department of Primary Industries, by order published in the Gazette, to be a routine agricultural management activity.

These amendments relate to defences provided under the threatened species legislation for the carrying out of routine agricultural management activities [RAMAs]. As I said in my contribution to the second reading debate, I am concerned that a significant number of routine agricultural management activities—such as ploughing, sowing, irrigating, spraying insect pests and so on—are not provided for in the legislation. New section 118G (2) has been lifted lock, stock and barrel from the native vegetation legislation and inserted into the Threatened Species Legislation Amendment Bill. That is not good enough and I shall give examples of why that is the case.

New section 118 (2) (a) (i) refers to dams, permanent fences, building windmills, bores, airstrips—in the Western Division—stockyards and farm roads. I understand that electric fencing systems, where the fence consists of a single electric wire with steel posts up to 40 metres apart, might be considered to be a temporary fence but graziers who are embracing the development and management practices of holistic management and time control grazing would consider such a fence to be permanent. The Government has not defined what a "permanent fence" might be. The bill specifically refers to the construction, operation and maintenance of bores, but the same does not apply to wells.

I accept that wells are not in vogue to the same extent that they were some years ago, but many properties throughout New South Wales still have numerous wells, which provide a valuable source of water for the farms. According to this legislation they are no longer regarded as a routine agricultural management activity. Also, airstrips only qualify if they are in the Western Division, not in the rest of the State. That is a matter of real concern to the farming community. The proposed amendments inserts the wording, "any activity certified by the Director-General of the Department of Primary Industries, by order published in the Gazette, to be a routine agricultural management activity".

The RAMAs would still be listed in the gazette, but they could not be disallowed in the same way that RAMAs that are simply gazetted, as proposed by the Government. This is a step in the right direction. The Minister said that he would agree to an amendment that will refer to such non-native vegetation activities as a routine farming practice activity other than the clearing of native vegetation—although we have not seen any amendments—and he has asked us to take the matter on trust. He said that the activities not included in the definition of a routine farming practice activity would be few in number; it would be a very short list because it is not the Government's intention to intrude the Threatened Species Conservation Act into what are obviously routine farming activities.

The Minister referred to the shooting of flying foxes, the use of goats by property developers to clear native vegetation or the shooting of wedge-tailed eagles to protect lambs. We do not think that those things should be classified as routine agricultural management activities. The Minister said that activities such as this could not reasonably be included in the new definition—although we do not know exactly what that is—of a "routine farming practice activity". I agree with that proposition but the Minister cannot ask us to take this matter on trust when we have not seen the amendments. He cannot ask us to withdraw our amendments and debate the issue in the upper House. That is not acceptable.

The other issue relates to new section 118G (2) (i), which has been lifted from the Native Vegetation Act. The Government has got it wrong. It refers to a defence to a prosecution under the threatened species

legislation being that it is any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property. The amendments propose to delete the word "imminent" from the bill. I suggest that all members of this Chamber would be concerned that this measure is not in accordance with proper risk management practices or, indeed, with the Government's own Occupational Health and Safety Act. I would be interested to know the views of WorkCover and the Labor Council on this issue.

One of the objects of the Occupational Health and Safety Act is to protect people at a place of work against risks to health or safety arising out of the activities of persons at work and to promote a safe and healthy work environment for people at work to protect them from injury and illness and that is adapted to their physiological and psychological needs. A farmer has a duty of care to his workers under the Occupational Health and Safety Act. That duty is specified, unambiguously, under part 2, division 1. One does not mitigate against imminent risks of injury but against any risk of injury. It is hypocritical of the Government to introduce such legislation into the Parliament, given that this Minister authorised the cutting down of 11 trees—including 5 Moreton Bay figs and 5 heritage trees—out the back of Parliament House on the basis of public safety. The Government said that these trees posed a risk—not an imminent risk—to public safety, and it destroyed our heritage as a consequence. This was not even an imminent or remote risk of injury to the public, but this Minister got out the chainsaw. The hypocrisy of the Government over this legislation and its actions at the back of Parliament House is there for all to see. I commend the amendments to the Committee.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment)  
[12.37 p.m.]: No.

**Question—That the amendments be agreed to—put.**

**The Committee divided.**

**Ayes, 30**

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

**Noes, 49**

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



**Pair**

Mr Fraser

Ms Saliba

**Question resolved in the negative.****Amendments negatived.****Schedules 1 and 2 agreed to.****Schedule 3 agreed to.****Bill reported from Committee without amendment and passed through remaining stages.***[Mr Deputy-Speaker left the chair at 12.46 p.m. The House resumed at 2.15 p.m.]***RETAIL LEASES AMENDMENT BILL****Bill received and read a first time.****Second reading ordered to stand as an order of the day.****COFFS HARBOUR REGION STORM DAMAGE****Ministerial Statement**

**Mr BOB CARR** (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.17 p.m.]: Droughts and flooding rains—Dorothea Mackellar hit the bull's-eye with her description of this wilful, lavish land. Overnight on the North Coast we have seen the perversity of our climate. Amidst the worst drought in this century the people of Coffs Harbour and Bellingen local government areas have been hit by particularly severe winds and heavy rains. Therefore, the Government has declared these two locations natural disaster areas. My colleague the Minister for Emergency Services is on the scene today inspecting the damage. A natural disaster declaration means that families, businesses and local councils can gain access to a range of benefits.

Of course, the splendid State Emergency Service volunteers deserve our thoughts on occasions such as this, as do other emergency services—police, energy company and local government staff. They have worked through the night battling the fierce winds and they are still on duty as we speak. I know the House joins with me in thanking and congratulating all those volunteers and professionals who are working with the people affected in these areas. They have taken more than 300 calls for assistance, with many more to follow. We owe them a great debt of gratitude, not only for what they have done but for what they will do in the coming hours as poor conditions continue today and overnight. There are winds of up to 90 kilometres an hour and seas up to five metres. Our thoughts are with everyone on the North Coast who is facing these conditions. With today's natural disaster declaration they can be assured that help is on the way.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [2.19 p.m.]: As the Premier has said, the Coffs Harbour area was hit by severe storms shortly after midnight last night. The storm caused significant damage in an area extending from Woolgoolga to Urunga, and the rain continues to fall. Winds of more than 120 kilometres an hour brought down trees and powerlines, and ripped roofs off houses. The Hon. Melinda Pavey, a member of the other place, has lost her garage. The honourable member for Coffs Harbour has sustained damage to the fencing of his property. He has returned to Coffs Harbour to view first hand the damage and the threat of impending floods in the area. The State Emergency Service and other emergency service volunteers in Coffs Harbour received more than 85 calls for assistance between midnight and six o'clock this morning. As always, they and the other emergency service volunteers and professionals are doing a magnificent job for their communities. They have worked through the night and have now gone on to their day jobs. A new shift of volunteers is working hard on the massive clean-up operation as we speak.

Several roads have been cut, including at Black Adder Creek north of Coffs Harbour. Roads are also cut from Marks Hill through to Bellingen. The communities of Thora, Darkwood, Hydes Creek and Kalang have been cut off. The Pacific Highway was cut intermittently in several locations during the night. I urge motorists to heed police warnings and to take particular care on the roads. In some areas traffic lights are out and plenty of

debris is covering the roads. Communities may now have to deal with flood damage on top of the storm damage. Again, the Opposition endorses the Government's comments, particularly in relation to the brave role the volunteers are playing. We wish the communities affected a speedy recovery, clean-up and restoration of services.

## **PARLIAMENTARY IFTAR DINNER**

### **Ministerial Statement**

**Mr BOB CARR** (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.24 p.m.]: Respect and understanding are the key to making our multiculturalism work. Tolerance is not enough; it is a grudging concept. Mutual respect is a better way of expressing it. Tonight the New South Wales Government for the first time will host an Iftar dinner for the State's Islamic communities. Iftar is the communal meal held after sundown when people from the Islamic faith, who do not eat or drink anything from dawn to dusk during the holy month of Ramadan, break their fast. In the month of Ramadan Muslims everywhere reflect upon values such as the importance of family and the need for charity, forgiveness and goodwill to all. The New South Wales dinner is patterned after similar ones held at the White House on 19 November 2001 and at the Australian Parliament on 23 November 2003. Victoria will host a similar dinner in two days time.

This dinner builds on a strong record in recent years of promoting community harmony, including the Unity in Adversity Assembly following September 11 2001, the Community Harmony Reference Group following the Bali attacks in October 2002, the visit by leading Egyptian scholar Professor Hassan Hanafi in August last year and the visit by leading New York Islamic cleric Imam Feisal Rauf in March this year. Tonight's gathering not only honours the State's Islamic community, with Christian and Jewish leaders in attendance, it also promotes interfaith harmony and thus further extends the concept of mutual understanding and respect I outlined earlier. I am sure every member joins me in welcoming this important occasion and in extending the good wishes of this Assembly to the State's respected and growing Islamic community. I thank the House for its attention.

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [2.27 p.m.]: On the same night that the Parliament celebrates one feature of our cultural diversity, as the Premier indicated, it is appropriate that within the walls of this building there will also be the launch of the Armenian Parliamentary Friendship Group. The Leader of the Labor Party and I will be joint patrons of the group, which is an initiative of the honourable member for Willoughby, who is the first Armenian Australian to become a member of Parliament. It is a great demonstration of the cultural diversity of Australia and, more particularly, the need to openly share and celebrate that cultural diversity. It is not good enough simply to note it; it is important to celebrate it. For that reason it is significant that there be two significant cultural celebrations in Parliament House this evening.

## **NORTH COAST HIGHER SCHOOL CERTIFICATE EXAMINATION STUDENTS**

### **Ministerial Statement**

**Dr ANDREW REFSHAUGE** (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [2.28 p.m.]: The storms on the State's North Coast have caused havoc for thousands of families. The severe winds and flooding have also caused significant disruptions for Higher School Certificate [HSC] students in the area, who today are sitting for exams in English and industrial technology. Exam supervisors from the Board of Studies have gone to extraordinary lengths to make sure that HSC students do not miss out on their tests. I am advised that one supervisor used a cement truck to get through the rising floodwaters so she could pick up the HSC exam papers for students at a school at Banora Point. Meanwhile, as emergency crews began evacuations at Woolgoolga, an exam supervisor persuaded State Emergency Service workers to let her back into the local high school to rescue the students' exam booklets. She then used her initiative to find another exam venue for more than one hundred HSC students who had turned up for the English paper. With the help of the school, arrangements were made for the students to sit for the exam at a local club. Despite all the disruption, the students managed to start the exam at 9.45 a.m., a mere 20 minutes later than scheduled.

They are just two examples of the dedication of our school staff and exam supervisors as they try to make sure that our HSC students are not disadvantaged. Special arrangements have been made for HSC students who arrive late for their exams in the area affected by the extreme conditions. I am advised that the Board of Studies will allow the students to do their exams at any time today. Students will be allowed to sit for their

exams for the full two hours, regardless of the time that they arrive at the exam centre. That is an exceptional arrangement, one that is rarely used. If the flooding conditions continue similar arrangements will be put in place for tomorrow's exams. I remind students and their parents not to take risks under these severe weather conditions to make it to an exam centre. If flooding stops them getting to an exam they will be able to submit an illness or misadventure appeal to have their circumstances taken into account. Once again I thank exam supervisors and school and Board of Studies staff for their dedication.

**Mrs JILLIAN SKINNER** (North Shore) [2.30 p.m.]: The Coalition congratulates the staff and all those who willingly assisted the students to sit for their exams today. I thank the Minister for advising me that he intended to make this ministerial statement; it is a rare occurrence. I wish all the students good luck in their exams, given the stressful situations some are facing. I ask the Minister to keep the House informed about how many students are granted special dispensation by the Board of Studies because of the flooding. I would also like information generally about how many students request that an allowance be made with regard to the exams, particularly those who are late. Earlier today I spoke to a member of the Minister's staff who said that the rain may have caused traffic congestion. However, students might be late because of routine problems such as late trains. I would like to know how many students have been given special dispensation because they have not been able to get to the exams on time.

### UNPROCLAIMED LEGISLATION

**Mr SPEAKER:** Pursuant to standing orders, I table a list detailing all legislation unproclaimed 90 days after assent as at 20 October 2004.

### PETITIONS

#### Murrumbateman Public School

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

#### Wagga Wagga Electorate Schools Airconditioning

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

#### Gaming Machine Tax

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

#### Government Cleaning Contracts

Petition opposing the proposed changes to government cleaning contracts, received from **Mr Andrew Stoner**.

#### Freedom of Religion

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

#### Crime Sentencing

Petition requesting changes in legislation to allow for tougher sentences for crime, received from **Mrs Shelley Hancock**.

#### Lake Woollumboola Recreational Use

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

**Plantation Point, Vincentia**

Petition requesting acquisition of the grassed area of Plantation Point, Vincentia, as public land, received from **Mrs Shelley Hancock**.

**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**.

**F6 Corridor**

Petition requesting the reinstatement of the F6 corridor for the future road needs of Sydney, received from **Mr Malcolm Kerr**.

**Cross-city Tunnel Local Area Traffic Management Plan**

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

**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**.

**Pacific Highway Speed Limit**

Petition requesting reduction of the Pacific Highway speed limit at Wardell to 70 kilometres per hour, received from **Mr Donald Page**.

**Old Northern and New Line Roads Strategic Route Development Study**

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

**Greater Murray and Southern Area Health Services Merger**

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

**Breast Screening Funding**

Petition requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **Mr Steve Cansdell** and **Mrs Judy Hopwood**.

**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**.

**Yass District Hospital**

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

### **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 bus services in rural and regional New South Wales, received from **Mr Steve Cansdell, Mr Andrew Fraser, Ms Katrina Hodgkinson, Mr Daryl Maguire, Mr Andrew Stoner** and **Mr John Turner**.

### **South Coast Rail Services**

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

### **Country Rail Booking Offices**

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

### **Bus Service 311**

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

### **Murwillumbah to Casino Rail Service**

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

### **Albury Electorate Policing**

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

### **Isolated Patients Travel and Accommodation Assistance Scheme**

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

### **Water Carting Restrictions**

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

### **Social Program Policy Subsidy**

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

### **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**.

**Brothel Control**

Petition opposing the establishment of brothels in the Hills district, received from **Mr Steven Pringle**.

**Business Enterprise Centres**

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

**Temora Agricultural Research and Advisory Station**

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

**Agriculture and Fisheries Division Yass Staff**

Petition opposing cuts to frontline staff in the Yass offices of the Agriculture and Fisheries Division of the Department of Primary Industries, received from **Ms Katrina Hodgkinson**.

**State Forests**

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

**Wagga Wagga Electorate Fruit Fly Control**

Petition requesting funding for fruit fly control/eradication in Wagga Wagga, Lockhart, Holbrook and Tumbarumba, received from **Mr Daryl Maguire**.

**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**.

**Alcohol Wet Centres**

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

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**General Business Notice of Motion (General Notice) No. 5 withdrawn on motion by Mr Andrew Stoner.**

**PUBLIC ACCOUNTS COMMITTEE****Report**

**Mr Matt Brown**, as Chairman, tabled report No. 8/53 (151) entitled "Government (Open Market Competition) Bill 2003 and Visits of Inspection", dated October 2004, together with associated minutes.

**Report ordered to be printed.**

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

**Mr Jeff Hunter**, as Chairman, tabled the following reports:

Report into Draft Amendments to the Health Care Complaints Act 1993 and Related Legislation (report No. 6/53), dated October 2004

Report into Alternative Dispute Resolution of Health Care Complaints in New South Wales (report No. 5/53), dated October 2004

**Ordered to be printed.**

**STANDING COMMITTEE ON NATURAL RESOURCE MANAGEMENT****Report**

**Ms Pam Allan**, as Chairman, tabled report No. 2 entitled "The Impact of Water Management Arrangements on Salinity Management", dated October 2004.

**Ordered to be printed.**

**QUESTIONS WITHOUT NOTICE**

---

**CAMPBELLTOWN HOSPITAL AND MS KELLIE VAN GOOL**

**Mr JOHN BROGDEN:** My question without notice is directed to the Premier. How does he explain to first-time mother Kellie van Gool why Campbelltown Hospital failed to remove the gauze pack placed inside her during the birth of her daughter, forcing her to visit Camden Hospital in severe pain seven days later, when medical staff removed the rotting pack and told her that she had an infection and that she was lucky she did not require a hysterectomy? How many more disasters will it take before the Premier accepts responsibility for the crisis in the New South Wales health system?

**Mr BOB CARR:** I will seek a report on the matter and provide it to the House.

**SECURITY INDUSTRY REFORMS**

**Mr KEVIN GREENE:** My question without notice is addressed to the Minister for Police. What is the latest information on the Government's efforts to improve the security industry?

**Mr JOHN WATKINS:** The Carr Government's plans for cleaning up the security industry are working. We have introduced mandatory fingerprinting for licence applicants and a range of tougher firearms restrictions to weed out soft targets. Since those changes were introduced 1,000 guns have been removed from members of the security industry who were not able to demonstrate a genuine need for the guns or could not meet tougher storage requirements. A total of 445 guards have had their licences revoked as a result of mandatory fingerprinting and criminal history checks. Around 5,900 applications have been rejected because the applicants did not meet Australian citizenship or permanent residency status checks. Incredibly, 18,000 security guards have fled the industry—in other words, they have not renewed their licences—since the fingerprinting, and nationality and background checks began.

Today I am pleased to be able to inform the House of the Government's next wave of reforms to the security industry, the third major crackdown in as many years. A report of the review of the Security Industry Act 1987 and the Security Industry Regulation 1998 examined the legislation across eight key areas. They included the activities the legislation should cover, licence categories, firearms, training and qualification requirements, contact issues, industry participation, and enforcement. The report contains 30 recommendations for further improvement to the security industry. Those recommendations will be built upon to bring about the next raft of reforms to the industry.

The report's key recommendations include more licence categories. The number of licence categories will be increased to 13 to ensure that guards performing special services are properly trained and qualified. The

Government will increase penalties related to working without a licence, or an incorrect or invalid licence, from the current \$11,000 fine or six months imprisonment. A new provisional licensing system will be introduced to ensure that new recruits in the security industry are supervised by experienced guards, thereby ensuring better training.

We will make company owners and directors more liable, ensuring that police can hold them accountable for any criminal acts or breaches of the Act. More criminal exclusions will be introduced. Tiered levels of exclusion will apply for each licence category based on background and criminal history checks, and mandatory fingerprinting. Stricter licence renewal will be achieved with applicants having to demonstrate that they have been working in the industry for a significant proportion of the licence period, and that they have a genuine employment reason for seeking renewal of the licence.

We will better protect police intelligence. We will ensure that unsuccessful licence applicants who appeal to the Administrative Appeals Tribunal to challenge police advice about their licence suitability or criminal past cannot obtain information that would expose police sources and undercover operatives. Tougher firearms storage rules will be introduced to prevent licence holders who are approved to store a firearm at a residential address from storing that firearm at the address of any person who would not be eligible for a security licence.

Greater scrutiny of subcontractors will eliminate the unchecked farming out of work by security companies to subcontractors. The Government will require complete transparency in some contracting, and approval from the client with regard to all subcontracting arrangements. We will give the Security Industry Council a formal role, as the council currently operates on an ad hoc basis. The council's role, membership and authority will now be formalised in legislation, to ensure representation of all industry stakeholders and the council's ability to provide advice to the Minister. We are steadily eliminating soft targets in the security industry, increasing the professionalism of operators, and stopping the flow of firearms into the wrong hands. This latest package of reforms will provide a never-before-seen level of quality control at the entry point and at all other levels of the industry. I seek leave to table the report entitled "Review Report—Security Industry Act 1997, Security Industry Regulation 1998".

**Leave granted.**

**Report tabled.**

### **PARKES HIGH SCHOOL AIRCONDITIONING**

**Mr ANDREW STONER:** My question is directed to the Minister for Education and Training. With Parkes experiencing 35 degree temperatures already and with the Department of Education and Training advising teachers to squirt children with water bottles and to sit them under the shade of trees, will the Minister guarantee that Parkes High School will be fully airconditioned before summer arrives, finally fulfilling his obligations to give the 800 students a decent learning environment?

**Dr ANDREW REFSHAUGE:** Under the Liberal Coalition government those schools never had any airconditioning. We already have airconditioning in a significant number of classrooms at Parkes High School and we are looking at putting further airconditioning into Parkes High School as well. We announced recently another \$10.5 million in funding to put airconditioning into more classrooms across New South Wales. Every demountable classroom will be airconditioned by this Government. Not only that, ahead of time: they will be completed before first term next year. The Liberal Coalition government never had them air-conditioned. They sat there and allowed the students to swelter in the heat. We are airconditioning them and an extra \$10.5 million is going into it.

We look at the isotherm band across the State, and schools that are in the hottest areas of the State are always the first to get air cooling or airconditioning. The Coalition Government used isotherm 32; that is, schools in areas that experienced temperatures of more than 32 degrees centigrade on average in January, in the hottest periods of time, were eligible for airconditioning. We brought that down to 30 degrees centigrade. We have airconditioned an additional 167 schools that the Coalition was prepared to leave sweltering.

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

**Dr ANDREW REFSHAUGE:** We are also making sure that the teachers and principals have the ability to control what goes on in the school so that if the temperature does get too hot they are able to send the



kids elsewhere, to home or wherever. That is a reasonable thing to do. There is no doubt that the Coalition Government did nothing. This Government is providing the airconditioning that the Coalition Government refused. It is interesting that when the spokesperson on education decided to tell us about the schools that she wanted to have airconditioned she started talking about private schools as well. Somehow she thought that it would be a great idea—

**Mr SPEAKER:** Order! The Minister has the call. He is entitled to answer the question he has been asked without being subjected to the totally nonsensical caterwauling and unintelligible shouting that is occurring at present. That behaviour demeans the Chamber and must cause those in the public gallery to wonder what we are doing here.

**Dr ANDREW REFSHAUGE:** In a press release on 19 February the Opposition spokesperson on education said that James Sheenan High School needed airconditioning. That is strange because it is a private school in Orange. All of a sudden she wants the Government to put airconditioning into private schools. No wonder the Coalition was thrown out. She wanted to use State Government money for airconditioning in a private school in Orange.

**Mrs Jillian Skinner:** Point of order: I don't discriminate against the schools. I believe all children, including those at private high schools, should have airconditioning.

**Mr SPEAKER:** Order! For that outburst I call the honourable member for North Shore to order. She will resume her seat. She knows as well as every other member that being given the call to take a point of order does not entitle a member to debate the matter about which a Minister is speaking during question time.

**Dr ANDREW REFSHAUGE:** The Treasurer will be very interested to hear this. And what about the shadow Treasurer? Here is the Opposition promise: aircondition every private school through the State Government's taxpayers. That is what the honourable member just said. How many hundreds of millions of dollars will that be? Or is the Opposition going to back down on its promise before the day is out? It will be interesting to see what happens. We have already put airconditioning into a number of the classrooms in Parkes High School. We have put extra airconditioning into demountables throughout that area; we are airconditioning schools like Trundle and public schools, and we are also looking at putting further airconditioning into Parkes High School as well.

### PLANNING SYSTEM REFORMS

**Mr PAUL McLEAY:** My question without notice is directed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. What is the latest information on planning for Sydney's future and reforms to the New South Wales planning system?

**Mr CRAIG KNOWLES:** It is good to see just how well our plans for managing Sydney's future needs on infrastructure and water in particular are being received. The Metropolitan Water Plan that has been released over the past couple of days has been very well received. I note one testimonial from Greg Watson, the Mayor of Shoalhaven city.

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

**Mr CRAIG KNOWLES:** The proposition is to take water out of Shoalhaven and pump it up into the Sydney system. Everyone knows the prospect of pumping water out of the Shoalhaven into the Sydney system has always been controversial. It has been for 20 or 30 years since the original Fitzroy Falls propositions were put into place in the early seventies. But here is a man who has got the courage of his convictions backing the propositions that we will deliver, together with the deepwater mining of our existing dams, an increase on average years of about 25 per cent of Sydney's water supply. In his press release Mayor Watson says:

The new plans allow for extracting water only in periods of minor and major flooding in the Shoalhaven region.

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

[*Interruption*]

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

**Mr CRAIG KNOWLES:** In his press release, there was this unusual, unexplained sentence:

It is worth noting the protests by Liberal members of Parliament sound somewhat hollow based on the fact a Liberal government is responsible for the construction of Tallawa dam.

I thought that was odd. There had been no protesting. Look at what the shadow Minister has been saying about pumping out of the Shoalhaven. He has been saying, "Get on with it". The honourable member for Wakehurst said on 1 July on Radio 2GB—

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

**Mr CRAIG KNOWLES:** This is about Shoalhaven:

**Mr Brad Hazzard:** What we want is action. Why wait till October? Just get on with providing the water from the Shoalhaven.

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

**Mr CRAIG KNOWLES:** Hardly a protest, more an exhortation to get on with it. In fact, what we want is action. Action Man Hazzard: "Get on with it". So why does the mayor of Shoalhaven talk about protests? We finally found out. Guess what the honourable member for South Coast, Shirley Hancock, had to say?

**Mrs Shelley Hancock:** Shelley, not Shirley.

**Mr CRAIG KNOWLES:** Come in spinner—every single time. Here is action man saying, "Just get on with providing the water from the Shoalhaven", but the honourable member for South Coast said, "I will not allow it to happen. I will pull out all stops to block this loo." There is Action man Hazzard, the shadow Minister, full speed ahead Hazzard, all stops out, get on with it, pump the water.

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

**Mr CRAIG KNOWLES:** Then there is full steam reverse Shirley Hancock saying to pull all stops out to stop the project. This is Coalition policy fully exposed, not knowing whether they are Arthur or Martha, Brad or Shirley, totally unbelievable—one going that way and one going the other way. She is going to stop it at all costs and he is telling us to get on with it at all costs. Thank goodness for the mayor of Shoalhaven, who has taken a sensible, commonsense approach and who understands that our plans for big infrastructure spending are about delivering a secure and diversified water supply for the Sydney system. The pumping out of the Shoalhaven, with a much smarter environmental regime and, of course, deepwater mining of our existing dams, will increase our water supply for Sydney by 25 per cent—two initiatives on their own. The other part of our plan for Sydney is going terrifically well also. On Monday night at the Parramatta Riverside Theatre a group of local residents had their say about planning for Sydney. It was a terrific night and was part of our metropolitan strategy.

**Mr John Brogden:** Did you intimidate or bully any of them?

**Mr CRAIG KNOWLES:** We will wait for that one. Let me just assure you, sunshine, that is another one for another day, and I think you already know it. Unlike Shirley, it was terrific to see good, constructive comment on the metropolitan strategy for their local area. Good changes are happening. Just today in the Parliament Minister Debus introduced his amendments to the threatened species legislation, which is a terrific opportunity to improve our Threatened Species Conservation Act to protect the environment and, at the same time, give local communities the opportunity to deal with threatened species issues once, and once only upfront. Those changes will provide massive new certainty for business and the environment. That is why they have generally been welcomed by industry groups, farm groups—I understand that Mal Peters of the New South Wales Farmers Association has signed off on the reforms—and environment groups alike.

The Government will use its PlanFirst money to assist councils to amend their local environment plans to reflect the changes in the Threatened Species Conservation Act. We will also do a number of things to reduce the amount of red tape. As we plan our infrastructure spending, we must underpin that with reforms to the regulatory system to make sure that we bear down on the cost of business and on red tape. We will reduce the number of planning definitions from 1,700 to under 240, revise the number of zoning categories from 3,100 to

25 and reduce the number of local environmental plans from 5,500 to just one for every local government area. Of course, we will also cut back on the number of State environmental planning policies and regional environmental plans to less than 30.

Many of those changes will take some time and will involve collaboration with local government. However, many of the reforms are already on our web site, for community consultation. The biggest change will be the removal of many of the concurrences, referrals and permits required as part of the present planning system. At the moment there are about 3,000 concurrent requirements, local plans, council instruments and State planning instruments. I feel we can get rid of about 2,000 of those, in round figures, and 1,000 by Christmas. The biggest area of change, which we will see instantly, will be in the area of concurrences under the Rivers and Foreshores Improvement Act, where, at the moment, councils have to ask for permits for approvals for developments if they are near to a river, creek, drainage channel or watercourse of some sort.

Those permits are required whether they are big development proposals or little ones like backyard pergolas or carports. It is totally unnecessary and inappropriate for a regulatory system to be so complex and so bound by red tape that a council officer has to write to a State government department to ask for permission to have a backyard pergola or a carport. We will amend that Act by regulation to remove about 60 per cent of the permit requirements, focusing on the big end rather than tiny things, freeing up red tape, and saving time as well as cost for business and mums and dads alike.

They are all changes that have been welcomed by industry, environmental groups and local government authorities alike. The Planning Institute of Australia, the Local Government and Shires Associations, and the various industry groups like the Urban Development Institute of Australia, the Property Council of Australia, the Total Environment Centre and the Nature Conservation Council welcome this move. These are all terrific things to report as we plan for our future and those massive infrastructure spends on water and as we plan through opportunities for a future that will see Sydney grow at 1,000 people a week. This is a proper policy approach, rather than the nonsense from the Opposition, where the shadow spokesperson says one thing up in Sydney, but down in the local area, Shirley Hancock, the member for South Coast, says something entirely different.

#### **MINISTRY FOR POLICE DEPUTY DIRECTOR-GENERAL APPOINTMENT**

**Mr PETER DEBNAM:** My question is to the Minister for Police. Given his hysterical obsession with micromanaging NSW Police, is that the only reason he has appointed his former chief of staff, Jane Fitzgerald, to a specially created \$174,850 deputy director-general's position—

**Mr Carl Scully:** Point of order: My point of order relates to the word "hysterical". The honourable member should rephrase the question.

**Mr SPEAKER:** Order! I have drawn the attention of all members previously to the use of inflammatory language when asking questions. On a number of occasions I have asked members to reword their questions. I will ask the honourable member for Vaucluse to reword his question and give him the call at a later stage.

**Mr PETER DEBNAM:** I am happy to reword it now.

**Mr SPEAKER:** I have already ruled on the matter.

#### **PACIFIC HIGHWAY UPGRADE**

**Mr MATTHEW MORRIS:** My question without notice is addressed to the Minister for Roads. What is the latest information on the Pacific Highway?

**Mr CARL SCULLY:** The Pacific Highway agreement is nearing completion; it will run out on 30 June 2006. Together with the Commonwealth Government, we have been spending about \$60 million each and every year. Honourable members should remember what the Pacific Highway looked like when Labor came into government.

**Mr Morris Iemma:** It was a goat track.

**Mr CARL SCULLY:** The Minister for Health is right. We inherited a goat track. This Government, in co-operation with the Commonwealth Government, has completed 32 projects in a good, bipartisan approach to

the needs of the Pacific Highway. We have completed about 260 kilometres of divided dual carriageway and hasn't it made a difference! It has been a fantastic improvement. At the moment we have 10 projects in the planning stage, which total about 160-odd kilometres. However, we need to start planning for the future and for the end of the current 10-year agreement. I said to the Federal transport Minister that we need to sign a new agreement because we want certainty. I am pleased that he has responded to my call for increased Commonwealth funding, but that does not start until 1 July 2006. John Anderson has indicated that the Federal Government will increase its funding level to our level, which is \$160 million each and every year. I appreciate that. It means that from 2006, \$320 million will be spent on the Pacific Highway each and every year. That is fantastic.

Honourable members who represent seats on the North Coast know how much it has grown over the past eight to 10 years. There has been terrific improvement to the tourism dollars. Jobs have been created. People are moving to live and work on the North Coast, and we need to do more to improve the Pacific Highway. So, rather than continue on a project-by-project basis in terms of selecting the preferred route, proceeding to an environmental impact statement and getting planning approval, the Government has decided, on the remaining 235 kilometres of the Pacific Highway, to move to one large route selection planning approval process. It is probably the largest route selection process. The colleagues of members opposite at the Commonwealth level embraced this process. We have a good dialogue with the Federal National Party Minister. This is a \$50-million initiative involving more than 300 specialist engineers, surveyors and geologists.

**Mr John Brogden:** This is from the Millennium train man.

**Mr CARL SCULLY:** I invite the Leader of the Opposition to visit some of the projects that the State Labor Government has completed. I invite him to visit the Karuah bypass, Bulahdelah-Coolongolook, the Raymond Terrance to Karuah bypass and the Yelgun to Chinderah bypass. Indeed, I am happy to stand by the Brunswick River and show the Leader of the Opposition the work we are about to commence on the Brunswick River to Yelgun project. These are all projects we know about which he does not understand needed to be built for the North Coast. I do not remember all of this work being done in Labor Party citadels because we are a government of all the people, even if the project goes through communities controlled by The Nationals. Members opposite smile because they know that they have done very well out of this State Labor Government. But do we get a thank you from them? No! I do not even get a Christmas card from them.

That miserable lack of appreciation is okay. We need Independents in the seats represented by The Nationals so that we can have a proper dialogue, like we do in Tamworth, Armadale, Manly, Port Macquarie and Bligh, sort of. We need the Independents in The Nationals' seats because I want to work with the local members. I will try to work with The Nationals as we proceed with the project. It will be a sensitive time because many communities are concerned about where the road will go and where it will not go. Some people want their towns bypassed; some do not want their towns bypassed. We need to work through those route selection processes. Over the next 18 months I propose that we have the route selection completed so that we have the preferred location for 235 kilometres of divided dual carriageway. We will then proceed to environmental impact statements for the entire 235 kilometres. That means that within three years from today we will have the design, the location of the preferred route, the environmental impact statement and approval for what will probably become the largest construction project in ensuing years that Australia has ever seen.

#### **MINISTRY FOR POLICE DEPUTY DIRECTOR-GENERAL APPOINTMENT**

**Mr PETER DEBNAM:** My question is addressed to the Minister for Police. Is the Minister's determination to micromanage New South Wales Police the only reason he has appointed his former chief of staff, Jane Fitzgerald, to a specially created \$174,850 deputy director-general's position in the ministry while continuing to withhold individual police budgets for this financial year?

**Mr JOHN WATKINS:** I welcome the honourable member for Vacluse back to the police portfolio; that is his first question in eight months. One can understand why the Leader of the Opposition may not want to ask a police question. The honourable member for Vacluse has been set the onerous task of repairing the damage done in police stations across the State. It is a difficult task, and I wish him well. In July 2004 the Ministry for Police assumed responsibility for police properties planning, additional policy development functions and a specific mandate in relation to financial advice to the Minister.

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

**Mr JOHN WATKINS:** To facilitate these additional functions, the ministry has expanded by 22 positions. Those additional positions included five positions in police properties for work previously done in police, and that moved across to the ministry policy development team positions, some correspondence positions, and two positions for extra financial advice.

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

**Mr JOHN WATKINS:** The transfer builds on the long-established arrangements whereby the Minister has responsibility for police and budget issues within the portfolio. That is entirely appropriate. Budget policy is the responsibility of the Minister for Police; operational issues are the responsibility of the Commissioner of Police. In order to manage the increased staff and associated responsibilities, a new senior executive service position of deputy director-general was created. The position is responsible for the management of the ministry's policy and parliamentary support functions. The position was established after approval by the Director-General of the Premier's Department and an independent evaluation by Mercer CED. So Mercer and the Director-General of the Premier's Department approved the establishment of this position.

The position was advertised in the press and in the New South Wales public service notices in accordance with public sector recruiting requirements. Appointment of the position was merit based and the independent selection panel, which members opposite criticise, comprised the Director-General of the Ministry for Police, the New South Wales Crime Commissioner and the former Director-General of the Department of Education and Training. The position of Deputy Director-General is not new to the Ministry for Police. It was first established in 1992. Under the Fahey Government, in 1992, the position of deputy director-general was created. In fact, at that stage the ministry had fewer staff than it currently has, but it had a deputy director-general. The position was subsequently disestablished in 1997 following a restructure of the ministry as it reduced in size. The re-establishment and appointment of a deputy director-general reflects the increased size and responsibility undertaken by the ministry. The change in emphasis for the ministry will enable the police commissioner and NSW Police to better concentrate on operational and frontline issues. Indeed, I answered questions about this issue at this year's estimates hearing.

**Mr Andrew Tink:** Point of order: Is there an ICAC inquiry into this appointment?

**Mr SPEAKER:** Order! The honourable member for Epping will resume his seat.

*[Interruption]*

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

### WATER-SHARING PLANS

**Mr PETER DRAPER:** My question without notice is addressed to the Premier. Given that rural communities face major cuts to ground water allocations, what impact will the Government's proposal to access 13 billion litres of water from aquifers under Sydney have on water-sharing plans in regional New South Wales?

**Mr BOB CARR:** I knew we had established the ICAC. I did not know we had established an "OICAC", a new government body as identified by the honourable member for Epping. I thank the honourable member for Tamworth for his question. The short answer is none. The bores we are looking at sinking near some of Sydney's dams will not affect the amount of ground water available to country communities; nor will they affect the \$55 million in structural adjustment funding that we have put on the table to back up our ground water-sharing plans. That \$4 million bore water money is part of the water infrastructure plan I announced yesterday. We are investigating sinking bores in some of our dams and the rivers that feed them, including the Nepean, Woronora, Warragamba and Wingecarribee. We think there are up to 13 billion litres available from those aquifers but they will not be a permanent element of supply. We will only use that water as a contingency in the face of future severe drought.

As I said, these sandstone aquifers have nothing to do with the ground water plans in place in country New South Wales. There will be no impact on the amount of ground water available under the six ground water-sharing plans we have already developed in partnership with country communities. Above all, I assure the honourable member and all country communities that the Government has \$55 million on the table to implement those ground water-sharing plans, and that money remains on offer, waiting to be matched by equivalent Commonwealth funds. Without those matching funds the water-sharing plans are useless.

We have demonstrated our goodwill to the Deputy Prime Minister, John Anderson, and the Commonwealth Government by suspending the commencement of those six ground water-sharing plans until 1 July next year. We have done that to allow time to rework the plans to have greater regard for the so-called history of use, as well as to incorporate the work we have done with key rural groups and the Commonwealth over the past year, including the negotiation of a new financial package to give farmers and irrigators a better deal.

The outlines of the deal remain the same—a \$165 million package funded in three equal parts by the New South Wales Government, the Commonwealth, and the irrigators—but the plan is now on ice after the Federal Government dealt it a shattering blow in the recent election campaign. It is now notorious in country New South Wales that the Commonwealth has reneged on its funding agreement and now proposes to use what are effectively New South Wales funds to fund Commonwealth commitments. It heaps outrage upon outrage as the Commonwealth systematically strips New South Wales of funds—\$55 million cut out of water structural adjustment, \$1.7 million ripped away by the Grants Commission earlier this year and signed off by Peter Costello, and \$400 million torn out of our Health budget in the new Medicare agreement. All of this while the Commonwealth budget runs to a surplus of \$125 million over the next four years.

There are tempting interjections, but I cannot hear a thing! Why does Prince Mishkin not speak on something like this? There is not a word from the Leader of The Nationals. Prince Mishkin remains silent while we debate in response to the searching inquiry from the honourable member for Tamworth. I assure the honourable member that our commitment to the six ground water plans and the equitable funding package intended to support them is intact, but without the Commonwealth's matching funds those plans will be difficult to realise.

I urge the honourable member for Tamworth to join us in focusing on John Anderson and getting a commitment from him. The Commonwealth built up hopes of a successful national water initiative and has now dashed them. Only Commonwealth leadership will see these ground water-sharing plans put in place and see money going to the bank accounts of those hard-working farmers and irrigators who signed up to a tough reform agenda, only to be let down by the national Government refusing to hand this money across. I thank the honourable member for his thoughtful question.

### ILLAWARRA EMPLOYMENT

**Ms NOREEN HAY:** My question without notice is directed to the Minister for the Illawarra. What is the latest information on New South Wales Government assistance to Illawarra companies to help them create new local jobs?

**Mr DAVID CAMPBELL:** I acknowledge the honourable member's ongoing support, along with that of honourable members representing the electorates of Kiama, Illawarra and Heathcote, in an effort to continue to grow the Illawarra's economy. The New South Wales Government has been working hard with new and existing Illawarra companies so they can grow and take on more staff.

**Mr Peter Debnam:** Name them!

**Mr DAVID CAMPBELL:** If the honourable member listens, I will. This week I visited Herd, a bullbar and armoured vehicle manufacturer at Kemblawarra. The honourable member for Wollongong was there as well. This growing company is now employing 109 people, creating local jobs in the Illawarra, after it relocated from Sydney with New South Wales Government assistance. Herd is a great success story but it certainly is not the only one.

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

**Mr DAVID CAMPBELL:** The Illawarra Advantage Fund is also helping Albion Park Rail company CI Ceramics to upgrade its manufacturing process so we can continue to supply BlueScope Steel with the high-grade flux it needs for continuous casting. This assistance secures the future of 18 people employed at CI Ceramics and is expected to generate several more jobs. I am delighted to report that another company that has been assisted through the Illawarra Advantage Fund is going from strength to strength. Funds manager Oasis Asset Management is exceeding all jobs growth expectations and now employs 106 people at its Burrelli Street, Wollongong, operations office. The business has a sales and head office in North Sydney but its four founding executives all had Illawarra links and were committed to creating local jobs. That is a tremendous goal and one

the Government supports through the Illawarra Advantage Fund, which supported the company's expansion in Wollongong, giving local people local jobs in the process.

People like Kiama's Emidio Masi, a 38-year-old father of a preschooler, have been able to stop commuting to Sydney because of the continued growth of Oasis Asset Management. Emidio commuted to Sydney for three years before he started work with Oasis in April 2002. New employee Kylie Holze, 25, from Woonona, was no doubt delighted to put an end to seven years of commuting to Sydney for work. Justine Blanco, 27, from Dapto had been travelling to work in Sydney for eight years before she started work with Oasis a year ago. Rachael Watson, 26, and Tim Davey, both from Corrimal, have similar happy stories. Tim, who is 29, was especially thrilled to get a job with Oasis so he can spend more time with his growing family. Samantha Docherty, who is 31 years old and pregnant with her first baby, no longer has to travel to Sydney for work.

These are the real-life stories behind the very encouraging job creation statistics coming out of the Illawarra. The cases I have mentioned—and there are many more—are fine examples of local Illawarra companies creating direct employment. But the spinoffs of strong, growing businesses are also substantial. Oasis has generated work for dozens of Illawarra companies, companies that supply everything from furniture to computer equipment, and even plants to create a pleasant working environment. One local family company credits Oasis with its growth. It has had business worth more than half a million dollars from Oasis in the past few years.

Another factor that made the Illawarra attractive to Oasis was its world-class university and institute of technology. This sort of business needs innovative thinkers and it needs access to excellent graduates. Oasis is one of the Illawarra's fastest-growing companies. It now administers investments of more than \$2.2 billion. We believe that the Illawarra, like every other region in New South Wales, has a right to a strong economy. This is the basis of the Strong Regions-Strong Future statement I released on Sunday on the Central Coast. Regional communities deserve a future where there are new jobs for local young people, modern industry to attract skilled labour, and businesses delivering quality local services. Strong Regions-Strong Future reaffirms the Carr Government's commitment to creating jobs and encouraging investment and growth in regional areas. It outlines 18 New South Wales Government strategies under way to boost regional economies. This money is delivering real benefits. Since 1999 we have helped to secure \$3.6 billion worth of investment and more than 21,000 new jobs for regional New South Wales.

#### **VOLUNTEER RESCUE ORGANISATIONS LICENCE FEES**

**Mr DONALD PAGE:** My question without notice is directed to the Premier. Given his comments this afternoon about the wonderful work done by volunteer organisations, will he exempt volunteer rescue organisations such as the Brunswick Valley Rescue Association from paying hundreds of dollars in licence fees to his Government on rescue facilities located on small parcels of Crown land, in recognition of their valuable lifesaving work? If not, why not?

**Mr BOB CARR:** I will certainly have a look at the case.

#### **DERELICT MINES REHABILITATION PROGRAM**

**Mr GERARD MARTIN:** I ask the Minister for Mineral Resources: What is the latest information on the Government's efforts to clean up abandoned mines?

**Mr KERRY HICKEY:** Mining has provided enormous economic benefits for the people of this State from more than 200 years.

**Mr Barry O'Farrell:** Stand up.

**Mr KERRY HICKEY:** I am. The knives are pretty sharp over there, aren't they, Barry? If I were the Leader of the Opposition, I would not lean too far forward. However, mining practices were not regulated as rigorously as they are today. All mines may have complied with the requirements of the time but they have left an environmental legacy that is harmful to the reputation of today's industry. No individual or company can be held responsible for derelict mines, so the Government is left to undertake any required rehabilitation work.

The Derelict Mines Rehabilitation Program is a State initiative that addresses the environmental and safety issues associated with these sites. The program is administered by the Department of Primary Industries,

with assistance and expertise provided by the Department of Environment and Conservation, the Department of Lands, and the New South Wales Minerals Council. In its last year of government, the Coalition spent a pitiful \$125,000 on derelict mines. I am pleased to advise the House that the Carr Labor Government has allocated almost 14 times more—\$1.7 million—in the 2004-05 Derelict Mines Rehabilitation Program.

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

**Mr KERRY HICKEY:** Derelict mine sites targeted in this year's program include Webbs Consol Mine near Emmaville in the Northern Tablelands. The honourable member for Northern Tablelands showed me around the site. The amount of \$200,000 has been allocated to rehabilitate tailings dams and fill old shafts.

**Mr SPEAKER:** Order! The honourable member for Lismore will contain his excitement at the Minister's response.

**Mr KERRY HICKEY:** For Lake George mine at Captains Flat in the Monaro electorate \$200,000 has been allocated to undertake staged remedial works in the ore processing area. Only a few months ago the honourable member for Camden raised with me the matter of the Oakdale colliery near Camden. It has been allocated \$150,000 to improve safety by sealing deep shafts and for general site rehabilitation. For the Yerranderie minefield in the Blue Mountains, \$150,000 has been allocated to remove and treat waste and to continue erosion control work started through an Environmental Trust grant. For the Woods Reef asbestos mine at Barraba, \$80,000 has been allocated to complement the \$200,000 grant by the Environmental Trust to undertake erosion control work. For Grenfell goldfields, \$62,000 has been allocated for safety and erosion control work close to the Grenfell township. Minor rehabilitation work will be carried out at numerous sites across the State where safety and environmental issues are a high priority.

Today the Government requires that all mines meet strict environmental guidelines and it retains substantial security deposits to ensure that all sites are fully rehabilitated when mining is completed. The Government's continuing commitment to the Derelict Mines Rehabilitation Program serves to enhance the environment and to benefit regional communities through the containment of contaminated mine waste, erosion and sediment control, revegetation, and safety work throughout the State. However, there are ways we can all work together to bring about change. For example, in Canada, industry, environmental groups and the Government work together through the National Orphaned/Abandoned Mines Initiative. I am convinced that this kind of co-operation is what is needed here in New South Wales to benefit the community and the industry.

Today community consultation is vital to both industry and government, and it starts right at the beginning of a proposal through the Subsidence Management Plan process that we introduced in March. I am pleased to say that the coal industry has responded and in many respects exceeds government requirements and community expectations. But now is not the time to sit back and relax. Industry needs to continue to look at smarter, more efficient operations to secure its long-term future and look after our unique environment. The burden of cleaning up derelict mine sites should not fall solely on New South Wales taxpayers. I have raised this idea with industry leaders and will continue to pursue it vigorously.

We have been working hard to clean up old mine sites and in the past year environmental rehabilitation works have been completed at the derelict Gibsons open-cut mine at Halls Peak, east of Armidale, with \$242,330 being spent to improve slope stability, remove and dispose of contaminated material, and fill and cap deep shafts. Work on the derelict Montreal goldfields on the South Coast has been completed, with almost \$22,000 spent on the rehabilitation of numerous shafts that were worked during the 1880s.

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

**Mr KERRY HICKEY:** Work on the derelict Mount McDonald mining field near Cowra has been completed at a cost of \$37,000. Work at Bexhill brickworks near Lismore has been completed at a cost of more than \$115,000. Dangerous structures and buildings have been demolished, making the site safe for the local community. A total of \$47,672 was spent on environmental studies and rehabilitation work on a waste coal stockpile at the Mount Waratah site near Mittagong.

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

**Mr KERRY HICKEY:** This Government's commitment to setting right the mistakes of the past remains unchanged, but I strongly urge industry to take a more proactive stance on this issue.



**CAMPBELLTOWN HOSPITAL AND MS KELLIE VAN GOOL**

**Mr MORRIS IEMMA:** Earlier the Premier was asked about Ms Kellie van Gool and the treatment she received at Campbelltown Hospital. I have sought additional information on this matter and I am advised by South Western Sydney Area Health Service that Dr David Saxton, head of obstetrics at Campbelltown Hospital, has today advised that as a result of the experience of Ms Kelly van Gool at Campbelltown Hospital on 7 January this year the hospital has reviewed its surgical equipment counting practices and changes have been made to prevent a repeat of this incident.

On behalf of the hospital I take this opportunity to offer an unreserved apology to Ms van Gool. Anyone who receives less than optimal treatment in our public hospital system deserves such an apology. The matters as presented today indicate that Ms van Gool's poor experience appears to have been exacerbated by a difficulty in presenting a complaint to the hospital. I am advised that hospital staff did meet with Ms van Gool on 14 January, and it does appear that the complaints-handling process has let the patient down. I am determined to ensure that the process is improved to prevent a repeat of this type of matter.

**Questions without notice concluded.**

**CONSIDERATION OF URGENT MOTIONS****Metropolitan Water Plan**

**Ms VIRGINIA JUDGE** (Strathfield) [3.38 p.m.]: My motion is urgent because presently many of Sydney's dams are down to around a mere 42 per cent of capacity and the current drought is one of the most severe in New South Wales history. At the same time Sydney's population is growing at a rate of approximately 1,000 per week. Therefore, unless changes are made and immediate action is taken there will be a shortfall in our drinking water supply.

**Princes Highway Upgrade**

**Mrs SHELLEY HANCOCK** (South Coast) [3.40 p.m.]: My motion is obviously urgent because it is about saving lives. In the face of the continuing tragedy of fatalities along the Princes Highway the Minister for Roads has remained silent and unmoved. His failure to express one word of compassion for the almost 4,000 people who have died or been injured over the past 10 years on the Princes Highway makes my motion urgent. This Minister must wake up and listen to local councils, communities, the focus group, the NRMA, and the families of those killed or injured on the highway. The Princes Highway is buckling under the strain of traversing an area with the second highest population growth rate in this State. We must provide infrastructure development to match that growth. The Minister must match the Opposition's pledge to do something about this situation.

I am tired of talking about this matter in this House, and people are tired of signing petitions in my office and my presenting them but nothing happening. We have heard not one word of compassion from this Minister. It is urgent that we fully debate the condition of the Princes Highway in this place and heed the NRMA's warning, which identifies 272 dangerous curves and 140 black spots on the highway. That is too many hazards along a 479-kilometre stretch of road.

The Coalition could have fixed many of those black spots, and if the Government were to match the Coalition's commitment perhaps we could save some lives. That is what makes my motion urgent. The NRMA has said that every trip along the Princes Highway involves an unacceptable element of risk. My motion is urgent because the thousands of people who travel on the highway every day deserve to have those risks reduced. The additional \$200 million pledged by the Coalition would allow work to be done to remove many of the dangerous curves and black spots that members on this side of the House have worked hard to identify.

My motion is urgent because 64 per cent of the Princes Highway has only two lanes, unmaintained shoulders, and inappropriate line marking. It is simply a disgrace. My motion is urgent because a commitment to increased funding for the highway will save lives, and there can be no more urgent issue in this place than that. I have known many of the people who have unfortunately died while travelling along the Princes Highway. They have included young and old people innocently going to work or home. Only three months ago a 17-year-old died while travelling to work. He was not speeding; he was simply travelling on one of the most notorious sections of the highway. His mother must now pass the site of his death every day on her way to work. She has

asked me why, in the context of continuing calls for upgrading, nothing is being done. She asks why we on the South Coast are being ignored. Why has this Minister done nothing?

**Ms Noreen Hay:** Ask John Howard.

**Mrs SHELLEY HANCOCK:** Asking John Howard will achieve nothing. This Minister has accepted that this road is a State Government responsibility. It is now time for him to show some compassion. He is saying and doing nothing. He should show some feeling for what people are saying. Ironically, the focus group—which is a subgroup of the Southern Councils Group—will meet at Kiama today to discuss how to increase lobbying for the Princes Highway. The members of the group are sick and tired of this Minister saying nothing and of his lack of compassion. They will increase their attempts to have something done. My motion is about saving lives; it is not a laughing matter and it should not attract interjections. This matter must be addressed by this Government with compassion and commitment.

## **BUSINESS OF THE HOUSE**

### **Urgent Motions: Suspension of Standing and Sessional Orders**

#### **Motion by Mr Carl Scully agreed to:**

That standing and sessional orders be suspended to enable both urgent motions to be considered, in the order in which they were debated.

## **METROPOLITAN WATER PLAN**

### **Urgent Motion**

**Ms VIRGINIA JUDGE** (Strathfield) [3.45 p.m.]: I move:

That this House endorses the Government's Metropolitan Water Plan.

We are all well aware, of course, that Australia has one of the world's driest climates. As the drought continues in New South Wales and the population increases it is apparent that our precious water supply is under significant pressure. Water has become a very precious resource for our State. Human beings are 65 per cent water and it is recommended that we drink at least one litre of water a day. As at October 2004 the water stocks in many of Sydney's dams have dropped to a mere 42 per cent.

**Mr Ian Armstrong:** That is wrong; it is 38 per cent.

**Ms VIRGINIA JUDGE:** According to recent research undertaken by the CSIRO, droughts are expected to become more frequent and more severe. The CSIRO has attributed that partly to global warming. I recently spoke in this House about the greenhouse gas effect and its potential to impact on almost every aspect of Australian life. Honourable members opposite are frivolously interjecting and do not want to know about this because the Howard Government has no interest in ratifying the Kyoto Protocol. Signing the protocol would be a step in the right direction because it is extremely significant in dealing with greenhouse gas emissions and the reduction in our water supplies. It is predicted that most of Australia could warm by 0.4 degrees centigrade by 2030 and by 1 degree to 6 degrees by 2070. Of course, that is likely to result in more evaporation, more hot days and fewer cold days. It also means that annual rainfall will generally decrease in the south and the east and that some inland and eastern coastal areas may experience wetters summers.

**Mr Ian Armstrong:** I bet you are wrong.

**Ms VIRGINIA JUDGE:** Members opposite are not worried about tropical cyclones, which will become more intense. Obviously the honourable member does not know what is happening, nor is he interested in the rural areas that have just suffered as a result of cyclonic conditions in this State. We will not run out of drinking water in the short term, but the long term is a very different story. It is predicted that in 25 years there will be a shortfall in Sydney's water supply. The amount of water used will be greater than the amount that catchments around our city are capable of supplying. In order to secure Sydney's water supply, the Government plans to take action now—not later, not in 5 or 10 years—by implementing a proactive measure entitled the Metropolitan Water Plan. This 25-year plan outlines the best means of providing an effective solution for Sydney's future water needs.

The Metropolitan Water Plan was developed after listening to a range of water experts in both the government and the private sectors. The Government has evaluated all sensible, practical options to supply, save, or substitute precious water. The evaluations have produced a range of short-term, medium-term and long-term infrastructure water conservation and environmental initiatives. Part one of the plan will implement an infrastructure plan comprising five strategies to secure Sydney's water supply. Those strategies are: accessing water at the bottom of dams below the existing outlet pipes, transferring water from the Shoalhaven River during flooding, assessing the viability of a desalination plant, sinking bores to boost existing dam supplies, and large-scale recycling programs for new housing release areas.

So far the Government has successfully lowered the population's water consumption by approximately 100 litres per head through numerous past initiatives. While the Go Slow on the H<sub>2</sub>O program aimed to increase awareness in the general community, Every Drop Counts was aimed at the business community. Other initiatives that were successful in reducing water consumption included offering the washing machine rebate and a retrofit program. The Rainwater Tank Rebate Scheme, which was introduced in 2002 by our proactive Government, has saved 162 million litres of water annually.

Rainwater tanks are ideal for capturing the rain that falls in our backyards, which in turn reduces the amount of water that is needed to be taken from our dams. The water from rainwater tanks is ideal for outdoor watering, toilet flushing and clothes washing. I had the privilege of serving as the mayor of Strathfield for four years. Strathfield Council was the very first council—not just in the State but in Australia—to make it mandatory that rainwater tanks be installed in all new homes and homes requiring major renovations. Stormwater accounts for about 25 per cent of water usage. There is simply no sense in using drinking water to fill up swimming pools and to water the garden.

Recently the Building Sustainability Index, known as BASIX, was introduced for all new homes—yet another initiative of the Carr Labor Government. New homes are now required to use 40 per cent less water than a comparable existing home. As well as the infrastructure plan, the Government will introduce part two of the Metropolitan Water Plan, entitled "Conserving Water for Sydney's Future". The plan builds on demand management schemes and targets the five key areas: business, governments, incentives, households and communities. What a great, collaborative approach!

I will now briefly outline these plans. A business liaison committee will be established to consult with the business community on the introduction of a business water conservation program, which will be required by March 2006. Government departments and councils in the Sydney area will be required to prepare water conservation plans by 31 March 2006. With regard to incentives, the Government will provide grants totalling \$120 million over four years to assist in the implementation of water efficiency programs. For households, the Government plans to extend the Rainwater Tanks Rebate Scheme at a cost of \$6 million. Retrofit schemes will also be accelerated. In addition, all homes sold after 1 July 2007 will need to be certified as water-efficient homes through either the BASIX or retrofit programs.

It is proposed that a variety of initiatives will be adopted in the community. They include mandatory water efficiency labelling for appliances, voluntary labelling for urinals and flow regulators, minimum performance standards for toilets, and advisory guidelines on garden design and plant selection. The Water Wise on the Farm training program will be extended, and the Rainwater Tanks in Schools Program will be continued. The Metropolitan Water Plan will enable the Government to tackle the water issue to secure the future sustainability of this fantastic city and State. I believe that everyone has a role to play in water conservation. There are many easy and affordable things that consumers and businesses can do to save water.

I encourage everyone to take an active role in conserving water in their home or business. I believe it is more critical than ever to get people thinking about what the future holds if we do not change our lifestyles. Each year the average Australian household uses significant amounts of water in the laundry, kitchen and bathroom. Around half of the water used in the home is used in the bathroom, but a dramatic reduction in water use can be achieved by using water-efficient appliances. In our own homes, there are many things we can do to conserve water. For example, to prevent leaks we should change washers when necessary. I was staggered to learn that a dripping tap wastes 25,000 litres of water a year—I am told that is more than the average household uses in one month—and that a leaking toilet wastes 16,000 litres of water a year.

Water is so precious that it simply cannot be wasted in that way. I have outlined many of the small things that consumers can do immediately to conserve water. Similarly, organisations should find alternatives, including waterless urinals and water-efficient taps. The Government, organisations and consumers need to

work together to conserve our most precious resource: water. Water is not an infinite resource but a finite resource, and we can all play a part in conserving it. [*Time expired.*]

**Mr BRAD HAZZARD** (Wakehurst) [3.55 p.m.]: I indicate at the outset that the Opposition shares the concerns expressed by the honourable member for Strathfield in moving the urgent motion. Given that the entire State is in drought, it is important that the House urgently debate the future sustainability of water for Sydney and the regional areas of New South Wales. However, the Opposition believes that the Government's Metropolitan Water Plan is too late, that it will not adequately address the issue and that it is merely a stop-gap measure. It is almost the metaphorical image of Bob Carr with his finger in the dyke, trying to hold back the problems regarding water. In this case, it is the lack of water that is the major problem. Sydney's dam levels have dropped from 82.3 per cent in April 2002 to 42.2 per cent today. Unless substantial rain falls in Sydney's catchment, the State's dams could be dry by December 2006.

In fact, on *Four Corners* the night before last Professor Peter Cullen, a well-known water expert, said that Sydney, of all the cities in Australia, is leading the way down the straight in running out of water. That is not something to be proud of, after 10 years of a Labor Government and its failure to plan. The regions of New South Wales are suffering drought and very low levels of water storage. Wyangala Dam is down to 12 per cent capacity and Burrendong Dam is down to 17 per cent capacity. The honourable member for Lachlan will ably outline the position with regard to regional areas. In the last few days we have not heard one word from the Labor Party about the problems in regional areas of the State. In her contribution, the honourable member for Strathfield totally focused on Sydney; she said nothing about the problems in the rest of New South Wales. Part of the problem with the New South Wales Government is that it focuses only on Sydney, the Hunter and the Illawarra. I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

"this House condemns the Government for its failure to ensure Sydney and the regions of New South Wales have a sustainable future water supply".

The Carr Labor Government has had nine years to plan for the State's water needs, but it has done nothing in that regard. Yesterday we saw a very dismissive, immature approach by the Premier to recognising that new water resources must be obtained. We need to find new water supplies for Sydney and regional areas. Sydney's population is growing by around 1,000 people a week, but the Government is doing nothing to provide additional water supplies. The State's regional areas are already experiencing very difficult times, and they need additional water supplies. As I said yesterday and in a recent press conference, countries across the world—including Singapore, the United States of America and Israel—are doing far more to provide water to their communities than the Premier is doing for New South Wales, particularly Sydney. The Carr Government will not commit to large-scale stormwater harvesting or sewage reuse, which many other countries identify as the first possible sources of water.

Over the last few days rain has fallen throughout the Sydney area but there has been very little rainfall in the Sydney catchment. We must do something to capture that water. We have water currently passing through our sewerage system, but 1,100 pools worth of water pass out each day through North Head, and Malabar and Bondi sewage treatment plants. Forty per cent of the solid material is removed, and the rest goes straight out to the ocean. It is simply a wasted commodity. The Carr Labor Government appointed an expert water panel to provide advice on delivery of a sustainable water balance for Sydney, but it appears it has now turned its back on that advice. In the past few days Ian Kiernan has been critical of the Government and indicated that the Premier needs to be taking more notice of his so-called expert panel.

I call on the expert panel or the Premier to release that report. I understand that the Premier has made the report a Cabinet in-confidence document because he is worried about it being released. New South Wales, particularly Sydney, is entitled to see the report from the so-called New South Wales expert water panel. From the comments of Mr Kiernan, which I support and which the Opposition supports, it is time to find out precisely what the detail is and where the Government has departed from those recommendations. The Government's reasons for not delivering large-scale reuse make no sense. Yesterday the Premier was effectively—if I can use the expression—pooh-poohing the idea of reusing water. Only a few kilometres west into the mountains reused water is coming into our river system in what is called indirect potable supply. Lithgow's and Mount Victoria's sewage after treatment ends up in the river, which then feeds into Warragamba Dam.

Sydneysiders are already experiencing reused water. I do not think the Premier understands that. However, it is time to take the next step into proper treatment of water. The Government has said that it is going

to think about desalination. Desalination has its place in the spectrum of a new water supply, but the first thing to do—because it is half the cost and far less environmentally deleterious—is to go with the reuse of water. Last week I went to Singapore. I place on record my gratitude to the Public Utilities Board of Singapore and Mr Harry Seah, its director of technology. What they have done in Singapore is a miracle. They have been at the cutting edge of water reuse, while our government has done absolutely nothing. People should go to Singapore and see how a government can do real things with water reuse; people should come here and see how the Premier can waffle his way around the problem.

Water reuse is not as bad as the Premier indicated yesterday. In fact, in Singapore water is essentially treated to tertiary level—which is done here only at the Cronulla sewage treatment plant—but then it goes through a special water factory. As the water comes in it is initially treated in a micro filtration process. It goes through small capillary tubes, 0.1 micron in diameter, and that takes up most of the material that is remaining through reverse pressure up through the capillary tubes. It is very clean water by the time it gets to that point—it has very little material left in it. It then goes through reverse osmosis. When it goes through the reverse osmosis there is almost nothing left—possibly only small amounts of viruses. It then passes through the third stage, which is ultraviolet radiation. The water comes out more pure than the water that people take out of dams and rivers. The water is supplied to industry in quite large quantities, which will be progressively increased. Some of the remaining water is put back into the reservoir system in Singapore and goes back into what they call indirect potable supplies.

Any Australian who has been to Orange County to visit Disneyland has probably drunk reused water. Orange County has been using this system for years. Scottsdale in the United States has been doing it for 30 years. As the *Sydney Morning Herald* noted this morning, it is possible the President of the United States has drunk reused water in his own country. The Opposition is saying to the Carr Government that the water plan that it has put up is a nothing plan; there are parts of it that have some value but, overall, it is a do-nothing plan. It is not an adventurous plan; it is an immature plan. The Opposition is saying that there needs to be a focus on reuse. We are not saying that Sydneysiders have to drink this water—even though that is what happens in country New South Wales. We are saying that water should be up to that quality; we should have the technology in New South Wales to do it. The water should be treated that way and it should then go to industry. Industry benefits greatly from reused water. One company in Singapore has saved \$1 million by reusing water; because it is so pure it can reuse it more through its machinery.

Water would then be available, if it is needed or wanted, for drinking. If we run out of water by December 2006, which is the forecast, not one Sydneysider will say they will not drink recycled water—we will all drink it. The Premier has to get off his backside and do something useful: he should look at desalination; use the double reverse osmosis technology; see what Hiflux is doing in Singapore as it is about to finish its plant; look at those things from overseas, bring them here, do the job and deliver Sydney and New South Wales a sustainable water supply. [*Time expired.*]

**Ms KRISTINA KENEALLY** (Heffron) [4.05 p.m.]: I thank Sydneysiders for their co-operation in conserving water. They have done a great job so far, and I am certain they will continue to do so in the future. However, we need to do more to meet the challenges of Sydney growing at about 1,000 people per week. The State Government's Metropolitan Water Plan diversifies our water sources, providing Sydney's water supply into the future. That is why this House should endorse the motion moved by the honourable member for Strathfield and support the Government's Metropolitan Water Plan.

The plan will see the State Government invest about \$780 million over the next 10 years to construct two major infrastructure projects. The first of these projects is the deepwater pumping. It will involve new pumping infrastructure in at least two of our major dams, giving Sydneysiders access to billions of litres of water that currently lie below existing pumps. The second of these projects is the Shoalhaven pumping project. This will involve upgrading the Tallowa Dam and constructing pipelines and tunnels to bring water from the Shoalhaven catchments to Sydney catchments. Other significant projects in the plan include funding of \$4 million to undertake trials into accessing groundwater by sinking bores to top up water supplies, which will deliver an estimated 13 billion litres of water—the equivalent of 13,000 Olympic swimming pools. These bores will be sunk at a number of sites including Warragamba, Wingecarribee, Woronora and Nepean.

In my electorate of Heffron we have a problem with contaminated bore water, and obviously we would not be sinking bores in the area for this purpose. However, it is worth noting that the Department of Environment and Conservation has issued a clean-up notice on Orica to clean up the contamination. The State Government has now given in-principle support to a plan to recycle the cleaned up groundwater for industrial

purposes only. That cleaned up groundwater would be about 15 gigalitres a day, which amounts to about 1 per cent of all of Sydney's water use each day. That is a significant water recycling project in the seat of Heffron.

The State Government's Metropolitan Water Plan will also see a major Western Sydney recycling initiative for new land releases. The plan will allow treated waste water to be used for non-drinking purposes, such as watering gardens and flushing toilets. A recycling plan can be developed in new land release areas because a dual piping system—that is, one pipe carrying drinking water and the other pipe carrying recycled water for gardens and toilets—is feasible. It is not practical to lay a dual piping system in existing well-established suburbs, particularly, for example, those in the seat of Heffron. It would mean laying another 21,000 kilometres of pipes.

Another initiative in the Sydney Metropolitan Water Plan is \$4 million to investigate desalination infrastructure to supplement Sydney's water supply. This detailed planning and design will mean that if the drought continues beyond another two years a desalination plant for Sydney could be constructed quickly and efficiently. Previously a desalination plant would have used coal-fired power. The use of renewable energies in desalination is now far more practicable and feasible than before. The Government will also examine forest plantations of hardwood and softwood trees to help offset greenhouse gas emissions. This study will specifically pursue green desalination options. The progress report will be produced by the beginning of next year, with the final report due at the end of 2005.

It is worth noting that the Metropolitan Water Plan does not include a new dam. The taxpayers do not need to spend more than \$2 billion to construct another dam that will not provide Sydney with the water supply it needs in the future. Another dam would be a 1960s experiment and it would solve nothing. A new dam would take 10 years to build and fill under average conditions. Under current water conditions it would take 30 years to fill. It would also condemn the river to a slow environmental death, reducing flows to a trickle. The Opposition's call for a new dam at Welcome Reef in the Shoalhaven just shows its inexperience. The State Government's Metropolitan Water Plan is a comprehensive plan that includes desalinisation, recycling, pumping excess floodwaters and accessing deepwater storage. It is thinking outside the square and it should be supported. [*Time expired.*]

**Mr IAN ARMSTRONG** (Lachlan) [4.10 p.m.]: I correct the comments made by the honourable member for Heffron with respect to a dam on the Shoalhaven. When the Coalition wins government in 2007 there will not be a dam on the Shoalhaven. It is as simple as that. The Government has been in office for 10 years and it has suddenly discovered water. Both Government speakers are in their first term in this Parliament and they read from orchestrated papers to present the Government's case. They both ignored the fact that one-third of the population of New South Wales live outside the Newcastle, Sydney, Wollongong arc. The bottom line is that the drought has affected all of New South Wales and that the raw need and the available water per capita is significantly less in inland New South Wales than it is in Sydney.

Today Wyangala Dam on the Lachlan is at 12.2 per cent capacity. Honourable members should not whinge about the 45 per cent capacity for Sydney when there is 35 per cent less water in Wyangala Dam. Government authorities have told us that if we do not receive significant rainfall in the next couple of months, by April next year there will be insufficient water in the Lachlan to sustain stock and domestic water use—that is, water for households. People in Sydney will then be on their own.

**Mr Andrew Constance:** It is the same in Eurobodalla.

**Mr IAN ARMSTRONG:** And the same applies to Eurobodalla down south. The honourable member for Strathfield referred briefly to irrigation. This year there is zero—that is, none whatsoever—irrigation water available for general security in the Lachlan. Therefore, the vegetable industry, the lucerne industry, the horse industry and the dairy industry face the prospect of zero allocation of water for general security. There is 20 per cent for high security water service, such as the fruit industry and where people have bought water at treble the price to maintain intensive, high-value vegetable industries such as gherkins, now being grown in the Cowra area.

A moratorium has been placed on all inland water in New South Wales. Although bores are allowed in the Sydney Basin, a moratorium has been placed on putting bores in inland New South Wales until the middle of next year. No person can obtain a licence to put down a bore for commercial purposes. Bores are allowed for stock and domestic purposes but not for any form of industry. That moratorium has been in place now for almost two years. We will have to wait until July next year to learn what the water-sharing plans will be, so how can farmers arrange finance with their bank managers without having any certainty until at least 1 July next year?

Today the Government criticised the Commonwealth Government for not providing funding. This may be because only a few weeks ago the Minister for Infrastructure and Planning, and Minister for Natural Resources said in this Parliament that he had struck a wonderful deal with the Commonwealth and that the co-operation had been marvellous. I suspect that the Commonwealth Government is somewhat hesitant because of the uncertainty surrounding the New South Wales Government in its management of water. If the Minister were to speak to the Commonwealth Government this afternoon he might find that the money is available, provided that the New South Wales Government does its bit.

The New South Wales Government must acknowledge the necessity to augment some of the existing dams, and the possibility of providing new dams and incentives for water efficiencies, such as employing the latest irrigation technology, extending the rainwater tank rebate to country New South Wales, more recycling of waste water and extending the successful Snowy Mountains cloud-seeding trial to other parts of the State. Only then will we be able to get somewhere.

Weddin Shire Council at Grenfell has recycled water for the past 20 years and one-third of the city of Wagga Wagga has recycled grey water going onto its gardens and through its sewerage system. This is not new technology; one does not need to be Einstein to understand it. Subsidies for rainwater tanks are not available except in Orange. If the Government is serious about saving water it should be fair and give the subsidy to country people. Indeed, country areas are much cleaner and better for catching rainwater. Sydney has high chemical concentrations in the air and possums and rodents on roofs, which means that most households would need to install a carbon filter. However, that is not necessary in country towns such as Corowa where I live. I drink tank water and I love it—and it does not spoil my whiskey! [*Time expired.*]

**Mr KEVIN GREENE** (Georges River) [4.15 p.m.]: I join my colleagues the honourable member for Strathfield and the honourable member for Heffron in speaking to the motion, which refers to the Metropolitan Water Plan—something honourable members opposite seem to have forgotten—and congratulates the State Government on its efforts with respect to the plan. It is unfortunate that the honourable member for Wakehurst did not speak to the motion but moved an absurd amendment. Perhaps he recognised that the motion was correct and that the State Government should be congratulated on the water strategy it released a couple of days ago. Although I support my colleagues, I will not repeat their statements about the significant measures included in the strategy with respect to desalinisation and rebate schemes because they have clearly articulated them.

I shall focus on the plans included in the metropolitan water strategy for business, government departments and councils. As part of the strategy the Government will establish a business liaison committee to consult with the business community on the introduction of a business water conservation program. These plans must be prepared by March 2006 and reviewed every four years. The Government also proposes the establishment of a Demand Management Fund of \$120 million over four years. Businesses investing in water conservation measures will be eligible to bid for funds from the fund, subject to criteria that will be developed before introduction. Non-residential, commercial and industrial customers who are regulated under the business water conservation program will be required to implement, as a minimum, cost-effective water efficiency measures as directed by the department, and to install water-efficient devices such as tap and shower fittings.

The strategy outlines plans for New South Wales government departments and local councils. All New South Wales government departments will be required to develop water conservation plans by 31 March 2006 and to meet cost-effective water efficiency improvements as directed by the Premier. The Government will also require all local councils in the Sydney area to prepare water conservation plans by 31 March 2006. These will have to be reviewed every four years. Councils will be required to implement a water conservation plan by September 2007.

These initiatives are part of the strategy. Kogarah Municipal Council is in the process of implementing a recycling project using artificial wetlands being developed at Beverley Park golf course in the Kogarah electorate. I know that the honourable member for Kogarah joins with me in congratulating council on its work. Council has just completed an irrigation scheme in Renown Park on the border of Oatley and Mortdale and water for that irrigation system will come from Beverley Park. Kogarah council has great plans for using this recycled water to look after the irrigation needs of its parklands, particularly its playing fields. That is a great initiative.

Another aspect of this issue is community response to our water strategy. Last Saturday the Minister for Energy and Utilities, the honourable member for Kogarah and I hosted a water forum at Rockdale, which was attended by more than 100 people from our electorates. It was encouraging to see the support given to the Government's policies. I particularly note the involvement of many local organisations. Members of the Lugarno Progress Association in my electorate are very enthusiastic about doing their bit to support this Government strategy. Peter Mears raises this matter with me regularly. I also highlight the work of individuals. Ken

Rogerson, who lives not far from my home, often uses recycled water in his washing machine and tank water that he has collected to water his lawn. The enthusiasm of the people in the community for doing their bit to save water and the environment is fantastic. [*Time expired.*]

**Ms VIRGINIA JUDGE** (Strathfield) [4.20 p.m.], in reply: First, I thank the members who spoke in support of my motion. In particular, I thank the honourable member for Heffron, who talked about the great contribution that the average Australian is already making, and about getting those who want to participate on board. Many people are doing their bit. I also thank and congratulate the honourable member for Georges River. In his contribution he referred to the contribution that the small business sector can make to the Metropolitan Water Plan initiative. Before I make my closing comments I must, with respect, rebut some of the erroneous comments made about the Metropolitan Water Plan. It is not a rural water plan; it is a metropolitan water plan for the city. The electorate of Wakehurst is not in Cootamundra or Ballina. The honourable member for Wakehurst knows where his electorate is located.

We are talking about the Metropolitan Water Plan. The honourable member for Wakehurst said, "We need to find more water." What a statement to make! It is hard to believe he said that. What he should have said is: "We need to use our water more wisely." That is exactly what our hardworking Premier did when he consulted not just one sector but the whole community. Instead of criticising the Government, the honourable member for Wakehurst should be congratulating it and thanking it for this plan. Where is the Opposition's plan? Do members opposite have a plan? They do not have a plan for the city or for country areas. There is no plan at all; it is just air. The Government is not sitting idly on its hands. It is not in fairyland. It is doing something about the problem. We are being pro-active; we have a plan.

I must rebut another point made by the honourable member for Wakehurst about recycling. It is obvious that he has not read the plan because it contains an element relating to recycling. I suggest that he return to his room upstairs and look at a copy of the Metropolitan Water Plan and understand it, because that element is there. It is something tangible. It is something we are doing; it is not simply something in airy-fairy land. According to the CSIRO, water will be in critically short supply for more than one-third of the Earth's population during the twenty-first century. These are the facts. Water supplies will be pushed to the limits. As I said earlier, as at October 2004 the water level in many of Sydney's dams had dropped to a mere 42 per cent of capacity. Members opposite continue to interject because they do not want to hear what I have to say. They know that it is the truth, and they want to silence the truth.

The CSIRO believes that by solving our own problems we will help not only this State, the premier State, but also Australia. But we think bigger than that. We will also contribute globally with ideas and new technologies for addressing one of the most vital aspects of human survival—the use of water. Periodic flooding and drought have already taught many wise Australians to be responsible about water use and storage. However, the need to further protect and conserve Australia's water supplies has become increasingly urgent, and we are doing something about it. The Government has been successful in reducing per capita water consumption in recent years—not a long time ago—and programs such as "Go Slow on the H<sub>2</sub>O" and "Every Drop Counts" have been extremely effective. Unlike members opposite, we want to ensure that our legacy to future generations, to our youth and to us as we age gracefully, should be a lifestyle and an infrastructure that guarantees the availability of that most precious resource—water. [*Time expired.*]

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 48**

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



**Noes, 35**

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

**Pairs**

Mr Black	Mr Brogden
Ms Saliba	Mr Fraser

**Question resolved in the affirmative.**

**Amendment negatived.**

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 50**

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

**Noes, 35**

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

**Pairs**

Mr Black  
Ms Saliba

Mr Brogden  
Mr Fraser

**Question resolved in the affirmative.**

**Motion agreed to.**

**PRINCES HIGHWAY UPGRADE****Urgent Motion**

**Mrs SHELLEY HANCOCK** (South Coast) [4.45 p.m.]: I move:

That this House demands that the Minister for Roads, and Minister for Housing, match the Coalition plan for an additional \$200 million for the upgrading of the Princes Highway.

The Princes Highway was yesterday described in the *Daily Telegraph* as the "Deadly Prince". It is a deadly road and I am deadly serious about this issue. The deaths that have occurred on the Princes Highway over the past 12 months are part of its toll of human tragedy. On 30 July this year—I have mentioned this case before—18-year-old Ricky Slattery died on his way to work after a head-on collision with a tow truck south of Nowra at an identified black spot. On 15 May 2004 an 81-year-old Batemans Bay woman died in a head-on crash near Nowra. On 29 April 2004 another woman died after crashing on a bend north of Berry. On 20 April this year a man died following a head-on collision with a semitrailer at Bomaderry. On 14 April this year two women died and a family of five was injured in a head-on smash at Bewong, near Nowra. On 8 April this year a 21-year-old man from Tathra died in a head-on collision near Bodalla.

On 27 March this year a 36-year-old male pedestrian died after being struck by a ute at Batemans Bay. On 27 February this year Troy Preslin and Warren George, both 34, were killed in a head-on crash at Jerrawangala. On 22 February 2004 a man, 63, and a woman, 65, were killed in a two-vehicle crash north of Narooma. On 11 February Alan Colbeck, 78, was killed after sliding into oncoming traffic at Turners Lane, Jaspers Brush. On 30 January 2004 a woman, 25, was killed south of Bega. On 29 January 2004 a 75-year-old man and a 66-year-old woman from Robertson were killed at Gerringong. On 29 January 2004 a man, 29, was killed near Narooma. On 21 December last year a 64-year-old man died in a crash at Termeil. On 18 December last year a man, 32, died in an accident near Gerringong.

On 6 December last year a 24-year-old woman suffered fatal chest injuries in a crash at Dunmore. On 9 November last year a youth aged 17 died and two others were seriously injured in a head-on collision at Falls Creek, south of Nowra. On 5 November last year a 23-year-old woman died after a three-car collision north of Batemans Bay. On 29 October last year Dale Stewart, 18, was killed at South Nowra while walking along the Princes Highway. On 25 October last year a truck driver, 52, died after his truck carrying LPG crashed over an embankment at Foxground. On 1 October last year a 60-year-old woman backseat passenger was killed in a head-on crash near Gerringong. On 2 October last year a 40-year-old woman died after a two-car accident near Mogo, south of Batemans Bay. On 25 April 2003 a boy was killed when a car crashed into a tree 40 kilometres south of Eden. On 28 February last year a 72-year-old Loftus man died after his car crashed into a tree at Helensburgh.

These are just some of the fatalities over the last two years on the Princes Highway. It is no wonder the road has been termed the "Deadly Prince". No wonder I have moved another motion in this House relating to the upgrade of the highway. No wonder that I am, as the member for South Coast, along with my colleague the honourable member for Bega, deadly serious about this issue. I am sick and tired of the inarticulate, unintelligible, ridiculous, superficial taunts and interjections that come from the other side about the Federal Government on this issue. No doubt this afternoon we will have the same. That is all the members opposite can say in response to the sad stories that I have just outlined. They have no heart, they have no compassion and they have no response to what the mayors and the communities are saying. They have no response except unintelligent interjections.

Some time before the State election, as a candidate for the seat of South Coast, I was approached about the issues that were affecting the people of the area. I had been a councillor for 16½ years and I knew some of those issues. Every village and town in the Shoalhaven and South Coast has separate issues, and I was aware of

many of them. But I knew that the one overriding issue—perhaps the most important issue that affected everybody on the South Coast, in the Shoalhaven and in the electorate of Bega—was the Princes Highway. People were talking about it then. People were signing petitions then about the Princes Highway. People were forming themselves into groups then. People were lobbying their State member, the former member for South Coast, Wayne Smith, then about this issue. People were calling then for action from this Government.

I knew then, as I know now, and as the interjectors on the other side know, that in 1999 this State Government signed up to an agreement that that stretch of the highway was a State Government responsibility. There were various other agreements regarding regional roads and other roads in the State, but it was agreed that the Princes Highway was a State Government responsibility. Whatever the Minister for Roads is now saying, he has never tried to renege on that agreement, to get out of it, or to go back to the bargaining table to say that he disagrees with it. The agreement stands and this stretch of the highway is a State Government responsibility.

If the State Government can come up with \$680 million to pipe water out of the Shoalhaven River and the local dams and potentially destroy a beautiful, wild and scenic river, surely it can match the additional \$200 million the Coalition has committed to upgrading the highway. How did the Coalition come up with the \$200 million? We did not grab it out of thin air. Unlike members opposite, we worked for months identifying black spots and dangerous curves, and we funded our proposal. We knew that it had to be realistic and costed and that we had to deliver for the people of the South Coast and Bega. We achieved that. My colleague the honourable member for Bega and I worked hard with our campaign teams and the shadow Cabinet until we came up with a properly costed plan to save lives.

What do honourable members opposite do even as I speak? They interject with childish statements because they have no compassion or plan. They sit back and idly accept what their Minister tells them. He tells them to shut up and they do. That is an indication of their compassion. Their only other response is to blame the Federal Government. I repeat: the Minister signed an agreement that this stretch of the Princes Highway is a State Government responsibility and he has not tried to get out of that agreement. I am simply saying that the Government should match the Coalition's \$200 million commitment and respond to the people who are crying out and still grieving because they have lost loved ones. Members opposite should respond instead of sitting in the House—laziness personified—doing nothing and refusing to offer compassion and hope to these people. Those members do not know how tragically this situation has affected people.

I personally knew many of those who lost their lives and I have been heartbroken at their funerals. I say with absolute sincerity that members opposite do not appear to care about these people or feel for them. They should simply talk to the South Coast communities, the focus group, and the Southern Councils Group. But no, as usual there is a wall of silence from the Minister and unintelligible interjections from the honourable member for Wollongong. That is all she can do and say. I call on the Government to get serious about the Princes Highway, to stop the carnage, and to work with the Coalition to reduce fatalities. This situation has gone on for too long. People expect a Government that has been in power for nine years to do something about this serious situation. People have asked me to talk about this issue in the House.

**Ms Noreen Hay:** You should be ashamed.

**Mrs SHELLEY HANCOCK:** I will never be ashamed about what I say. I am standing up for families and councils. Everyone else seems to realise that the condition of the Prince Highway is serious. Let us do something about it.

**Mr CARL SCULLY** (Smithfield—Minister for Roads, and Minister for Housing) [4.55 p.m.]: What a performance! I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

"this House:

- (1) condemns the Federal Government for discriminating against the people of the South Coast, and calls on it to treat South Coast communities in the same way it treats the people of the North Coast and the Central West, and the people along the Princes Highway in Victoria.
- (2) asks that the Federal Government match the State Government's \$380 million commitment on the Princes Highway in New South Wales".

The honourable member for Bega says we will get nothing out of Latham. He was not elected; John Howard was elected and we are dealing with a Federal Coalition Government.

In 1999-2000 the State Government contributed \$30 million for work on the Princes Highway, and the Federal Government contributed \$400,000; in 2000-01 the State Government contributed \$32.3 million and the Federal Government contributed \$200,000; in 2001-02 the State Government contributed \$70.8 million and the Federal Government contributed nothing; in 2002-03 the State Government contributed \$40.2 million and the Federal Government contributed nothing; in 2003-04 the State Government contributed \$45.1 million and, finally, the Federal Government contributed \$34 million.

The Federal Government has committed another \$100 million a year for work on the Pacific Highway—a State road. If the Federal Government believes that the Princes Highway is a State road and therefore a State responsibility, why did the Victorian Government get \$300 million of Federal funding to upgrade its portion of that highway? I do not profess to be a genius, and the explanation must be going over my head, but I would appreciate it if the honourable member would explain this anomaly. The Princes Highway is an Australian arterial road stretching from the south of Sydney all the way along the South Coast into Victoria and towards South Australia.

I would like to know why the Great Western Highway attracted \$100 million and the Pacific Highway will probably attract \$1.6 billion from the Federal Government in the next road funding agreement. The Victorian Government will get \$300 million to match the funding it has allocated for work on the Pakenham bypass and other projects on the Princes Highway in Victoria. What did we get for work on the highway from the Federal Government? We were allocated \$34 million for the North Kiama bypass. Joanna Gash was quoted in the newspaper this morning as saying that the State Government got \$20 million and she will go down there with a shovel and do the work herself if the State Government does not get on with it.

**Mrs Shelley Hancock:** That is true.

**Mr CARL SCULLY:** That indicates that honourable members opposite have absolutely no idea about how Commonwealth-State relations work. On 7 June the State Government was informed that it would receive \$5 million for work on the Pambula Bridge and \$15 million for black spots on the Princes Highway. Have we received the money? No, not a cent. Joanna Gash lied to the *Daily Telegraph* and she should be ashamed of herself. All I sought from her was a partnership to put pressure on the Federal Government to get funds for the people of the South Coast, just like the Federal and State Nationals and Liberals on the North Coast, in the west and in Victoria have won all this Federal Government largess.

However, Joanna Gash is spending all her time moaning that Carl Scully is allocating only \$380 million for work on the Princes Highway. Almost every Federal country seat swung to the Coalition at the recent election, except Joanna Gash's seat. There was a 5 per cent swing against her. It is just as well she started with a big margin. Her constituents have spoken; they are disgusted with her performance on the Princes Highway. They want her to do what every community expects of its member of Parliament: to work with the Government to breach the political divide for the benefit of the community. That is the relationship I have with John Anderson. We are beyond this pointless, cheap nitpicking, which is all the honourable member for South Coast can do.

The honourable member for South Coast has read that the *Daily Telegraph* will publish an exposé on the Princes Highway on Thursday, so she has moved this motion today. She will now call the newspaper and tell them she is the member for the South Coast and ask them to note that she moved this urgency motion today. The *Daily Telegraph* should be made aware of the tricks the honourable member for South Coast is up to. I would like to know the State Coalition's view about the \$25 billion surplus that is lying in a vault in Canberra—a surplus after the Federal Government has paid for its tax cuts and all its promises. Peter Costello tells us that over the next four years there will be a \$25 billion surplus. We would like \$400 million of that \$25 billion for the Princes Highway. The Federal Government would not even miss it. But the honourable member for South Coast cannot bring herself to say, "Thank you very much."

I have now written to John Anderson three times seeking a discussion on the issue, but I have not received a reply. I did receive a couple of letters from his chief of staff. John Anderson has no intention of discussing the issue with me. Why is it that he comes to the negotiating table on the Pacific Highway, the Great Western Highway, and the Princes Highway in Victoria but he will not come to the negotiating table on the Princes Highway? Our budget is fully expended. John Howard ripped the guts out of our budget and distributed

cash to Queensland. I would like to find more money for the Princes Highway because I agree with the honourable member for South Coast that we need to do more. I would like to join with her in having a bipartisan discussion with the Federal Government. As I have said, the stakeholders have said we have our priorities in order regarding the construction program for the Princes Highway.

When we complete the North Kiama bypass, we will commence the Oak Flats to Dunmore section, we will get on with the Pambula Bridge, because, thankfully, a partnership is emerging there, and perhaps Main Road 92, which is also a partnership with the Federal Government. If the Federal Government wants to continue with that project, we will do it. But I would prefer, by negotiation and with Coalition support, to transfer the \$68 million that has been earmarked for Main Road 92 to the Princes Highway. I would rather that \$68 million, which is sitting on a shelf and earmarked for a Sydney goat track, to be spent on the Princes Highway. Every time a person who lives on the South Coast fills up their petrol tank, \$25 or \$30 goes straight to the Federal Government as part of that \$25 billion. Anyone who knows anything about Federal-State relations would be aware that the Federal Government has the taxing capacity but the State Government has the spending responsibility.

**Mr Donald Page:** What about the GST?

**Mr CARL SCULLY:** That is absolute garbage, and I have only one minute and 20 seconds to deal with that. Members opposite have no idea how financial assistance grants work. With a booming economy, the Federal Government is absolutely awash with money, yet we have the spending responsibilities and we do the very best we can. I would like to do more on the Princes Highway—we need to do more—but I do not have the funding resources available. My budget this year and next year is less than what it would be otherwise because this State was fleeced in order to benefit Queensland. Instead of members opposite saying, "Let's work with you, Carl. Let's sit down and work out a plan for the future of the South Coast"—

**Mrs Shelley Hancock:** I just said that.

**Mr CARL SCULLY:** No, you did not. All you do was moan, bleat, carp, whinge and complain—endless carping, a conveyor belt of whingeing. All we get, wall to wall, from the South Coast, from the Murray to Waterfall, is a non-stop conveyor belt of moaning. Cut the whingeing, Shelley. I want to hear it no more. I ask the honourable member to work with me and put pressure on those miserable, mean bastards in Canberra.

**Mr ANDREW CONSTANCE** (Bega) [5.05 p.m.]: The Minister has now left the Chamber. I would like him to repeat today's performance in front of some of the families who have lost loved ones on the Princes Highway. Without doubt, the Minister's performance was an absolute disgrace. As a local member I have sat down with some of the families of victims of motor accidents on the Princes Highway, and it is absolutely heartbreaking trying to represent my community's views to the State Government when the best it can do is say, "Go to the Federal Government." There is a clear challenge to Minister Scully. He can match the Coalition's \$200 million plan for the Princes Highway and start to save lives, or he can continue his politics until the next State election. One thing the Minister failed to say when he was quoting figures to the House is that the State Roads Program budget for 2004 increased by \$300 million, from \$2.6 billion to \$2.9 billion. Not one cent of that increase in funding is being directed to the 400 kilometres of highway south of Nowra.

Given that the allocation of State funds for the Princes Highway south of Kiama is \$5.25 million each year for the next 12 years, which amounts to 0.18 per cent of the State's Roads Program budget for that 400 kilometres of road, it is a little rich for the Minister to dictate to the Federal Government and dictate to us that we should go to the Federal Government. The Minister has the scope in his budget to direct roads funding to where lives are being lost in this State, but he is failing to do so. Earlier this year the Minister quite happily announced a \$540 million Western Sydney bus lane project out of his roads program budget. He could easily have found the money for the Princes Highway out of his stamp duty windfall and the extra funding the Government is receiving in GST payments, which is \$1.1 billion more than the State Government budgeted for. That is how the Minister can match the Coalition's \$200 million plan.

[*Interruption*]

As the shadow Minister correctly points out, there are budget blow-outs on these projects. The Minister can match the Coalition funding very easily by using the extra funding it receives from GST payments. Instead, the Minister is quite happy to play politics and attack the Federal member for Gilmore, the honourable member for South Coast, and me. Until the Minister is prepared to face the families of the victims and put some money

on the table, he has no right to hold the Roads ministry. He is a disgraceful Minister in a disgraceful government. If he continues to lie and deceive and misrepresent the people on the far South Coast, he has no right to hold the Roads ministry in this State.

Over the past 10 months 25 people have lost their lives on the Princes Highway. In 2003, 14 people lost their lives on that highway; in 2002, 11 people lost their lives on it; and in 2003, 302 people were injured on the Princes Highway. If the best the Minister—the man who aspires to be the next Premier of New South Wales—can do is continue to play politics with the Commonwealth, he is a failure and a disgrace. I cannot believe that we are continuing this debate. It would have been interesting to hear what Minister Scully would have had to say if Federal Labor—God save us—had won the Federal election. The fact of the matter is that the Minister failed to get any agreement out of his own Federal party in terms of funding for the Princes Highway prior to the last Federal election because it knows, as we know and the community knows, that it is a State road and it is therefore the responsibility of the State Government.

**Mr MATT BROWN** (Kiama) [5.10 p.m.]: I am pleased to support the amendment and to oppose the motion moved by the honourable member for South Coast. This serious issue has been debated in this Chamber on many occasions. The tragedy is that so many accidents have occurred and so many lives have been lost on the Princes Highway. Cheap political stunts suggesting, "Match this and match that" detracts from the seriousness of the debate. The honourable member for South Coast and the honourable member for Bega believe they have the solution, which is for the Government to match the Conservative's \$200 million commitment. How would they propose to fund the \$200 million when they would be cutting taxes across the State and spending additional money not just on roads but on all public services. The Opposition interject about the GST. New South Wales does not receive all the money raised by way GST. If we did, the Government would have further funding for much-needed services and projects within the State.

Significant money has been committed to the Princes Highway and we would all like to see more. Nevertheless, considerable construction is taking place, for instance, in my electorate. Under construction is the \$150 million North Kiama bypass, the first major project on the Princes Highway after the Kiama bypass. After Nick Greiner became Premier in 1988 money for that road stopped completely, and funding was not reallocated until Labor came to office. When I asked the NRMA and the Southern Group of Councils where money should be spent, they said on the North Kiama bypass and then on the road between North Kiama bypass and Oak Flats, and then work their way south to Nowra.

The Government is working on those projects now. The North Kiama bypass is going ahead in leaps and bounds and I congratulate all workers and the contractor, John Holland, for their amazing work on it. Work is being advanced in the area north of Kiama. Dunmore to Oak Flats is being flood-proofed, and the Minister for Roads has just announced a \$300,000 study on realigning the portion of the highway from Gerringong to Bomaderry, which would incorporate the Berry bypass. This is the sensible way of pushing the road further south. People in the Kiama electorate are getting the lion's share of the Government's commitment of \$380 million.

The Minister for Roads and I have never said that the Princes Highway is not a State road or that we are not responsible for it. In fact, I enjoy canvassing for more funds for roadworks, and they have been forthcoming. One can witness the bulldozers, workers and contracts throughout the Kiama electorate. However, the Federal Government should match our \$380 million, just as it matches funding for other State roads, including the Princes Highway in Victoria. However, for some reason the Federal Government is unwilling to work with our Government in pushing forward improvements to this road. I am open to co-operation and I have attended meetings in Canberra. I believe we should be pushing for the biggest bag of Federal money, and the Southern Group of Councils agrees. The Federal Government should commit its fair share to this road.

**Pursuant to sessional orders business interrupted.**

#### **PRIVATE MEMBERS' STATEMENTS**

---

#### **CANTERBURY BULLDOGS RUGBY LEAGUE TEAM GRAND FINAL VICTORY**

**Ms LINDA BURNEY** (Canterbury) [5.15 p.m.]: The final series for the Canterbury Bulldogs Rugby League team started in defeat at the hands of the North Queensland Cowboys. But the next three games were a

triumph. With wins against the Melbourne Storm and the Penrith Panthers over two subsequent weeks the big moment had arrived—the Grand Final against the Sydney Roosters, which we won 16-13. The House should be reminded of the lead-up to the Bulldogs' magnificent win. In 2002 the Bulldogs were leading the table, only to find themselves relegated to the bottom of the table because they exceeded the salary cap. The preseason controversy and the pain inflicted on many of those involved forced the team and the club to look seriously at themselves and to take on board the public perception of them. I would like to share some of the highlights of grand final day and the actual game from my perspective.

My husband, Rick, and I drove to the game, and decided to go via Belmore. The two or three blocks around the football club were a sea of blue and white. There were thousands and thousands of people lining the streets. The traffic was almost at a standstill. Every manner of vehicle was decorated in the club colours. People were singing, playing drums, and breaking into spontaneous belly dancing. In a sense the Canterbury-Bankstown area was going to show the rest of the country what Canterbury stands for: a tight-knit community, a community that takes pride in itself, and a community that is sick of being painted negatively in the media.

I shall digress to say that I was struck by that fact last Tuesday night at the investiture of the Canterbury Boys High School 2005 prefects. Each and every one of the young men being inducted was a reflection of Canterbury: they were proud to be Canberrians. I noted also that the name of one of the school's most noted old boys was not once mentioned, and the same could be said of last year's ceremony. Rick and I finally got to the game. I had never been to a grand final, and the atmosphere was intoxicating. The rivalry between these two teams is legendary. In the lead-up to the game I heard one prominent sports commentator describe it as a game between the two most hated teams in the competition. On a slightly sentimental note the captain, Steve Price, was forced to sit out his last game with the Bulldogs because of an injury. Andrew Ryan captained the side in his place, but they shared the glory at the end of the night.

The final 15 minutes were frantic and one felt a bit sorry for Roosters' player Chris Walker. He went from scoring the potential match-winning try to producing a blunder that will, I suspect, plague him for a long time. He was stopped just short of the line when the Bulldogs were leading 16-13. Moments later he dropped a Brent Sherwin kick to hand the Bulldogs possession and end the Roosters' chances. At that point, a few minutes before the final bell, the celebrations in the Canterbury area began. This football game and the win, no matter what one thinks of the code or the teams involved, have been very important for the community of Canterbury-Bankstown.

I would like to dwell on that point for a few moments. Canterbury is depicted as an area with high crime, many social problems, and ethnic gangs. The list goes on and on. This win has meant an awful lot to the community because it is something they can take pride in, no matter what people's personal views are. It brought the community together in a way that only Australian grand finals can do. As I said in my inaugural speech, urban myth in Canterbury has it that blood flows blue and white in the Canterbury area. That is pretty close to the mark. Most of the houses in every street were decorated in blue and white, as was every second car. There was a great sense of anticipation. Although honourable members may not agree with everything I have said, I place on record my congratulations to the Canterbury Bulldogs football team and the club. It was a great outcome for our area in general.

### **TOM UGLYS BRIDGE REFURBISHMENT**

**Mr MALCOLM KERR** (Cronulla) [5.20 p.m.]: Tonight I raise a matter that concerns both business and public safety in my electorate. I refer to the management of the refurbishment of Tom Uglys Bridge. The final plan, which was released in April 2004, aims to manage traffic while the Roads and Traffic Authority [RTA] refurbishes the old Tom Uglys Bridge, which carries northbound traffic. The refurbishment is necessary to remove old lead-based paint to protect Georges River from further lead contamination. The plan includes routing one lane of northbound traffic across the southbound bridge, increasing the total number of lanes on this bridge from three to four. It will also reduce parking for southbound motorists and reduce the number of spaces available in the right-hand turning bays outside the shopping centre.

Local business owners have expressed concern about the Minister's plan for this area. The plan will reduce parking for southbound traffic outside the shopping centre by more than 75 per cent. This will dramatically affect the number of customers for iconic shire businesses such as Paul's Famous Hamburgers, which has operated for more than 47 years, and Tom Uglys Newsagency, which has operated for 80 years. Families will have great difficulty buying a hamburger on Saturday afternoon following this massive reduction in parking and local small business owners are very concerned.

**Mr Barry Collier:** Point of order: The honourable member for Cronulla is misleading the House in that 11 parking spaces have been installed and \$150,000 has been spent by the RTA doing that.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! That is a debating point rather than a point of order. The honourable member for Cronulla has the call.

**Mr MALCOLM KERR:** Reducing the number of parking spaces will mean that turning traffic will spill out onto the roadway, blocking the inside lane. I refer also to public safety because the area immediately south of Tom Uglys Bridge is already accident-prone, with vehicles exiting the bridge at very high speeds. This ill-conceived traffic management plan has the potential to cost lives. I received a letter from one resident who was on his balcony and witnessed an accident that occurred on 8 June. He saw an oil tanker, which was travelling south, overturn on the Princes Highway, Sylvania. He saw the tanker come to rest at the end of Yeran Street. He offered to help and spoke to the police. He stated:

The regularity of these incidents—an RTA euphemism for accidents—would, I suggest, be a social problem, therefore, would be a challenge we should all address ...

The mess took fifteen and a half hours to tidy up. Traffic was at a standstill for about eight hours before the offending vehicle was righted. In the meantime, there was only limited access to our street for residents, tradespeople, emergency vehicles and carers attempting to redeem their children from the adjacent kindergarten.

The RTA and I also received an email from newsagent Alan Price, who referred to an incident that occurred recently. He said:

At about 10.30 the RTA invoked a one lane only operation for traffic heading north and over the Tom Ugly's Bridge (the newer bridge). Access to the older bridge ceased. The one lane operation commenced at about Sylvania BMW—the corner of Princes Highway and Florida St and proceeded to lead all traffic on to the newer bridge. This operation ceased 4 hours later at approximately 2.30pm ...

1. The initial ramification was the backlog of traffic, which quickly built, along both Port Hacking Rd—as far back as the Frank Vickery Village (approx 1km from the point of commencement of the one lane). Traffic on this road varies from 2 to 3 lanes. The backlog of traffic on the Princes Highway went at least as far back as the shops at Sylvania Heights ...
2. All customer parking to the day businesses on the western side of the highway adjacent to the Tom Ugly's Bridge Project was lost for the entire period.

A loop road goes under the bridge and access to that was unavailable. He continued:

4. All traffic leaving Clare St and entering the Princes Highway was forced to use the one lane and travel over the newer bridge—

[Time expired.]

## MUTAWINTJI NATIONAL PARK

**Ms PAM ALLAN** (Wentworthville) [5.25 p.m.]: Last weekend I had the opportunity to attend the Tidy Towns Award weekend in Broken Hill, and I am sure a number of members will refer to that over the next week or so. On the Friday prior to the conference, I received an invitation from the National Parks and Wildlife Service to visit the Mutawintji National Park. This is a significant park in far western New South Wales because it was the first park handed back to its traditional owners by the Carr Government in 1998. It is six years since I visited the park and I took the opportunity provided to me by the National Parks and Wildlife Service to visit it again. On the day I was accompanied by Maureen O'Donnell, a traditional owner, a member of the Far West Advisory Committee and a Mutawintji elder. She escorted me to the park, where I was taken on a tour by Gerald Quayle, a worker at the park; Bill Riley and his wife, Muriel, a Paakindji elder.

It was a delightful day and it was great to see that, physically anyway, Mutawintji National Park is living up to expectations as one of the most pre-eminent national parks in western New South Wales. The park has a very significant history, not only its European history and the important role it played for Aborigines within Australia but also because it is one of the three identified meeting places for Central Australia and the major meeting place in outback New South Wales. There is considerable pre-European evidence to confirm the role the park has played in the lives of early Aboriginal people dating back many thousands of years. I do not wish to go into the politics of ownership of the park except to say that there remains a lack of confirmation about traditional ownership.

Nevertheless, Maureen, Bill and Muriel Riley, Gerald Quayle and their families are totally committed to the welfare of the park. They look after the many visitors who have their permission to visit the park. Bill



Riley works at Mutawintji National Park and is an Aboriginal elder and traditional owner of Mutawintji. He has been very active in setting up the Darling River Action Group to draw attention to environmental degradation in the Darling River. The action group became mobilised in the past 12 months and tried to run a campaign in the recent Federal elections. It wrote to all candidates of communities along the Darling River to highlight the environmental degradation of the river.

We often hear about the Murray River but Bill Riley believes that we do not hear enough about the Darling River. The group is concerned about upstream usage of the river, in particular, by cotton growers and other irrigators and seeks to draw focus back to the Darling River. Indeed, the action group is very keen for all communities and the State and Federal governments to address its concerns. The initiative that has been taken by Bill Riley is great, together with other initiatives such as the experiences Muriel Riley is having in organising discovery programs and the Aboriginal traineeship in the Paroo-Darling National Park. A range of initiatives are currently being pursued by the traditional owners and elders in the Mutawintji park area to try to address the needs and concerns of Aboriginal communities. I enjoyed the hospitality that was provided to me. I look forward to a continuing relationship with these people. [*Time expired.*]

### **ST JOHN AMBULANCE AUSTRALIA (NEW SOUTH WALES) OPERATIONS BRANCH 2004 ANNUAL REVIEW**

**Mrs JUDY HOPWOOD** (Hornsby) [5.30 p.m.]: Before I talk about an event that happened on Saturday 16 October, I pay a mark of respect to Margarette Bottemanne, who died on 12 October. Margarette was the wife of Jo Bottemanne and the mother of Charles. I attended her funeral in Gordon today. She was a long-standing resident of the Hornsby electorate, is much loved and she will be sorely missed. I turn now to the St John Ambulance Australia (New South Wales) Operations Branch 2004 annual review, which was held in the Great Hall at the University of Sydney. The Reviewing Officer, General Manager Operations, Ambulance Service New South Wales, is Mr Steve Whinfield, the Commissioner is Miss Christine Purdie, and the Parade Commander is Mr Trevor Mayhew. The Hornsby/Ku-ring-gai division was well represented at the event.

I am glad to report to the House that Mrs Karen Lott of the Hornsby/Ku-ring-gai division, Mr Jonathan Phegan of the Hornsby Cadet Division and Mr Mark Restuccia of the Hornsby/Ku-ring-gai division received a service medal of the order, which is awarded for 12 years of efficient service. I also have pleasure in reporting to the House that Mr Malcolm Knight of the Hornsby/Ku-ring-gai division was awarded the second bar to the service medal of the order, which is awarded for 22 years of efficient service. Malcolm Knight is head of the Hornsby/Ku-ring-gai division and works very hard. Mr Benjamin McClure of the Hornsby Cadet Division was awarded the grand prior award badge, which is awarded for proficiency in 12 subjects from a designated list of 37, including categories such as community, welfare, adventure and recreational, of which knowledge of the Order of St John is compulsory. This is the highest award a cadet can achieve, and cadets may wear the badge with pride throughout their career in St John Ambulance.

The operations branch is made up entirely of volunteers working for St John in their spare time. The fundamental role of St John Ambulance in modern society is that of the good Samaritan, helping members of the community without thought of reward. Members of the Operations Branch are seen wearing their familiar black and white uniforms. They provide first aid services at major events, festivals and other public occasions, and they work hard in the Hornsby electorate. The Operations Branch is organised along formal lines of command under the divisional superintendents and regional superintendents at the local level, the commissioner and staff at the State level and a chief commissioner, chief superintendent and other chief officers at the national level, with a set of regulations governing administrative and other processes. The result is an organisation with considerable esprit de corps, and one that operates with a degree of practical efficiency not often found in purely voluntary organisations.

Operations branch members often give many years—in some cases a lifetime—of service. One person was presented with an award for 47 years of efficient service, which is the seventh bar to the service medal of the order. That is to be greatly commended. The first aid standards of the volunteers are monitored at the national level by a chief professional officer, who works closely with the director of training and the senior operations branch professional officers in each State. Senior branch staff meet annually to discuss progress and procedures. There is also a training branch, which gives many voluntary hours instructing members of the public to obtain first aid certificates, and providing other vital information.

This weekend is our Relay for Life. St John Ambulance members will be present for the entire 24 hours of the relay, which is being held from 10.00 a.m. on Saturday 23 October to 10.00 a.m. on Sunday 24 October. I

am on the committee, as are Les and Marg Howard, Steve Ray, Ian and Katie Clarke, Monika Cole, Don McNicol and Gary Kirkby. Dr Andrew Penman from the Cancer Council will be present in the evening for the candlelight ceremony, and Martin Paul, who is part of the Cancer Council management, will also have a hawk eye on the proceedings. We have a lot of things planned for this weekend, and the Hornsby shire Relay for Life is now a fixture on the calendar.

### **HAWKESBURY RIVER SALVINIA WEED INFESTATION**

**Mr ALLAN SHEARAN** (Londonderry) [5.35 p.m.]: I shall inform the House about the recent endeavours taken to improve the health of the Hawkesbury River. Honourable members will be aware of the many items appearing in the media about the salvinia weed infestation of the river. While salvinia is one of the many aquatic weeds that are a major concern to the health of all our river systems, it has perhaps the most dramatic impact because of its ability to rapidly spread when conditions are favourable, carpeting the watercourse to such an extent that light cannot penetrate to the submerged plant life, affecting the oxygen content, thereby making the water unsuitable for marine life. Favourable conditions for salvinia are high temperatures, periods of drought, low river flows and a river with high nutrient contents. Such conditions have existed in the Hawkesbury River for some time and I am sure we all have seen the pictures in the media of a river choked by this weed.

In April this year it was recognised that the salvinia infestation of the Hawkesbury River was reaching levels that had not been seen before, and thus despite significant in-kind contributions by the State there was a demand to meet this threat with some additional urgent action. Thankfully, both State and Federal governments acknowledged the threat and jointly provided \$500,000 towards cleaning up this severe infestation. The river provides considerable produce to the Sydney market, including vegetable production, egg and chicken meat production, turf production, fruit production, cut flowers, the dairy industry and mushroom industry, to name but a few. This is in addition to the demands placed upon it by the tourist industry and the ever-increasing urbanisation of the immediate environs.

Although the clean-up effort was quite successful, the task was so enormous that early in July I was approached by Mr Ray Patterson, River Manager, and Mr Bray Myers of the Hawkesbury Holiday and Ski Parks Association who alerted me that the funding was running out and as there was still a great deal of work to do further funds were urgently needed to complete the job. I might add that Mr Patterson and his team, which has been primarily responsible for the actual clean-up, have done an amazing job, especially when the extensive nature of the task they faced is considered. Mr Patterson has worked, lived and played on the river for most of his life. His passion for and knowledge of the river have been extremely valuable in the fight against the salvinia infestation. Mr Myers runs a business in which the river plays a significant feature. He and others certainly know the impact the infestation has had.

I am pleased to say that the State Government committed an additional \$250,000 to continue the clean-up, and this was quickly matched by the Federal Government. Accordingly, both governments jointly provided \$1.1 million in total. These monies enabled the clean-up of the main part of the river using harvesters, and those areas that the harvesters have not been able to reach are currently the subject of a chemical control program. This is necessary because if these hard-to-reach areas are left untreated the salvinia weed could again spread, reclaiming the river and destroying all the work that has been done. Additionally, biological control in the form of a weevil will be released to consume any remnant salvinia in the river. While the efforts to clear the river of this menace seem to be succeeding for the moment, there is a dire need to be vigilant and to continuously identify methods to prevent and control any further outbreaks of weed infestations on this river.

The quality of the river, and indeed the quality of all our water systems, is impacted by many factors. Most seriously of all is our population with 1,000 people moving into Sydney every week and the way we use our resources. I was heartened to hear the Minister for the Environment mention in this Chamber yesterday that plans are under way to restore the health of the Hawkesbury-Nepean rivers, particularly the prospect of new environmental flow regimes being put in place for the rivers. Last week Hawkesbury City Council's River Health Committee conducted a public river forum. This forum had representatives from the Hawkesbury Nepean Catchment Management Authority, the Department of Primary Industries, a trawler-river user, local environment groups, Sydney Water, the Department of Environment and Conservation, Hawkesbury River County Council, the Local Government Advisory Group, the University of Western Sydney, Baulkham Hills council, Blacktown City Council, Liverpool City Council and Penrith City Council, along with the Federal member for Macquarie, me and other interested parties. All had an interest in and concern about the river.

During the forum I welcomed the commitment by the Federal member for Macquarie that some funding would be forthcoming from the Federal Government's national water plan. It is generally recognised that the health of the Hawkesbury-Nepean River system is too big an issue for State and local government authorities alone. A lot of well-intended people—experts, river users, residents and businesses—attended the forum. I look forward to presenting details of the recommendations for government consideration.

### **SUNNYBRAND CHICKENS PTY LTD WORKERS COMPENSATION CLAIMS**

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [5.40 p.m.]: I highlight my concerns about the New South Wales workers compensation system and bring to Parliament's attention an example of the recent court case dealing with the issue of contractors. The outcome of the court case and the experience of the company involved with workers compensation claims is an indication of the parlous state of the New South Wales workers compensation system. It is a system that is failing employers and is having a flow on effect to employees. The court case involved Sunnybrand Chickens Pty Ltd, a locally owned family business and the largest private sector employer in the Byron shire. Unlike many different manufacturers, Sunnybrand supplies only fresh chickens. It does not freeze its product and, therefore, it must produce fresh chickens to meet the demands of the following day. It needs a highly flexible work force. Unfortunately, Sunnybrand has been hard hit by the failures of the New South Wales workers compensation system.

One of the greatest problems for businesses such as Sunnybrand is the immediate acceptance of a claim as soon as it is made. This pushes up the "f" factor—or claims experience factor—under which workers compensation is paid, and prevents the expansion of employment opportunities. Like most businesses, Sunnybrand takes its occupational health and safety [OH&S] obligations very seriously. It has 15 OH&S delegates amongst its staff. They are fully trained and very diligent and can and do hand out breaches to staff for not complying with the company's strict OH&S policies. However, the workers compensation system is open to abuse, and the company has had many claims made by employees for injuries that have occurred outside the workplace.

One recent dubious claim was made by a former employee on a day the company was not even operating. Furthermore, the worker claimed he was injured in a physical work process that he did not undertake in his role of blessing the halal chickens at Sunnybrand. Because his claim was immediately accepted, it has already impacted on the company's insurance premium by an extra \$150,000. I ask the Government how many businesses in New South Wales can be expected to operate when one claim which, prima facie, is fraudulent can increase a company's workers compensation premiums by \$150,000?

Last year, because the company needed more room and because of the high cost of workers compensation and the need for a flexible work force, Sunnybrand decided to go to a contract system for chicken boning. This involved about 40 people. No-one at the company would lose their job under the proposal and it would give both the company and employees more flexibility. The company informed the Australasian Meat Industry Employees Union [AMIEU] and was promptly served with notification to appear before the Industrial Relations Commission. Sunnybrand was also subjected to extensive industrial action, including strikes.

Following a three-day hearing in March—attended by Sunnybrand, the AMIEU and the New South Wales Labor Council—in August Deputy President Harrison brought down his finding that the Sunnybrand proposal for contracting was perfectly legal. The process cost Sunnybrand approximately \$150,000 in legal fees and 12 months of heartache. Sunnybrand now has two boning contracting companies, AICA and Poultry 99. Incredibly, both of these contractors can access insurance for their contractors 24 hours a day, seven days a week at a rate much cheaper than Sunnybrand can for its employees. There is something gravely wrong with WorkCover if contractors can get a much better deal on insurance outside the system.

Sunnybrand's contracting arrangement is a win-win situation for the business and its employees. The threat of exorbitant compensation through the workers compensation program is removed and employees can have flexibility in their working hours so long as their commitment to orders is met. The court case has shown that contracting is legal and, at least as far as Sunnybrand is concerned, is the way of the future. Given Sunnybrand's successes in the Industrial Relations Commission and the state of the New South Wales workers compensation system, it is quite understandable that many businesses will choose a similar contracting system.

**Mr Thomas George:** And have done so.

**Mr DONALD PAGE:** And have done so. Other businesses in the local area are now approaching Sunnybrand for advice on the merits of a contracting system. Furthermore, given the recent \$150,000 hike in its

insurance premium on the basis of just one dubious claim, Sunnybrand is now considering going entirely to contractors. Why would it not? This is a very serious issue for the Carr Government. This Government claims to support the workers compensation system, however benefits for workers injured in the workplace have been capped, premiums are going through the roof and workers jobs are being lost. Private insurers are able to provide a better package outside the system than employees and employers can get under WorkCover. It is time the Carr Government had a good look at the practical realities of a workers compensation scheme in New South Wales that is in desperate need of a radical overhaul.

### LOWER HUNTER REGIONAL STRATEGY

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [5.45 p.m.]: At the moment the city of Newcastle is focused on the Greater Metropolitan Strategy for future development and plans for it in the Sydney, Newcastle and Wollongong area—in fact, from Kiama to Port Stephens. Part of that is the development of the Lower Hunter Regional Strategy, and ongoing consultation about the footprint for industry, for residential development and for environmental protection across that area. A transport and infrastructure group is looking at the development of transport and infrastructure to take into account the population growth in the area. If population growth continues as it is, between now and 2026, 280,000 extra people are likely to be living in the lower Hunter area, particularly in the section between the west of Lake Macquarie through to Thornton and the Maitland area. That is a large population increase.

This week the *Newcastle Herald* noted the impact of a rapid population growth on transport between Maitland and the city. The *Newcastle Herald* has been emphasising the adequacy or otherwise of the roadways between Maitland and Newcastle and pointing out the difficulties of traffic. Slight breakdowns or accidents in peak hour can lead to hold-ups of 1 or 1½ hours. There has been a lot of criticism. This emphasises the need for bringing together land and transport planning in an integrated fashion just as it is being emphasised in the Lower Hunter Regional Strategy. It also emphasises the need to keep up alternative methods of transport. There is no greater link between the Newcastle and Maitland areas than the current structure of rail and road. It is a pointer to us to ensure that we maintain the rail link all the way to Newcastle station and integrate that with the road and, in particular, with public transport systems

There is a need to look at alternative road directions between the Maitland and Hunter areas and Newcastle. The No. 1 project in road infrastructure being pushed by local members of Parliament—State and Federal—and local government is the Branxton to Seahampton link to the F3. This would facilitate good traffic flows to the F3 and also a quick link to the Newcastle link road that joins the F3. If that occurred there would be a change in traffic patterns. I have talked to Minister Scully and he is very agreeable to having as much input and submissions as possible on improvements to transport in the area. I will make some points about the lower Hunter regional strategy. The transport and infrastructure focus group will be looking at all the issues around the transport and infrastructure networks and their capacity to cope with population growth and how they might be effectively expanded. The group will look at the maturity of the road network and the opportunities and need for expansion, conflicts between passenger and freight rail networks, and patronage of the rail services. Increased use of all public transport is imperative, particularly in view of recent fuel costs. It is said that fuel will soon be \$1.20 a litre.

**Mr Peter Draper:** It already is.

**Mr BRYCE GAUDRY:** Fuel prices have already reached that level in some areas, according to the honourable member for Tamworth. There is talk of oil costing \$US80 a barrel. We are looking at the patronage and the quality of existing services. We are already putting more than \$100 million into improving rail carriages and rail services in the Hunter. We should be increasing and strengthening rail as well as improving roads. [Time expired.]

### LISMORE ELECTORATE WATER SUPPLY

**Mr THOMAS GEORGE** (Lismore) [5.50 p.m.]: I am pleased to follow the honourable member for Newcastle, the Parliamentary Secretary, because he received representations on the subject I now raise from the shire councils in my area when he last visited the electorate of Lismore. Over the past couple of days a lot has been said in this House about water. For many years the three communities of Urbenville, Muli Muli and Woodenbong in my electorate have sought a water supply augmentation scheme to provide drinking water. To this day the residents still cannot drink the water. I will go over the history of this matter since 1997, when the Department of Public Works and Services was commissioned by the Department of Land and Water

Conservation to prepare a report on available options for improvements to the water supply for the villages of Muli Muli, Urbenville and Woodenbong.

At a meeting in March 1999, the year I was elected and started to become involved with this issue, representatives from Tenterfield Shire Council and Kyogle Council, together with the Department of Public Works and Services and the Department of Land and Water Conservation, agreed to seek funding for the project under the Country Towns Water Supply and Sewerage Scheme, with a 75 per cent State funding total project cost of \$2.92 million. In late 2001 funding for the detailed design phase was approved and consultants were engaged to carry out investigations and ascertain the preferred option. In May 2002 consultants and councils agreed that a package conventional filtration plant was the best option for the project. The budget was revised to \$1.6 million. Detailed investigation was finished and the project was ready to go to tender and be built.

In June 2002 the Department of Public Works and Services advised the Department of Land and Water Conservation that it did not agree with the consultants' recommendations and that State Government funding should not be given unless it got its way, that is, to use 1950s technology instead of modern technology. In July 2002 the Department of Land and Water Conservation advised that the \$200,000 from the Department of Aboriginal Affairs for the Muli Muli contribution would come off the top and then the State would fund it 50:50 after that. For the following two years we have still been trying to sort out this project. In the meantime Kyogle Council decided to take on Muli Muli for outstanding contributions. That created another problem. Muli Muli and the towns of Urbenville and Woodenbong are being held to ransom. The three communities cannot drink the water. There is a shortage of water in other areas; these communities have water but they cannot drink it. Over the past few days I have noticed recyclable bottles of water in Parliament House. I will bring some water down from Muli Muli, Urbenville and Woodenbong and challenge anyone to drink it.

The project stalled on negotiations about levels of funding. In September 2004, after 26 months, despite numerous meetings between the Department of Aboriginal Affairs, the Department of Energy and Utilities, the Minister and mayors and general managers, there was still no outcome, despite assurances from the Minister's office that the funding letter would be forthcoming. The letter was forthcoming. I am running out of speaking time so I will not quote it. We all know that the Country Towns Water Supply and Sewerage Scheme included the establishment of an independent prioritisation committee. When the communities finally got a letter they saw that they were ranked at level 6. I have just received a letter from the Minister that has sorted out the problem with the \$200,000. Kyogle and Tenterfield councils can appeal against the process, and I am sure they will. I will encourage and support them to do this. I now call on the Ministers to finalise the matter so that the communities can drink the water. [*Time expired.*]

#### STATE FORESTS SOFTWOOD PLANTATIONS PRIVATISATION

**Mr PETER DRAPER** (Tamworth) [5.55 p.m.]: Today I raise the importance of establishing safeguards against privatisation of the State's softwood plantations to protect communities reliant on the timber industry from negative impacts should the Department of State Development choose to put these resources up for sale. This issue is critical to the long-term future of the community of Walcha, which is in my electorate, where prospects of timber industry growth look exceedingly promising. Alongside sheep, wool and cattle production, forestry is becoming increasingly important as a provider of employment in the town of about 3,000 people. According to the 2001 population census forestry, logging and timber processing provided employment to 56 people in the Walcha district, representing about 4 per cent of a work force of 1,453. I have spoken previously in this House about the Walcha softwood plantation development strategy and the proactive way in which the Walcha Shire Council is taking that concept forward to grow forestry and secure a viable future for this industry in the region.

As I speak the council continues to implement the strategy by engaging with major institutional investors to encourage investment in softwood timber plantations. Currently some 13,000 hectares of pine is planted in the Walcha region, and the strategy identified the potential to support up to 50,000 hectares. The strategy is now riding the wave of opportunity provided by New Zealand's McVicar Timbers, which is in the process of constructing a mill in the nearby town of Quirindi. The mill will establish the first major market for timber in the area, creating a great opportunity for the council, through the strategy, to expand the industry. Another major boost was the recent announcement by the New South Wales Minister for Primary Industries, Ian Macdonald, of contracts to pine transporters in New South Wales worth almost \$80 million. The lion's share was a \$50 million contract to cut and haul plantation pine timber allocated to Walcha haulage and harvest company Brian Smith Timber Transport Pty Ltd.

The company has won the tender to harvest, load and deliver up to 240,000 tonnes of logs each year from Forests NSW softwood plantations around Walcha and Nundle to local processing plants. Council greeted this news with immense delight due to the creation of up to 14 new jobs and security for the industry for another 10 years. The projected economic benefits from the use of Forests NSW softwood plantations around Walcha and Nundle are expected to be significant. Importantly, it is my understanding that this contract has been safeguarded for its duration against privatisation. There remain, however, a number of safeguards critical to the longevity of the timber industry in Walcha that are yet to be secured. Through Walcha Shire Council's membership with the Consortium of Timber Producing Councils, the council is working to achieve these safeguards.

The proposed privatisation of the State-owned softwood plantation forests in New South Wales is the subject of substantial anticipation with an options steering group expected to hand a report to the Department for State Development within weeks. The consortium expects the report to recommend a number of options including the sale of plantations with the most likely purchaser being an overseas superannuation fund. To quote from the submission paper to Government, the councils are "driven by a concern that the views of the local communities will not be heard in the consideration of this proposal and that these communities will be adversely impacted by such a sale". In brief, the councils are not opposed to the sale but believe issues such as local employment, rates, road maintenance, bushfire protection, investment in timber processing, local knowledge, salinity, use of the resource and public access to forest roads should be taken into account with safeguards put in place to protect their integrity.

In response to a recent question on the issue the Minister Assisting the Minister for State Development, Michael Costa, stated that the decision would include consultation with all stakeholders. The consortium has met previously with Mr Costa, the Premier, Minister Macdonald and the Country Labor caucus to impress their concern on these issues. Walcha Shire Council is endeavouring to again meet with Mr Costa and the Premier in the near future. I interpret that move as a manifestation of the council's concern that the consultation process has not gone far enough in considering the economic impact of privatisation on Walcha's community. I agree with Walcha Council that if the softwood plantations are safeguarded privatisation should not necessarily be a death knell for timber towns. The short-term future for Walcha has been assured with the \$50 million harvest and hauling contract. It is the long-term prospects of between 25 to 50 years down the track that remain uncertain. What guarantee does the community have that private interests will replant the trees and not go for a quick return by flogging off the existing resources?

The softwood timber industry in New South Wales is responsible for delivering \$780 million in direct economic benefit to regional New South Wales each year. I applaud Minister Macdonald's bid to provide security and sustainability to the industry. The bottom line of Walcha's softwood plantation development strategy is not for today but for employment and prosperity for subsequent generations. Despite claims of Treasury going for a one-off money grab, Minister Costa insists he too is concerned about timber industry sustainability. I would urge the Minister to consider social impacts in the consultation process and to implement safeguards that timber towns such as Walcha know to be essential for ongoing economic prosperity.

#### **OLYMPIC GOLD MEDALLIST STEVE MOWLAM**

**Mr GREG APLIN** (Albury) [6.00 p.m.]: The Athens Olympics were a stunning success for our nation's sportsmen and sportswomen. Australia won 17 gold medals and a grand total of 49. Today I want to focus on the gold medal winning Australian hockey team and, in particular, the goalkeeper, Steve Mowlam, whose home town is Corowa, which is located in the Albury electorate on the banks of the Murray River and is, of course, the birthplace of Federation. Corowa is now celebrating its first gold medal win at an Olympic Games and Steve Mowlam is a true hometown hero. In typical country town style, residents of Corowa turned out in force on Tuesday 28 September to welcome home their golden boy at a street parade. The town was in festive mood with people proudly displaying green and gold balloons and waving Australian flags. Steve Mowlam was first accorded a civic reception by Mayor Gary Poidevin and the Corowa Shire Council. He was then driven in an open sports car down Sanger Street, escorted by members of the Corowa Hockey Club's under-12 girls premiership team.

People in the crowd screamed out his name and, because he is a local, he was able to respond by waving back and acknowledging individuals along the street. As Steve said later, "To have so many people come that you know is just so special." That was just one event in Steve's hectic schedule since returning home from Athens. The previous week he was given life membership of the Corowa Hockey Club. The life members were on hand to congratulate Steve on his success. On his arrival at the club Steve was given a standing ovation,

after which the crowd settled to watch a slide show of the club's history and then of Steve Mowlam's life, from his childhood to standing on the podium and kissing his gold medal. That was followed by an auction of sporting memorabilia, including hockey balls, a Kookaburra shirt and an Athens Olympic Flag.

The Australian hockey team's path to glory was a long and arduous one. Often labelled as the greatest underachievers in Olympic history, the Australians had not won a gold medal since their debut appearance at the 1956 Melbourne Olympic Games. Yet they gained three silver medals in 1968, 1976 and in 1992, and since 1964 the Kookaburras have finished out of the top four in only one campaign. They were described as the masters of heartbreak. However, on this occasion the pressure did not get to them and they won three of their first five matches, defeated Spain 6-3 in the semi-final, and finally defeated the Netherlands 2-1 in the gold medal match. That was the result of brilliant teamwork. However, no-one would have been feeling the pressure as much as Steve Mowlam, who, as goalkeeper, had to pull off some memorable saves.

Then there were the nerves at home. Back in Corowa 25 family and friends gathered in the Mowlam household to watch the final. Steve's father Paul took holidays to cope with all the early morning broadcasts from Athens. "Talk about nerves," he said, "I get nerves for him; my stomach gets in a hell of a knot." He said that he spoke to Steve after the team won the semi-final and told him the entire family had nerves. He responded, "No, settle down, don't worry about nerves. We'll just do the best we can." Paul added, "He's a single-minded together kid." And so he was, playing a major role in the dramatic golden goal victory by the Kookaburras.

I had the great honour of conducting the street reception interview with Steve Mowlam. I asked him what was running through the minds of the Kookaburras after Travis Brooks scored the equaliser two minutes into the second half. He was straight to the point, "We're fit, they're not," he said. "Basically that's what it came down to, we had done a hell of a lot of hard work, we were the fittest team in the world at the time." A one-liner from coach Barry "Disco" Dancer just before the team returned to the field for extra time proved inspirational. "Trust your preparation" was the advice recalled by Steve. "And that was it," he said.

Steve had some advice for the many youngsters in the crowd eager to follow in his footsteps. He said that he came to Corowa in year 2 from Deniliquin and he was a bit of a tearaway kid with a love of water skiing, dirt bikes and things like that. All his mates were playing hockey at the time, so he got into hockey and played in the field. Unfortunately, in one grand final he cost the team a few goals, so a bloke by the name of Dave Sadler said he could jump in the net, and in he went. Steve said that he was no-one special; he was just like any other kid running around Ball Park. Luckily, he got the opportunity to play for Victoria in the under 21s. He did not even know there was a junior world cup competition, but he was picked and went off to England. From there he just worked hard. With a lot of hard work and a little bit of luck he became the goalkeeper for the Australian Men's Hockey team and won a gold medal. Congratulations Steve Mowlam, Australian hero, golden boy of Corowa and a darn nice bloke.

## REGIONAL ENGINEERS SHORTAGE

**Mr RICHARD TORBAY** (Northern Tablelands) [6.05 p.m.]: Recently I was asked to speak at the Engineers Australia (Newcastle Division) National President's Dinner in Armidale about the shortage of engineers in regional areas. The situation threatens to become more critical in the future. The solution is seen by both Engineers Australia and industry group Re-Engineering Australia [REA] as a matter of placing more emphasis on encouraging young people to study mathematics and sciences from primary to tertiary level. In recent years those subjects have been in the doldrums. They are regarded as too difficult and too inaccessible by students and by many teachers who are not equipped to teach them effectively. To counteract the negative image, members of Engineers Australia are now visiting primary schools to talk with students about the rewards of engineering as a profession and to arouse greater interest in maths and science, which they label the enabling subjects.

Another initiative undertaken by the association is to back the annual Science and Engineering Challenge run by the University of Newcastle at a number of campuses. The competition has attracted 5,000 students from year 8 to year 10. That has resulted in notable increase in the number of students studying maths, chemistry and physics. As a subject for study, engineering has been lagging in popularity behind professions such as medicine, law and veterinary science. Some members of the profession suggest that television, through soapies as much as anything, has given those professions a more glamorous profile than engineering and that that has had an influence on young people.

Australia has enjoyed a reputation in previous decades as an innovative nation. It was Australian ingenuity which came up with the cochlear implant, the pacemaker, the wine cask, the black box flight recorder, the refrigerator, the lawnmower, the anti-submarine torpedo, soundproof windows, ready-mix concrete, snail killer, the pick-up truck and the exploding bullet, to mention just a few inventions. Sadly, today we have fallen out of the top 15 in the ranking of the most innovative countries around the world. Here in New South Wales we are all aware of the decline in manufacturing and the reduced investment in research and development. That has led members of the Re-Engineering Australia Forum, which comprises representatives from private sector firms, corporations, government departments and organisations, working together with educational institutions, to address the situation. Its mission is to develop an innovative culture to ensure an engineering and technological competitive advantage for Australia in the globalised market.

Over the past five years the group has been working on a number of programs to excite and educate young people. The programs are unusual in that they not only bring advanced, real-world technology that many professional engineers have not yet got their hands on, into the high school and university classroom, but also place a major focus on relationship building between industry and education and long-distance collaboration. In something of a coup, REA was granted permission by Dassault Systemes, the developers of the 3D design software used by most carmakers and the aerospace industry, to purchase technology for a fraction of its real value. In effect, it has delivered more than \$1 million worth of high-end software to each school for just over \$1,000.

University students have been using this technology in their National Engineering Innovation Competition and the outcomes have been nothing short of amazing. A propeller that uses less fuel, a ground effects aircraft and a light plane with its own passenger safety cell just like the cell in open-wheeler racing car are only some of the ground-breaking ideas that REA has helped to foster. Now it is time for the high schoolers to become involved. The new Schools Innovation Design Challenge is placing this software in the hands of those in years 7 to 10. At the same time REA has searched around the world and sourced micro-versions of wind tunnels, smoke tunnels and CNC milling machines that fit right in the classroom.

The challenge involves designing Australia's fastest Formula One style racing car in miniature. It requires 3D design, milling the car from a block of balsa wood, checking it in the test tunnels, and then racing it on a custom-built, computerised 20-metre track, powered by a gas cartridge. Girls are just as involved in the challenge as boys. REA has attracted support from IBM, Telstra, Toyota and CONCENTRIC Asia Pacific, as well as a number of ambassadors from industry, State governments and local government. But that is only a drop in the ocean. If the young people of New South Wales are to be exposed to these opportunities and gain first-hand experience in the latest technologies, the Government needs to get behind these initiatives. The organisation has done a lot of the hard work to reach this point and it is important that the Government acknowledges its achievements.

#### NEW ENGLAND HIGHWAY TRAFFIC ARRANGEMENTS

**Mr JOHN PRICE** (Maitland) [6.10 p.m.]: I remind the House of the Federal Government's commitment, which was emphasised yet again during the last Federal election campaign, to provide funding for the construction of some form of crossing at the intersection of Weakleys Drive, which is also known as the F3, and the New England Highway at Beresfield. The former Federal Labor Government originally put forward a proposal to construct a flyover and elevated roundabout—or grade-separated intersection, as it is called—and a link road to connect the suburbs of Thornton, in the Maitland City Council area, and Beresfield, in the Newcastle City Council area. The proposal has now been put back to the community to seek opinions about whether an elevated highway over the intersection would be more appropriate than a grade-separated intersection.

The community's opinions are currently being considered by the Roads and Traffic Authority [RTA], which will act as the agent for the Federal Government in the design and management of the project when it commences. The Federal Government has promised funding of up to \$25 million for this important project, and \$1.5 million of that funding has already been granted. The construction of whatever form of crossing is decided upon will eliminate at least two of three sets of electronic traffic signals, which are within about 400 metres of each other. It will also dramatically slow down traffic on the New England Highway, which carries the bulk of the traffic between Muswellbrook, Singleton and Maitland, and Maitland and Newcastle. At the intersection of Weakleys Drive, traffic may divert to Sydney and follow the F3 right through to Hornsby.

Over the past few months a number of serious motor accidents have occurred on the New England Highway, most of them between Beresfield and Hexham or between Beresfield and Mayfield. Depending on the



zoning of the area, an 80 or 90 kilometre per hour speed limit applies. There are many basically flat, straight sections of road, and where there are curves the speed limit is very low. In addition, a speed camera has been installed next to the Ironbark Creek Bridge, which is a four-lane bridge with a concrete dividing panel that separates the northbound and southbound traffic. However, serious accidents still occur on the highway. The solution may be to simply reconsider the speed zoning, or perhaps examine what drivers are doing wrong.

The New England Highway in this area is sandwiched between the Hunter River and the Hexham wetlands. The F3, which is also a four-lane highway that extends towards Wallsend on the other side of the Hexham wetlands, links up with a four-lane link road that runs from Wallsend into Newcastle city. It is not possible to build more roads in the area, and the speed zoning is sensible. Why are the accidents occurring? When they occur, why is the traffic not cleared quickly, particularly in peak times when there is a traffic build-up?

I urge the respective Ministers to, first, enforce the speed zoning in the area, and second, consider the possibility of diverting traffic from, say, one of the two southbound lanes to one of the northbound lanes during periods of traffic build-up. I admit that we may have to have a flying squad to do something about that, and that a decision would have to be made as to whether the RTA or the police would be responsible. I am sure a similar problem occurs in many other parts of the State, but given the arterial importance of the roads I have referred to, it is important that the issue be addressed. Hopefully, the problems will be resolved in a few years when the F3 extension is built between Branxton and Kurri Kurri. However, in the short term motorists experience a great deal of inconvenience and risk their lives. I appeal to the motorists in the area to drive carefully and according to prevailing conditions, because the roads are eminently safe; I use them regularly. I urge the various agencies responsible for the highway to seriously consider the issue.

**Private members' statements noted.**

*[Mr Acting-Speaker (Mr Paul Lynch) left the chair at 6.15 p.m. The House resumed at 7.30 p.m.]*

**BILL RETURNED**

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

Special Commission of Inquiry (James Hardie Records) Bill

**BUSINESS OF THE HOUSE**

**Routine of Business: Suspension of Standing and Sessional Orders**

**Motion by Mr Carl Scully agreed to:**

That standing and sessional orders be suspended to provide for:

- (1) the discharge of the order of the day on the interrupted motion for urgent consideration;
- (2) the consideration of a condolence motion for Anthony Michael McGrane taking precedence of all other business at this sitting; and
- (3) no divisions or quorums being called for the remainder of this sitting.

**DEATH OF MR ANTHONY MICHAEL McGRANE, OAM, A MEMBER OF THE LEGISLATIVE ASSEMBLY**

**Mr CARL SCULLY** (Smithfield—Minister for Roads, and Minister for Housing) [7.32 p.m.]: I move:

That:

- (1) this House desires to place on record its sense of loss this State has sustained by the death of Anthony Michael McGrane, OAM, member for Dubbo;
- (2) the Speaker convey to members of the family the deep sympathy of members of the Legislative Assembly in the loss sustained; and
- (3) as a mark of respect this House adjourn until Thursday 21 October 2004 at 10.00 a.m.

It is with great regret that I speak today in memory of a dear friend, the Independent member for Dubbo, Tony McGrane. Despite the fact that Tony was not a member of the Labor Party I think he was my kind of country member of Parliament [MP]. I know Country Labor might have a view on that, but I think Tony was the sort of country MP one could not help but admire and respect. Tough, funny, community based, Tony ran his own show. I guess it was inevitable that he would end up as a member of Parliament.

I met Tony for the first time in April, May or June of 1995 when he was the Mayor of Dubbo. The Government had only been recently elected, I had been appointed Minister for Regional Services, and Gerry Peacocke was the member for Dubbo. Tony projected this image of "Mr Dubbo". He would meet you at the airport, he was engaging, he was courteous and full of energy and life, and he had a love of his community. I found it infectious. It was hard not to go back to Sydney without feeling that you had been made very welcome and feeling very sympathetic and very much of a view that you wanted to go back to that community if that is how you would be welcomed. I certainly enjoyed those earlier times in getting to know him.

I am sure it would be unusual for anyone to be elected the mayor of two separate communities. Tony was the Mayor of Gilgandra and then the Mayor of Dubbo. I am not sure how often that has happened. I am told that Tony stood for election 10 times in his community, and of course was successful each time. I developed a pretty good working relationship with him. He drove me nuts, which seems to be the bane of Ministers with robust, engaging Independents. As I said to him and to some of the other Independents, who I am sure will be speaking tonight, sometimes the only way to keep Tony quiet was to give him what he wanted. That was part of his success. He never stopped barking and braying about what his community needed. Richard Torbay spoke on an earlier occasion in the House about Tony's desire to help people, and that was what he was about: he wanted to make things better for Dubbo and for his community.

One of my fondest memories—and, goodness knows, Tony was always asking me to check my diary and whether I could visit Dubbo—was a trip I made with him to Main Road 354 at Dubbo. We had a barbecue because the farmers wanted to thank him for getting some sealing work done. It was just terrific to see how he worked with his community and to see how much they loved him. I had the pleasure of seeing him operate in a whole range of communities through Wellington, through community town hall meetings at Baldry, and at Geurie—places I have to confess, being a backbencher representing a seat in western Sydney, I had not much heard of. I think I had been to Dubbo a couple of times in my life as a lad but it was just terrific getting back there regularly and seeing Tony operate and move beyond just being "Mr Dubbo" and representing those smaller communities in the wider perspective of his electorate.

I think he lived up to the title of Independent very, very strongly. Sometimes in this game—the Leader of The Nationals is in the Chamber; I think he will appreciate this—the adversarial environment of the process that we work in creates a bit of noise and clutter, and sometimes it is hard, whether we are in Opposition and they are in Government, or vice versa, to engage communities in a way that we might like. Certainly Tony was an Independent who enabled us to reach past that temptation that the major parties often engage in. I certainly enjoyed having a discussion with his community that normally would be difficult—I am not sure that any time soon the Labor Party is going to be representing Dubbo. From my perspective, it provided an opportunity to not engage in the way that politicians tend to do. Tony was able to reach across the political divide and represent an area in a way that often only an Independent can. I think that was one great success for his community, engaging with a Labor government and getting attention and wins for his community that might not otherwise have come.

I make special mention of Tony's sister, Maureen, who is here tonight, and her husband, Malcolm. The Mayor of Dubbo, Allan Smith, the Deputy Mayor, Dawn Fardell, and the general manager, Tony Kelly, are here, as is Warren Mundine, a former deputy mayor. I know you enjoyed a long and productive working relationship with Tony and that you will all miss his presence. I know all of you enjoyed seeing him there. I know that sometimes around here it still feels a bit strange and unusual that Tony is not here. Tony had that high-pitched way of expressing things. I cannot mimic it—Richard Torbay and some of his friends can—and you sort of miss it. Recently when we gave my chief of staff, Chris Bowen, a send-off—he is now a Federal member of Parliament—I said to Richard Torbay, "I know McGrane would have been here" because he had a lot to do with my chief of staff in a lot of the problem-solving. You do not necessarily have brought to your attention that a chief of staff in a Minister's office is quite important. I know that Chris Bowen had a fond regard for Tony and I said, "He should have been here."

I have to say to Tony's sister and brother-in-law, thank you for letting me in to see him. I know there was a wall to protect him, he was not well, and I certainly felt a deep sadness because I could see how sick he was, but he still had spirit. I think back to the day when I rang him up and said, "Mate, I heard you are crook"

and—I hope it is okay to say this—he said, "Yeah, but the Nats aren't going to get my seat." I thought, "What spirit!" I said, "Yeah, mate, but how are you?" but he still wanted to talk about his seat because he was not going to let someone else get it. He said, "My legacy is for Independents." He talked about protecting the future. I said, "Hang on a minute. You're not well." He said, "Yeah, I'm not", but he was still thinking about how his area would be represented and how effective it would be, even though he really was not well. When I last saw him he was still able to laugh. I was told not to crack any jokes because he was not well enough to laugh, but it was terrific to see that spirit coming through when he really did not have long to live.

In my view Tony McGrane is one of the few people who have come into this Parliament and left the world a better place for their presence. I have no doubt that he has left Dubbo a better place for his presence in this world. He was a good man in that really basic sense. He had good core values. He loved his community, and I think this place is worse for him having left us a lot earlier than he or any of us would have planned. My thoughts will always be with him. I know that many members of Parliament will miss him for a long time.

His funeral was a demonstration of the enormous support he had on both sides of politics, and I say that quite genuinely. I know he was well regarded by many National and Coalition members of Parliament, and he was very highly regarded by Labor Party and Independent members of Parliament, which is unusual in this place. Usually you have a few foes, a few who do not mind giving you a bit of stick, but Tony engendered warmth and affection from both sides of the Parliament. I want to say to those who have come down from his community today—family, friends and those who worked with him—"Thank you for coming." You will hear many members say very nice and genuine things about him. I think Tony is watching somewhere, and tonight will be a fitting tribute to a man we hold in very high regard—Tony McGrane.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [7.42 p.m.]: The Leader of the Opposition, John Brogden, asked me to say that he is unable to speak on this motion as he is attending an official function, a commitment that he could not break. John spoke at Tony's funeral and expressed his condolences to Tony's family. So, on behalf of the Opposition and particularly on behalf of The Nationals I join with all members of this House in expressing my sadness at the passing of Tony McGrane, OAM, on the morning of 15 September 2004. I extend my condolences to Tony's family, particularly his sister, Maureen, and his brother-in-law, Malcolm, to his friends, his staff, those gathered here, including the mayor, councillors and staff from Dubbo City Council and to the many people whose lives crossed with Tony's over the years.

Sadly, the hope raised that Tony's liver cancer would be operable was short-lived, and he died after a short but courageous battle with the disease. At only 58 years of age, Tony's death was an untimely one. He had a lot more to offer both this House and the communities he represented, in one form or another, over so many years. Born and bred in country New South Wales, Tony began his working life as a farmer and grazier with a large sheep and wheat operation. By the early 1980s he was involved in the accommodation industry.

Tony had a long and distinguished record of serving the communities of the Central West and Western Plains. He was a public servant in the truest sense of the word. Before his election to State Parliament in 1999, Tony served on Gilgandra Shire Council between 1971 and 1991, holding the position of Shire President from 1976 to 1991. As the Leader of the House said, it is very rare and a distinguishing feature in public life for a person to hold the position of mayor in more than one local council and then go on to the State Parliament, as Tony did. He served as councillor and mayor of Dubbo between 1991 and 1999. In fact, he was elected to the top job of mayor at his very first Dubbo City Council meeting.

Tony was a former chairman of the Orana Regional Organisation of Councils, which encompassed 14 councils in the Orana region, and was always a passionate advocate of regional issues. Tony had a superb record of civic service, and his keen participation in both local and State Government, and in the local community generally, will be sorely missed. Tony was an active member of countless committees, dealing on a daily basis with the many and varied social, economic, and environmental issues that are important to the region. He was instrumental in forming the Dubbo City Development Corporation Board, an important organisation that aims to establish Dubbo city as "the foremost regional centre in Australia with an expanding, sustainable and diversified economic and rural base, providing a high quality of life for its residents and visitors"—an objective with which all members would agree.

Tony was also instrumental in establishing the Cooee Lodge Committee at Gilgandra, which was set up to provide a retirement hostel for the aged in Gilgandra. His civic contributions knew few bounds. At various times Tony also served as patron on the Central Western Horticultural Society, the Dubbo and District School Sports Association, the University of the Third Age, the Orana Far West Region Vietnam's Veterans

Association, Dubbo Athletics Club Inc, and the Dubbo and District Pipe Band. Tony was always willing to take up the causes of communities and individuals, and he did so with great gusto. In short, he was a passionate community advocate. Among his work in the community Tony found time to pursue his other interests in life—sports, including cricket, rugby league, rugby union, thoroughbred racing, the arts, antiques, fine foods, wine, and travel.

Tonight we pay tribute to a proud and dedicated community representative whose life was tragically cut short. No doubt his plate was full to overflowing with issues he planned to pursue on behalf of his community and with personal ambitions he hoped to achieve. We pay tribute to a man who will be remembered as a hard worker, a passionate advocate and, perhaps most important, a loyal friend to many. This has been a very sad period for the people of the Dubbo region and particularly for Tony's family and friends. I attended Tony's funeral and witnessed an enormous outpouring of grief. It was one of the biggest funerals in any community anywhere.

The number of tributes that have poured in for Tony since his death are testament to the tremendous regard in which he was held. As the Leader of the House stated, Tony had a number of friends in The Nationals and he never displayed any bitterness or rancour towards them, and that was reciprocated. Indeed, he was once a member of the party, having assisted former Nationals member of Parliament Roger Wotton in a re-election campaign. On a personal level, Tony and I were on good terms, having both attended the Parliamentary Christian Fellowship. The member for Dubbo, Tony McGrane, OAM, left a legacy and his death will continue to be mourned for a very long time to come. In conclusion, as the Dubbo *Daily Liberal* rightly stated in today's editorial, "Tony McGrane was a one and only."

**Mr RICHARD TORBAY** (Northern Tablelands) [7.49 p.m.]: At the outset let me say how pleased I am to have the opportunity in this forum to acknowledge my friend and colleague Tony McGrane. I remember when we were elected to this place as if it were yesterday. I remember what it meant to Tony to be elected by his community to represent the State seat of Dubbo. I am pleased to see many of Tony's family and friends in the gallery. I enjoyed a very pleasant dinner with them in the dining room. It was an appropriate occasion to spend time talking about some of Tony's stories. Honourable members will hear many of those stories this evening, and some they will not. Tony's sister, Maureen, and Malcolm have been a tower of strength, particularly in recent times given the challenges. I am pleased to see them here, as well as other family members, Allan and Colleen MacKenzie and Anne and Peter Gray. The Clerk of the Parliaments joined us at dinner, which was a wonderful occasion to share some wonderful stories.

As I said at Tony's funeral, everyone has a Tony McGrane story—usually more than one—and it was great to hear a few more of them this evening. I am pleased to see in the public gallery people whom Tony spoke of often, particularly his colleagues on Dubbo City Council. The general manager, Tony Kelly, and Tony shared many times together. I remember the many stories, occasions and fellowship that occurred during those times in local government. It is good to see Bob Berry here. Tony spoke of Bob often, and I know how much Bob meant to Tony. Bob worked hard to ensure that Tony had a good farewell. I agree with the Leader of The Nationals that Tony's funeral was a fine send-off from a community that loved its local member.

I spent a lot of time with Tony back in our local government days, and I would like to share a couple of stories. I will not go back over Tony's magnificent effort in terms of representing his community; it stands as legend now, and everyone has acknowledged that appropriately. I want to talk a little about Tony McGrane, my friend and the friend of many people here. I remember our days in local government with many members of this place, including the honourable member for Bathurst. I remember those days quite well, particularly the Country Mayors Association. Tony helped me get the numbers to be elected as chairman of the Country Mayors Association. I must acknowledge the work of the general manager, Tony Kelly—he is retiring so I can say that he was involved politically in that process.

**Mr George Souris:** He counterbalanced.

**Mr RICHARD TORBAY:** He was a very good counter of balancing; he always pulled the right name out of the hat. That is the word Tony gave me. I remember walking into the meeting of the Country Mayors Association. Tony and Tony had canvassed the room. They approached me and Tony McGrane said, "It's okay, we've got the numbers." I said, "That's fabulous." So we went ahead with the election and I was duly elected chairman of the Country Mayors Association by 43 votes to 3. I knew what was coming. The Mayor of Dubbo said to me, "What do you think of that—43 votes to 3?" Because I knew he would hound me with this for the rest of my life, I said, "What happened to the other three?" He said, "You're never happy."

Tony told me, "The three who voted against you were the person who stood against you, her partner, and a person who arrived late who I could not get to in time." That was Tony McGrane. Even when he was very sick at the end he reminded me that he helped to launch my career as the chairman of the Country Mayors Association. I remember the hard-fought State election in 1999. Honourable members may not be aware of this, but Tony thought long and hard about running for the seat of Dubbo. Indeed, he was not sure that he would do it right until the end. He loved local government; it was a big part of his life. He would ring me on a daily basis, unsure whether he would run for the seat of Dubbo.

When Tony decided that he would run for the seat of Dubbo we went through all the highs and lows of an election campaign. As we have all experienced, it can be a challenging and rewarding time. Honourable members will remember that the outcome of the 1999 election was very close. Indeed, it was so close that I had three phone calls from Tony on election night telling me that he had lost. The next day he rang me and said that the National Party had claimed victory and he had conceded defeat. I asked how close the voting was. He said, "It started off at 14 votes difference and then the number changed to something over 50, and then it came back to 14 votes difference." A couple of hours later I got another call from Tony saying, "I'm back in the race." I asked him what was happening. He said, "I don't know how many times I must lose this seat before I win it." Of course, he went on to win the seat by the famous 14-vote margin, earning the nickname Landslide, which stuck with him until the very end. I was pleased when Tony was re-elected with an increased majority at the 2003 State election. That was a great testimony to the efforts he put into the community.

Tony and I spent a lot of time speaking to each other on the phone. On one occasion he rang me and said, "Richard, I'd like you to come to my electorate office opening. We've relocated the electorate office and I'd like you to come along. I've got a bishop opening it." I thought that as Tony was strong in the Catholic church only he could get a bishop to open his office. So I rocked up, as did many other people. It was a very big opening. The invitation said, "Electorate office of Tony McGrane, OAM, to be opened by Mervyn Bishop." I met Mervyn; he is a wonderful person. But I was not prepared for that; Tony did not tell me that Mervyn Bishop was a bishop in name only. Tony took great joy in telling many people that story.

I think I can safely say that Tony struggled with his weight. He told me many stories about that. On one occasion he told me a story I will never forget. He used to ring me from places he would book himself into to help lose weight and get fit. One day I received a phone call which went like this: "Hello." I said, "Hello. Where are you?" He said, "I'm in this fitness place and it's not what I expected." I said, "What do you mean, Tony?" He said, "They're very, very religious and I don't think it's my sort of religious." I said, "Okay." He said, "They don't think I should have any communication. They're trying to take my phone." I said, "Okay." He said, "And they're trying not to feed us at all." That was a major problem. He said, "The only thing I can do is ring my sister, Maureen, and tell her my mother's died again." That is exactly what he did. I understood that his mother had died on a number of occasions throughout a couple of crises in his life. But he managed to get out of there. He quickly pointed out to me, "And I got a full refund!" I know Tony would have been absolutely clear on that.

When Tony was on his weight loss program he would say to me, "I've got to drink less. Alcohol puts weight straight on me. So, Richard, what I want you to do as my friend is if you see me have more than two drinks in Parliament I want you to make sure that I don't have a third." I thought that was okay because he was asking me as his friend. We would see good old Ray at the members' bar. On one occasion Tony had a couple of drinks. There were a few members hanging around. I was keeping an eye on Tony's drinks, as a good friend should, because he had asked me to do so. Then Tony finished his second drink. A very good friend, another member who was with us, offered to buy him another drink. Immediately Tony said, "Yes, please" and I, having been instructed, intervened and said, "Look, Tony, you've had a couple and I think it's appropriate that that be enough." With all the elegance that he could muster he said, "Who are you—my father?" And the other member who was present said, "Yeah, are you his father?" I was being attacked simply for doing what I had been asked to do. Of course, he stayed on and had quite a few more drinks.

**Mr Gerard Martin:** After the House finished.

**Mr RICHARD TORBAY:** After the House finished, of course, as the honourable member for Bathurst points out. What do you think was the first thing he said to me the next morning when we were about to have breakfast together? He said, "Why didn't you stop me?" Well, I tried. Tony spent so much time genuinely worrying about people in his communities, particularly those who did not come from privileged backgrounds. I know that he was very genuine and very sincere about finding good outcomes for those people. Public life was his life but so, too, were the friendships generated in this place. They meant a great deal to him. It has been pleasing to see so much goodwill generated by the wonderful contribution of Tony McGrane not only to the people within the electorate of Dubbo but also to so many others who came across him.

Tony built a very close relationship with members of my family. As I said in the eulogy, my son, Tony and I went to the famous Elvis festival at Parkes in his electorate. We were all dressed as Elvis. It was a very interesting sight. Tony had a little horse that made noises, which my wife purchased for him—I had one as well, but I was not going to show it to anyone—and he very proudly paraded it around Parkes. He also had the full Elvis costume, which my wife had kindly made to Tony's very clear specifications on colour, size and what have you. As I said in the eulogy, I will never forget members of the Parkes community saying to me, "Isn't it great that you and your son came as Elvis?" Tony was standing next to me and one fellow said, "And Tony coming as Colonel Tom Parker." Tony looked over and said to me, "Who's Colonel Tom Parker?" I did not want to have to explain that to him. We had a wonderful time.

In concluding my comments I want to reflect on his time in local government, which, I think, meant the most to him. Tony McGrane believed strongly in ensuring that local government was there to represent local communities. He was one of those members who very often said, "When I go into that Parliament I don't ever want to forget my local government background and I don't want to forget local government itself." He said it was very important to him and very important to the community. That is why he struggled to make the decision to run for State Parliament: he really loved being in local government. Both local government and local communities benefited a great deal from Tony's contribution. As some other members have said, towards the end he was in such a state that I really had to struggle to look at him and speak to him. I had known him for so long and I was aware of his energy and the contribution he had made.

Towards the end I spoke to him almost every day. I could see that he was getting weaker and was struggling. He said to me, "I really want to live." He did really want to live. As other members have said, he had a lot more to contribute. I miss him a great deal. Like my colleagues, particularly the Independents, we spent so much time together. He would come blustering through the door, make his statement then rush out again, and a few minutes later he would call, "Help." I would walk into his office to find that papers were all over the floor, the phone was beeping off the hook and the alarm on the fax machine was ringing. I would say to him, "Tony, you've got to learn to use this equipment properly." Five months after having been elected to the House I asked him, "Tony, who does your emails?" I was asking whether they went directly to him or whether they were diverted to his office. Tony's reply was, "How do you mean 'do'?" In other words, all these emails were coming in but no-one was receiving them.

I am pleased to say that towards the end Tony was able to look after all his own technological needs. It was a bit of a challenge, but he really put his mind to it and worked very hard. I hope that Tony McGrane will be remembered not only for the comments that have been made here this evening but also for the valuable friendships and dedicated commitment to so many, both individually and collectively, and communities and organisations. I offer my condolences to Tony's family and friends. I know how tough the struggle was because it was tough for me, right at the end, to look into Tony's eyes and see how sick he was. When the honourable member for Port Macquarie and I saw him we could see how much he was struggling. Part of me was relieved that Tony went so quickly, but another part of me misses him a great deal and wishes he was still with us. Vale Tony McGrane.

**Mr GERARD MARTIN** (Bathurst) [8.07 p.m.]: It is a great privilege to join my colleagues in speaking about Anthony McGrane, OAM, JP, MP. I speak as a colleague in this House but, more importantly, as a friend. I join with Richard Torbay and other speakers in extending my condolences to his family and friends. Tony McGrane and I had many similarities. Probably the only way in which we were remotely different was our shape. We were almost exactly the same age—there was three days difference in our ages. We both came from Irish-Catholic backgrounds. We both went to boarding school. We both disappointed our mothers when we did not join the priesthood. At Tony's funeral I discovered that his mother had great hopes that he would join the priesthood.

My mother still tells me that she thinks I would have made a better priest than a member of Parliament, but I remind her that she might not have had grandchildren if that had been the case. I came to know Tony through local government. He beat me into local government by a couple of years. I spent 25 years in local government, and for most of that time I had a great deal to do with Tony. Richard Torbay has reminded me of some of the times we shared as members of the Country Mayors Association. Tony McGrane was a professional. He devoted his whole life to serving the community, apart from his early years on the family farm. After the farm was sold he went into business and was very successful. Many years ago he could have put his feet up and lived a very comfortable existence. Tony did not need to be here financially but he had a passion for the community and for public service. Other honourable members have spoken about his long service: 29 years in local government and five years, five months and 20 days—too tragically short—in this House. For all that time Tony was devoted to public service.

Tony's distinguished service in local government was unique. An analysis of the things he got involved in lead to a conclusion I will refer to in a moment. He was a member of the Minister's Planning Advisory Council. He was on the State Feedlot Council and the National Feedlot Council. He served on the Orana Development Board for 18 years; Western Power, the electricity distributor; the Western Institute of TAFE; the Salvation Army Red Shield Appeal, which he chaired for many years; the Dubbo City Development Corporation, and we have already heard he had a vision for that; the Newcastle Port Corporation; Charles Sturt University Advisory Committee; and the Macquarie Area Health Service. He had a distinguished service in local government. He was a member of the Local Government and Shires Associations and he played a leading role on their executive and on industrial committees.

The thing that stands out about Tony McGrane's public service is that none of the things he was involved in were sinecures. If you put your hand up for those jobs, you had to make a contribution—and he made a contribution in all those areas. We all know about his passion for Dubbo. As local government is adversarial or competitive, Tony could be a pain in the butt at times—it was always Dubbo, Dubbo, Dubbo. He used to refer to me as "Lithgow" and I referred to him as "Dubbo". When he came here he said to me, "I suppose I have to call you 'Bathurst' now?" I said, "No, stick to 'Lithgow'." That is the way we conversed because of our local government association.

There was one organisation that I am not sure Tony was a member of—people in the public gallery would know—and that was the Dubbo Tidy Towns Committee. He was a great supporter of it. The chairman of Keep Australia Beautiful, Pam Allen, is in the Chamber and she knows of Tony's involvement in this initiative. Each year at the official judging we would come together from all around the State. Lithgow and Dubbo were in the same category—I think it was category E. To Tony's great disappointment, for about four years in a row Lithgow won that division and Dubbo came second or third. He said to me, "I cannot understand how a dirty old coalmining town like Lithgow can finish in front of Dubbo." After a couple of years I said to him, "Tony, it is all about how you present yourself to the judges." The great irony was that about a year later Dubbo finally got its day in the sun and Tony was relieved. He supported that organisation to the hilt because it was promoting his community: Dubbo.

All those other organisations I spoke about brought benefit to his community in a positive way, in areas where he could make a difference. In this place as an Independent he was very much aware of keeping doors open. He had a way about him. He made his point when he was disappointed. On a couple of occasions he came to see me and we went and saw Ministers, and I was able to work with him on behalf of his constituents if we had a common problem. Tony would not take no for an answer. If he ran into one barrier, he would find another door because he wanted to get a result for the people he represented.

I was fortunate in the last Parliament and in this Parliament to serve on two committees with Tony. In the last Parliament we served together on the Select Committee on Salinity and in this Parliament we served together on the Standing Committee on Natural Resource Management. Just prior to his passing we were on a trip to Victoria with the natural resources committee. We met with all the other committees from around Australia to do an annual stocktake of what we were doing in the environmental field. As happened occasionally, when we finished our work we had a drink or two. As Richard Torbay said, Tony was partial to a social drink. When I look back, it was pretty eerie. We spent two or three nights in conversation going back through our lives. Tony felt very deeply about some things. He was upset about some things that were happening. He took political undermining and whisper campaigns very seriously and very personally.

I look back on that week as a privilege because Tony and I shared some confidences. When we were coming back in the taxi from the airport, he said, "Where are you going, Lithgow?" I said, "I am going back to my electorate to work." I said, "Where are you going, Dubbo?" I think he said he was flying to London to catch the *Queen Mary II* to cruise to New York. I said, "That is the difference between the Labor Party, McGrane, and you wealthy Independents." That was something Tony had worked hard for and wanted to enjoy.

Tragically, the next and last time I saw Tony was in front of Parliament House. It was not a sitting week and I ran into him as he was coming out. He did not look well, and I said to him, "What's wrong, mate?" He said, "Since I got back from New York I have been crook. I have just been to the doctor. I do not know what is wrong but it does not look good, but we will know on Monday. I will give you a ring." We know now how tragically quick that was. As Richard said, every Tuesday morning of the first sitting week we would have breakfast in the breakfast room. The other day when we were there, we heard the clink of the door and looked around expecting to see Tony come through it, but he did not. That is when it really hit home—that this fellow who has been a good friend for a long time and a very progressive and good member of this House is not with us any more.

It is a great shame because he had a lot more to contribute. I know that was his frustration because there were so many more things to do. It was God's will that that was not to happen. Tony had great faith and I know he would be satisfied with the contribution he made. His family and friends in the public gallery will also look back on Tony's record with pride. As Richard said, it has been a pleasure to have served with him, but it has been a greater pleasure to have been his friend.

**Mr PETER DRAPER** (Tamworth) [8.17 p.m.]: Unlike many members in this place I have known Tony only since I joined the Parliament in 2003. This is a very daunting place when you come here for the first time and you are not exactly sure what is expected. Tony was of enormous help to me. He took the time to take me around and introduce me to people, as did my colleague the honourable member for Northern Tablelands. I am extremely grateful to both of them for taking that time and making a new member's introduction to this place a lot easier than it otherwise would have been.

Richard Torbay touched briefly on Tony's computer illiteracy, for want of a better description. He said Tony would solve the problem by the end of the term. I have to differ there. I have the office next door to Tony. On a number of occasions the door would burst open and Tony would come rushing in saying, "Help." As Richard said, when you went in to his office every light would be flashing, every alarm would be singing and papers would be all over the place. One thing Richard did not mention was Tony's emails. Tony said he had not worked them out. When he had an email he would ring the office, get the office staff to open it, print it and then fax it back. From Tony's perspective, that was the most efficient way to get an email. That was when he would normally rush in asking me to help unjam the fax machine for him so the email could come through.

Tony was an extremely efficient politician and quite inspirational to watch in action. I remember the number of times I would come into a division and Tony would have a Minister cornered. Tony would be sitting right beside him, passionately pushing the benefits of a project for the electorate of Dubbo or discussing a problem a particular group or individual was facing. I watched Tony grab Ministers on stairs and corner them in lifts. He was a great believer in never letting an opportunity pass without firmly seizing the advantage. He always put his community ahead of himself, and I think he will always be remembered for that.

Tony became so passionately involved in issues in his community that they affected him personally and emotionally. If he saw an injustice occurring, he was the first to speak out about it. If he saw an opportunity for the Dubbo electorate he was the first to grab the opportunity and approach the relevant Minister. He did not just make sure that the Minister was well briefed, but he made sure that the Minister was an absolute expert by the time he had finished. Ministers often ended up becoming an advocate for the Dubbo community, and I think that is the way Tony approached life as well.

As the honourable member for Northern Tablelands said, visiting Tony in hospital was very difficult because with each visit I could see the changes, and that was a very sad thing to witness. The last time I saw Tony was immediately prior to my taking a trip over to Dubbo. I remember leaving hospital with a wad of instructions about things I had to accomplish, with the very clear warning that I was not to come back until I had done everything. I know that Tony is still watching me to make sure that the tasks the honourable member for Northern Tablelands and I were given are accomplished.

Tony gained a great deal from his faith. It was inspirational for me to attend his funeral service in Dubbo and to see the high respect in which he was held in his community. He told me of how he gained comfort not only from his faith but also from the best wishes and kind thoughts that were expressed to him when the details of his illness were made public. Many members of this House will tell stories about Tony: I know the way Tony could bring people together. I used to look into an audience and see people such as the Hon. Tony Kelly, Allan Smith and Warren Mundine—people who I had not met prior to being elected to this House but who I met in Tony McGrane's office. I think that says a lot about Tony, as does the fact that the number of people who knew Tony is really quite extraordinary. Although many people will tell their stories about Tony, I just want to say that I feel as though I have lost a mate and somebody I admired enormously. I think the Dubbo electorate is the richer for having had Tony as its representative. I know he worked hard for the electorate and that whoever replaces him will have to live up to a very high benchmark. Vale, Tony McGrane. You are already greatly missed.

**Mr GRANT McBRIDE** (The Entrance—Minister for Gaming and Racing) [8.22 p.m.]: I express my condolences to Tony's sister, Maureen, Malcolm and other family members, as well as to the many friends of Tony McGrane. As a number of members have mentioned, Tony is an absolute monument in terms of his contribution to public life as a local government councillor and mayor and as a member of this Parliament.



Being a member of this Parliament is pretty tough. As the honourable member for Northern Tablelands pointed out, it is pretty hard to come in after a landslide election win and make headway, as Tony did so successfully, as a member of Parliament.

I saw the movie *Six Degrees of Separation* and, for a number of reasons, I believe that I was always destined to meet Tony. I say that because Maureen and Malcolm live in my area and I met them through another friend of Tony's, and a friend of mine. My brother knew Tony through the Local Government Association and knew Tony well before I ever met him. My brother used to tell me legendary stories about Tony McGrane, so in some ways I actually knew Tony McGrane well before I actually met him. I must say that my expectations were exceeded when I met him in real life. I, too, am an Irish Catholic, like Tony. My cousin worked as a member of Tony's staff while he was a member of Parliament. I also have been a councillor in local government and I have worked as a local government engineer. So I did not make it to even the second degree of separation because somehow it was imprinted on my life that I would meet Tony McGrane.

People have referred to Tony's skills and I am able to add my observations of Tony from my perspective as a Minister, just as the Leader of the House referred to his experience of knowing Tony from his perspective as a Minister as well as the Leader of the House. When the issue of the reorganisation of harness racing emerged, Tony came to me to resolve an issue between Dubbo and Parkes. I said, "Mate, you have had 29 years in local government and you are asking me how to resolve this. If you have not been successful in 29 years of local government"—and the honourable member for Northern Tablelands mentioned how successful Tony was at organising a ballot—"why do you need me to organise a solution?" We sat down and discussed it, and Tony saw the humour in what I was saying. After that, we set about trying to find a solution and I said, "Tony, just go and negotiate a solution. If you cannot negotiate with Parkes and work out some arrangement, no-one can. You are certainly wasting my time by asking me to do it." So he went off and negotiated an arrangement between Parkes and Dubbo to organise the restructuring of harness racing in regional New South Wales.

Tony's great skill had its source in the fact that he was a very beguiling person. A person who did not know him would be likely to underestimate his skills, and anyone who did not know him well would be likely to underestimate his ability to find solutions. Tony found a great solution to the problem between Dubbo and Parkes. He negotiated an outcome and he virtually came to me and told me what the solution would be. It was a practical solution and it was adopted by Harness Racing New South Wales. That was the sort of guy Tony was. I also encountered him in my capacity as the Parliamentary Secretary Assisting the Minister for Roads when a situation arose concerning a cycleway and a footbridge. Tony had a mania for getting good publicity. Unfortunately, it had been raining out west, as it is currently, and the footbridge was almost under water. I said to media representatives, "What sort of photo can we do here? If I offer to carry Tony McGrane across the bridge on my back, in biblical style, would you come up and take a photo?" Their response was, "Mate, not only will we take a photo, but we will put it on the front page." Tony sent me the photograph of the two of us crossing the footbridge.

It has also been pointed out that Tony had a great faith. During a visit to Dubbo when my wife and I went to the zoo as tourists, I also went to mass at the church where Tony's funeral was held. One of the ushers asked me to take the plate around. I do not do that in my own church because my policy is that politics and the church should be separate. However, I thought that I would be anonymous in Dubbo and it would not matter because I would be helping out the church, so I took the plate around. After communion I was kneeling in the pew when I was tapped on the shoulder, and it was Tony. I had not expected to see him, and when I looked around I realised that the person tapping me was Tony McGrane. He pointed out that I had not obtained permission from him to take the plate around in a Dubbo church. Apparently nothing happened in Dubbo without Tony's approval. I had bucked the system; I am not sure whether the usher was punished or whether he continued in his position, but I am sure that he would have been spoken to. Tony went on to say, "Grant, I would have tolerated it if you had been an Independent, but as you are a member of a formal party I cannot accept you taking the plate around in a church in Dubbo."

Tony was also a great character in the sense that he had style. People have alluded to his style, but I think he just made people feel good. Tony just exuded style, class and good humour. It was always good to be in his company and we always had a laugh. If there is one thing about me, it is that I enjoy a laugh. One of my problems is that I enjoy a laugh too much. Tony brought to this Parliament his good sense of humour as well as his sense of style. I was bemused when reference was made during his eulogy to his being an elite sportsman, but I would not have thought so by looking at him. He was a top cricketer and I worked it out that if he also played in the first XV and left school early, he would have been playing in an age category two years ahead.

Anyone playing up two years, a halfback and a little bloke must have been a very tough character. Tony was an opening bat. You have to be a very tough character to be an opening bat.

When I heard these things at his funeral I realised why Tony was so good. He was this happy, jolly sort of guy, he had a lot of style and a great sense of humour but underneath, as I pointed out before, he was very intelligent and a beguiling person with an incredibly tough character. What was said about the way he passed away revealed that. He never gave up. He always had personal strength, mental strength and all those other characteristics that make a very successful person who is able to make a very successful contribution to the community. In conclusion I say that in the short time I knew Tony I was moved by him. His passing has really moved me. Tony, given his faith and character, accepted his death with great dignity. He is a great example to all of us.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [8.31 p.m.]: There cannot be too many members for Dubbo who have been lauded on their passing by that great journal of record the *North Shore Times* but within a fortnight of the death of Tony McGrane the *North Shore Times* paid tribute to him for his involvement with an investigation into the death of Lola Welch. Lola was killed while walking past a housing site in 2001. She was run over by a semitrailer. Lola was partially deaf. There was no flagman on duty and she suffered as a consequence. Her husband, Alan, who was dragged off the golf course to be told his wife had been involved in an accident and killed, was understandably distraught. He continued to be distraught for six months as he endeavoured to have government respond to the death of his wife by at least investigating the circumstances of her death. He initially held out hope for a coronial inquiry but was sent into further levels of depression by the coroner's decision, without explanation, not to investigate her death. He could not get WorkCover to investigate. He could not get the police to investigate, despite in his own way, with the sort of resources that we see in many of our electorates, building a case about the interactions of those he regarded as being responsible.

Alan Welch lived outside my electorate but in some way found his way to Tony McGrane. Tony in his usual way listened to Alan and in his usual Christian way sympathised with what he was going through. Tony sought me out. He said, "Barry, I know that like me he is not one of your constituents but unlike me he actually comes from your part of Sydney, your part of the world. Can you look into this case?" I did and I met Alan. I raised the issue in Parliament. Currently before the courts of this State is a case pending involving the death of Lola Welch. It has dragged on for far too long. There is not yet resolution. Alan Welch can still not rest easily knowing that no other person has to go through what he experienced with the death of his wife.

But what Alan Welch knows, what the *North Shore Times* knows and what I am prepared to pay tribute to tonight is that none of that would have happened if Tony McGrane had not sat down with a complete stranger who was not from his electorate and listened to his concerns and decided to do something about it. It was for that reason that the *North Shore Times* paid tribute to him on 22 September. Alan Welch said, "I found him a very decent, fair man who gave me a lot of assistance. He was very sympathetic to my situation and... I am very sad that he has passed away." We are all sad that he passed away but I suspect that the one case that occurred in my career as a local member is replicated not just in Tony's electorate of Dubbo but probably in the electorates of many of my colleagues in this place, because Tony was a contributor who wanted to achieve results and he was not satisfied unless he did achieve those results.

I speak this evening on behalf of my leader, John Brogden, and the entire parliamentary Liberal Party to pay our respects to Tony McGrane, to place on record our thanks for his contribution and to state our regret at his passing. Regrettably, John is detained at another function outside this place this evening but wanted me to speak on his behalf on behalf of all our Liberal colleagues. On behalf of our colleagues John and I attended the funeral at St Brigid's, which was in every sense of the word a very Catholic funeral. The place was filled to overflowing in a fitting tribute to a man who had spent so long and so much energy on representing his community. The testimony to Tony's worth and contribution was evident both within the church and outside the church. I had to wait for one of those great airline services to return from Dubbo to Sydney and I decided to get my hair cut at a Dubbo barbershop. I have to say that it was done every bit as well as it is done in the electorate of Ku-ring-gai, which may not be saying much but I was very grateful. The barber told me that he had left his place of work and stood with his mate in the main street as the cortege passed by. That is a tribute to someone such as Tony McGrane who had obviously contributed so very much to his community.

In many ways Tony McGrane was a unique Independent to sit in this Chamber. Unlike the other Independents who sit in this Parliament, Tony had not defeated a sitting member at an election and he was not what occurs in Parliament occasionally, a Trojan horse put up by one side to achieve an objective against the

other side. He had not left or been a renegade from a party and then assumed the mantle of independence. Tony was in every sense, as his career demonstrated, a public figure in his part of the world who had contributed over decades before he decided to come into this place. Unlike the Minister for Gaming and Racing, who just spoke, I have never been on a local council. I have never aspired to be on a local council; I have a combination of respect and the odd prescription for those who do. But Tony spent 28 years on a local council, achieving high office on two of them—shire president of Gilgandra for 15 years and mayor of Dubbo for eight years. He came into this place as an old-style Independent, someone who essentially wanted to contribute.

In his maiden speech he paid tribute to his predecessor who had retired at the previous election, the Hon. Gerald Beresford Ponsonby Peacocke, as someone who had contributed not just to the electorate of Dubbo but to the entire State of New South Wales. That is what Tony McGrane was about: contributing, being effective, whether in my community in the case of Alan Welch or as the member for Dubbo over the last five or six years on behalf of his electorate. I say he was old-style Independent—the honourable member for Bligh will remember the days—in the same way that I think a former member for South Coast was in that he was prepared to hold government accountable. He was not somebody who sought to do deals, who sought to be yet another Dorothy in the House. He was prepared to call a spade a spade, to criticise where appropriate and to applaud where appropriate. I heard this evening the Labor whip describe him as "a pain in the butt at times". I have to say that I think that is a mark of a man who was prepared to be that difficult to government. The Minister for Gaming and Racing also pointed out the vigour with which Tony was prepared to prosecute his case and the way in which he was prepared to bedevil the Government if it was not delivering.

In the lead-up to the last State election, when I was the shadow Minister for Education and Training, we had no greater supporter for our policy, announced in September 2002, 5½ months before the Government belatedly got onto the bandwagon for smaller class sizes, than Tony McGrane. I addressed a conference of the New South Wales Teachers Federation at a club in Dubbo, where we held Tony's wake, and the Teachers Federation was extremely excited about our policy. The then Minister for Education and Training, John Watkins, ran the Government's line that there was no evidence that smaller class sizes produced benefits. After my address I had a cup of coffee with Tony and we discussed getting that policy instituted. Tony was the classic, old-style Independent, in the sense of being the citizen politician: someone who had recorded a decade of service to his community and whose sole judgment of a person was not politics, was not whether someone was in government, but was related to the person's ideas and signing up to his agenda, an agenda he saw as benefiting his electorate and the people he represented in this place.

Along with at least one member of the Government, Tony and I represented a troika of larger members of this House. Earlier this year I felt I was letting the side down to some extent. Amongst Tony's investments was a property in Queensland, a health spa, which was run by a group of doctors. Tony would go there from time to time and was forever encouraging me to go there for a couple of weeks in January. However, I decided that there were other ways to remedy my health. On those mornings when I ploughed through far too much bacon and eggs at breakfast I would have conversations with Tony about what we would do tomorrow to start a diet, to improve our health, to lose weight. I heard about Tony McGrane, the elite sportsman, at Tony's funeral. Earlier, when the Minister for Gaming and Racing spoke about the elite sportsman that was Tony McGrane, I was reminded of that other elite sportsman to whom we paid tribute in this place less than two months ago, Wal Murray.

One would not have seen in Wal the demon fast bowler that he was, or in Tony the ace opening batsman that he was. Both men showed in their Parliamentary careers the sort of courage that an opening batsman would have to have in the face of a withering attack and the sort of heart that fast bowlers must have to ply their trade at the highest level. I admired Tony McGrane for another reason: he owned a PT Cruiser. Tony and I often discussed cars. A week or so ago I went to the motor show with my son and sat in the latest PT Cruiser. I think Tony was the only person here who knew that when he bought his PT Cruiser I wanted to buy one, but I had an impediment, an obstacle, that Tony did not have—a wife who said I could not have a PT Cruiser. I always envied Tony that PT Cruiser. As I suspected, he told me that it was a terrific car, save for the odd time that he ran out of petrol because he did not check whether it had any. His car was mechanically sound and did a remarkable job for him as he drove around his electorate.

Tony's funeral was a terrific funeral because in this day and age, when there is great evil in the world, it was a commitment of faith, a commitment to God. That was Tony McGrane's way, and he epitomised many people in that church. As a good funeral should, it reminded us that whilst Tony may have loosened the bonds of his earthly presence, no doubt today he will be in another place. Given Tony's record of contribution to his earthly community I have no doubt that he is already on the ruling body of that place above us, which is more

akin to the sort of governmental system that my friend the honourable member for Liverpool would prefer to exist, not just in Eastern Europe but throughout the world. Heaven is a dictatorship, but I am sure that in Heaven there is a ruling council and I am sure that by now Tony McGrane has had himself elected to that ruling council. Given Tony's history as a shire president and a mayor of Dubbo, who knows where he will end up.

On behalf of the Liberal Party, I say to Tony's sister, Maureen, and her husband, Malcolm, that we regret Tony's passing. We miss his presence, his joviality, his good humour, but above all we regret that we have lost a member of Parliament who was prepared to judge issues on their merit, to assess people on their contributions, unblurred by politics, unblurred by partisanship and unblurred by those things that too often get in the way of good government in this State.

**Mr MATT BROWN** (Kiama) [8.45 p.m.]: It is with great sadness that I pay tribute to Tony McGrane, a wonderful man, big hearted, generous and fun. I miss him a lot. When I was elected to Parliament five years ago there were a number of condolence motions before the House. At that time I was the youngest member elected to this Chamber and I never thought that I would participate in a condolence motion for quite some time, let alone for one of my colleagues. It is with shock and sadness that tonight I talk about Tony McGrane. I heard about Tony before I met him. The General Manager of Kiama Council, Brian Petschler, was previously the General Manager at Gilgandra Shire Council, serving under Tony McGrane. After I was elected and before I came to Sydney, I got to know Brian and his wife and children and the staff at the shire council. The staff who had worked under Tony asked me to say hello to Tony when I came here. It took me a couple of weeks to do that, but the minute I saw a very jovial, white-headed man walking into this Chamber and spoke to him, I knew that he was a man I could trust, a man with whom I would have a rapport. I got to know Tony very well in my time here.

Soon after I was elected the Minister for Roads suggested that some of his caucus committee go to country areas to discuss road issues and announce road funding. When caucus flew to Bathurst, Narromine, Dubbo and the Northern Tablelands it was the first time that I, as a Kiama kid, had ever been to Bankstown, Bathurst, Narromine, Dubbo, Armidale or Guyra. When I left the plane at Narromine I was greeted by a man who was passionate about his electorate, about the road issues we were to discuss with him, and our relationship developed further. Tony was a great advocate for his area and made sure that I and the Government members were placed in a bus with Narromine councillors. We drove along a very long track with the councillors earbashing us, there and back. When we got back to base I found an opportunity to ride in his PT Cruiser.

One of Tony's close friends who attended his funeral was my colleague the honourable member for Illawarra, Marianne Saliba. Unfortunately she is too unwell to be in the Chamber this evening, and I know she would have liked to have spoken to this condolence motion. I place on record her love and affection for Tony McGrane, and the effort she went to, while in pain, to fly to Dubbo to attend his funeral. It is heartbreaking to see a man who loved life and his job so much suddenly taken from us; I do not cope with funerals very well. I often asked the honourable member for Northern Tablelands about Tony's condition and I regret not speaking to him again before he passed away. That has moved me enormously.

I got to know Tony well when we went on a trip to Thailand organised by the Asia-Pacific friends of this Parliament. During such trips one can get to know, like and trust a person. We dealt with a number of confronting issues during the trip, including the gap between disadvantage and opulence. I wanted to debate those issues during the trip and I found a kindred spirit in Tony McGrane. One event stands out. When we were at Chiang Mai many of the local kids wanted to sell us goods but we were not interested in buying anything more. They then wanted to talk to me and another member. Tony told us to stop talking to them because they would want money for their time. The other member and I said we should talk to them if they wanted to talk to us. Not long after Tony was proved correct. His compassion for those who need help was obvious.

During that trip I also spoke with him about representing former Minister Harry Woods at the Bathurst races. A family of five from Dubbo came into the box and told us that they planned to sell up and move from the area. Of course, Tony's winning margin in the election was only 14 votes. Half of 14 would leave him with seven supporters in Dubbo if the election result were repeated. I told him about the family and he said that their departure would reduce his margin to two votes. It has been stated previously that if any proposal were not run past Tony in Dubbo it would not go ahead. The family concerned had obviously not spoken to Tony about their departure and he was shocked when I told him. His margin concerned him enormously.

As Chairman of the Public Accounts Committee I know that the honourable member for Northern Tablelands has had to balance his electoral and committee work with his love and affection for the member for

Dubbo. I pay tribute to the way in which he has dealt with the stresses and pressures he has shouldered in this Chamber. Tony could not have had a better supporter and friend in this place; he was a lucky man. The honourable member spoke about the family Tony had in this place. When he became ill it dawned on me what a close-knit group we are and how sad it is that he has gone. Tony McGrane has affected many people, including teachers from Kiama who moved out to Dubbo. Duncan McDonald, the brother of my best friend, is a great fan of Tony. Every time he came home during school breaks he told me about the great member for Dubbo. I will miss Tony enormously. I wish his family and friends all the best. His memory will live on and his contribution to the people of country New South Wales, particularly Dubbo, will be a tribute to him forever. It was a pleasure to know him and to work with him for the betterment of our communities.

**Mr IAN SLACK-SMITH** (Barwon) [8.55 p.m.]: I support the motion and acknowledge in the gallery Tony McGrane's sister Maureen, his brother-in-law Malcolm, members of the Dubbo City Council and his friends. I contribute to this debate as a friend and a neighbour. My electorate of Barwon abuts the electorate of Dubbo and I have had a long and harmonious relationship with my friend and neighbour. Tony was the mayor of the Gilgandra Shire for 16 years. He subsequently moved to Dubbo and was the mayor there for eight years. He spent a total of 28 years serving the people of the Central West. The honourable member for Bathurst said that there were only six days difference in his and Tony's ages, and Tony was 19 days older than me. We were all born in the Year of the Dog and we are all Geminis. I do not know whether that is good or bad.

I support everything that has been said this evening. Tony's greatest attribute was his approachability. We regularly attended functions in Narromine, Trangie and Gilgandra. He was always approachable and a great listener. He had empathy and could always relate to people. That was another great attribute of Tony's. As the Deputy Leader of the Opposition said, Tony was a listener and he wanted to help people. Tony would be very pleased to know that yesterday Gulargambone was named as the New South Wales Tidy Towns winner. I was given a pamphlet that had Pam Allan on the front page and a story about that great supporter of the Keep Australia Beautiful Campaign, Tony McGrane. That was typical of what he was all about.

I read Tony's maiden speech this morning and I will relate some of the things he mentioned. He was a good friend of the former member for Dubbo, Gerry Peacocke, and he paid tribute to him. Of course, Tony got to know Gerry well when he was involved in local government and Gerry was the Minister for Local Government. On a lighter note, Tony mentioned that Gerry was the founder of the feather dusters club—the members of that club were formerly roosters but were now past their use-by date. Gerry has also gone down in history as having had the parliamentary dining room management name a salad after him—the Peacocke salad. We can also thank him for the addition of potatoes and sausages to the menu. That is much appreciated.

In his maiden speech Tony spoke about youth suicide, human rights and equal opportunity, and drug problems, not only in Kings Cross and Cabramatta but also in Dubbo and other country towns. He also spoke about law and order and his vision for and support of the Inland Marketing Corporation. Those topics epitomised what Tony was all about: helping people. He will be remembered more for his role in local government than as a member of this place. His term in this place was cut too short; many of us agree that he was cheated out of serving longer. However, the 28 years he spent in local government showed that he was committed to serving people and helping our community. Tony McGrane, rest in peace.

**Ms PAM ALLAN** (Wentworthville) [9.00 p.m.]: I certainly do not intend to speak at great length to this motion. Tony McGrane's colleagues and the members of his family who are present tonight certainly know his value; it is self-evident. Tony McGrane mixed it admirably during the period he was a member of this House. Ever since Tony died I have been thinking how extremely difficult it would be for any of us to get elected to Parliament if there were 93 Tony McGranes in this House. He was an extremely astute person, as has already been said. He was an extremely vibrant personality—again, that as has already been said. He demonstrated tremendous humour, which is a scarce commodity in the Parliament. He had tremendous compassion, which is also a scarce commodity.

Like many others who have spoken to this motion, I had known Tony for a long time. I knew him when he was involved in local government. I think I first met him when I was Minister for the Environment and he was—or was about to be—the member for the zoo; he was an outstanding advocate for Dubbo zoo. Many of the gains made by Dubbo zoo in recent years were thanks to the efforts of Tony McGrane. He served on the parliamentary committee on salinity, of which I was the chair, and he also served on the natural resources committee, which I chair. I was particularly moved by Gerard Martin's contribution when he talked about the conference that we all attended—Gerard, Tony and I—in Victoria in July, only days before Tony went on his overseas trip. Tony and I were on the Great Ocean Road, in the bus going to Lorne, and we discussed all sorts of issues and were having a tremendous time. Little did I know that he had only a short time to live.

A number of speakers have mentioned his great contribution to Keep Australia Beautiful (NSW), of which I am the current chair. He was an ambassador and fierce advocate for Tidy Towns. Gerard Martin spoke about the competition between Lithgow and Dubbo—Lithgow won the award in 1999 and Dubbo won it in 2000. Tony religiously attended Tidy Towns presentations. I was with him in Byrock, I was with him in Dubbo, I was with him in Cowra and I would have been with him last weekend in Broken Hill had he been alive, because he would have been in attendance. At Broken Hill Tidy Towns last weekend we marked Tony's contribution and announced our intention to create a Tidy Towns award to mark the great contribution that Tony had made to civic partnerships with local communities. We will be searching for appropriate sponsors to ensure that there is a perpetual Tidy Towns award in Tony's memory. Most city slickers do not understand how important Tidy Towns is, but people from the bush and the Tony McGranes of this world appreciate the enthusiasm that the Tidy Towns communities have for the competition. We want to mark it in the future. I am looking forward to that, and you will be hearing about the Tony McGrane award for many years to come.

**Mr ROBERT OAKESHOTT** (Port Macquarie) [9.05 p.m.]: I want to speak briefly about the great legacy of Tony McGrane. For the past couple of years I had the pleasure—and pain, I might add—of sitting next to Tony in that corner of the House. At times in this Chamber absolutely anything could be happening and Tony would relate it back to life in Dubbo and issues of relevance to Dubbo. Even though I live on the mid North Coast I feel as though I have a great knowledge of issues affecting Dubbo, thanks to a voice in my ear during the past two years, particularly during question time. On reflection, I suppose that indicates the eyes through which Tony McGrane viewed the world: the eyes of a servant of the electorate of Dubbo. I last looked into those eyes in the company of the member for Northern Tablelands probably two weeks before Tony's passing. They were extremely yellow eyes and that indicated significant liver failure.

The member for Northern Tablelands and I both walked away from that meeting sadder but pleased that we had a chance to have a good conversation with Tony in the foyer of his apartment at Quay West. On reflection, the strength of the man was shown at that meeting. Even though he knew within himself what the future held for him he was lucid. He was humorous, as has been mentioned often tonight. He was clear about the options available to him and he had some clear instructions relating to his wishes for the political future of the electorate of Dubbo. I went away from that meeting pleased to have had the chance to say goodbye to Tony. Like others in this place, I was shocked at the speed of Tony's death. It was on the day of the tickertape homecoming parade for the Athens Olympians at the Sydney Town Hall that the news of Tony's passing spread like wildfire through this place.

On reading the newspapers the following day I was interested to note how the media interpreted the two events. The passing of Tony McGrane, for 20-odd years a servant of the public in the electorate of Dubbo, was accorded a couple of paragraphs on about page five—forthright and succinct—while the homecoming of the Olympians, with all its glitter and glamour, was a front-page story. I recall a quote from the Governor-General that appeared underneath the story in which he said that the Olympians were beacons of light for all that is good. I thought if ever there was a quote that could be related to another story in the same newspaper, it was that quote. From what we have heard tonight, Tony the man was and remains a beacon of light for all that is good. In my view he was also a gold medal parliamentarian and a gold medal bloke. Farewell Tony McGrane. I know the electorate of Dubbo will certainly miss you and I personally will miss you as well.

**Mr ALAN ASHTON** (East Hills) [9.10 p.m.]: It is rare for so many people to want to speak to a condolence motion for someone who was a member of this House for only 5½ years. I know that Tony served for almost 30 years in local government and State Parliament, but the fact that so many people have spoken to the motion is a tribute to his time in this place. I have also noticed that while there is obviously great sadness among us all that Tony McGrane is no longer here, everyone remembers positive things about Tony—his sense of humour, his contribution, his achievements. I believe he was one of the few members in this Chamber who did not offend or upset someone else at some point. As Pam Allan said, if there were 92 others like Tony, none of us would ever have been elected. Thank God there are not that many Tony McGranes around, because some of us do want to be here.

I offer my condolences to Tony's family, his friends and staff, and to all the people of the Dubbo electorate who have lost a wonderful man and a dedicated representative in this House. Tony McGrane had a wide-ranging interest in all matters that affect New South Wales country people. If I can be party political for a moment, the fact that he was elected at a time when Richard Torbay, the member for Northern Tablelands, and David Barr from the city-slicker area of Manly, Clover Moore and, later, the member for Port Macquarie were elected meant that many of us on this side of the Chamber saw the Independents as the Opposition in this place. In many ways the proof of the pudding was in the eating. Tony was elected with only a small majority the first time, but was re-elected in a landslide the next time.

Tony achieved a great deal for the Dubbo electorate. It was his charm and wit as much as anything else that enabled him to get access to places that many others never could. As I said, on occasion many members, me included, find it easy to offend others, and sometimes a sense of humour wins out on that side of my Gemini nature. Tony, if he were a Gemini, seemed to have only one side to his nature: the good, humorous and positive side. I know that he sometimes grabbed Ministers as they walked out of the Chamber and would get a better hearing than most of us on the Government benches. It was not just the politics of the Dubbo electorate, it was the fact that people did not mind being buttonholed by Tony. Ministers felt that Tony was a bloke worth listening to and worth trying to help. By helping Tony they were helping country people, something the Government takes seriously.

As has been said, Tony McGrane was elected in 1999. At that time a lot of people with backgrounds in local government were elected to the New South Wales Parliament. I do not think we will ever see anything like that again. While I did not serve as mayor, I was deputy mayor of Bankstown, and a councillor, for 14 years. Richard Torbay and the Whip, my mate Gerard Martin, Peter Black and many others who were elected to Parliament at that time had been members of various councils and there was a great bond between us. That meant you knew something about absolute grassroots politics and ordinary people, and bringing that to the State Parliament was another great achievement.

Tony was a very successful businessman—I do not think he was a poor man—but the business he was interested in was not really the business of making money and being a successful businessman; as I learned from talking to him, it was the business of being a good representative and really wanting to help his people. When we had a few drinks in the bar with some of the members who have spoken tonight, his conversation was all about how you could help people, some of the problems in his area, and the fact that there was no rain and the crops were crook and the locusts were ruining the place. But with all that, Tony had this great spirit that things would turn around. They were the things that really impressed me about Tony.

I was not fully aware of Tony's faith and his great belief in his church and God. Perhaps that went over my head a little because I am not a particularly religious person. But he always struck me as a classic priest-like character—not of today's school, fighting over various dogma and so on, but of the old school, the kind of priest one saw in movies about the Middle Ages, a bit of a character who would hide and look after someone being chased by the Sheriff of Nottingham, or a southside Chicago priest of the 1930s who would try to help the underdogs and battlers.

In that sense Tony represented the underdog, the worker, the battler. That was something that the people of Dubbo surely recognised. When he was elected in 1999 by 14 votes he immediately became a person of great interest to me. He was not going to be a Liberal Party or Nationals member, so members on this side of the House who did not know him were very happy to say, "G'day, Tony" and welcome him. That is politics, and I am sure the Opposition would acknowledge that.

I won a Labor Party preselection by 200 votes, and I pointed out to Tony that to win a seat by 14 votes was absolutely incredible. At one stage I said to him, "Mate, if a couple of eight-seater Taragos carrying voters had taken a wrong turn and they did not turn up to vote for you, you would not have won the seat." Tony acknowledged that, but I think that if that had happened he probably would have organised a bus and made sure that he went out and picked up a few more voters. As the honourable member for Northern Tablelands said, at times it looked like he might not win the seat. But the second time around, when I am sure The Nationals thought they could win the seat back, Tony just blew them away. He had done the hard yards, he had done the work, he had got things done for the electorate, and he regained the seat with a genuine landslide.

Other members have related many anecdotes and stories. Since I became a member of this place many members have commented on my outrageous and eclectic ties. The tie I am wearing today is probably no different. Even the Premier laughed at it, which must say something. My colleague the honourable member for Liverpool has abhorred every tie I have ever worn in this place, and The Nationals Whip, Thomas George, has always commented on my outrageous ties. But if I wore an ordinary tie, Tony would challenge me. He would say, "That's not good enough. You're letting the team down. You've got to get back into it and wear another one." I always felt that that was the kind of humour and friendship we need in this place.

Yesterday I was given the tie I am now wearing, and I decided to wear it when saying these words about Tony. I am going to miss him sorely, as all of us will. Tony, this tie is a tribute to you. As the Deputy Whip, it is my job to organise private members' statements and the like. During private members' statements Tony would sit on the Opposition benches and wait until all the Labor and Opposition members had made their

statements, sitting there by himself, and he would be desperate to make a statement. He would ask, "Any chance of getting an extra one on? Any chance I might be able to get on?" I would speak to Carl Scully, or perhaps whoever was in the chair, and say, "Look, Tony McGrane wants to say a few words." They would say, "Yes, that will be okay." I cannot remember him ever being knocked back. But that would not happen for everybody.

I want to join with all Tony's friends and family, and the people of Dubbo, and say, "You will be sorely missed, mate. Well done for what you did here. Well done for the whole community in Western New South Wales, particularly in Dubbo. We all miss you, and we are very sad that you have gone."

**Mr THOMAS GEORGE** (Lismore) [9.15 p.m.]: Tony McGrane, OAM, MP, Member for Dubbo. It was certainly a shock to this place when Tony passed away recently. Tony's history has been well and truly documented tonight, and I will not repeat it. I immediately struck a friendship with Tony McGrane when he was elected in the class of 1999 because I had so much in common with him. We became very good friends. We both came into politics at the end of our careers—unlike some of the younger members of this place who came into politics at the start of their careers. Tony McGrane was the Independents' Whip. On Thursday afternoons, if Richard Torbay could not attend the whip's meeting in the Speaker's Office, Tony would attend, and we would have a drink together.

Tony was a great Christian, and he loved to be in the Chamber every morning for the prayer. He had a commitment to the Catholic faith and church that was second to none. Tonight we have heard many stories. I do not know whether he pulled my leg at the time, but I well remember when there was to be a mass to celebrate the installation of Cardinal George Pell as the Cardinal of Sydney. None of the Opposition or the Independents who were Catholics received an invitation, but Tony did. I said to him, "How did you get an invitation?" He said, "I just rang them and told them I wanted to go." I said, "Well, you could have got me a ticket." He said, "No. I'm going." I well remember Tony coming into the Chamber with ashes on his forehead on Ash Wednesday. He was such a dedicated Christian. As I said, his dedication to the Catholic Church and the Catholic community is well documented.

The other thing I had in common with Tony is that we were both publicans. We enjoyed our time in the industry and always talked about it. Tony loved cattle and we had many arguments about the Casino saleyards being better than the Dubbo saleyards. He would always try to convince me that Dubbo was better than Casino, but I used to tell him that Casino was recognised as the beef capital of New South Wales. He also loved horses but he was the worst tipster in the Parliament. Whenever he would give you a tip, you would not back it. Well, you probably backed it the first couple of times, but then you just said, "Thanks, Tony."

It is great to see here two of my very good friends who had a very close association with Tony. One is Bob Berry. Bob and I go back a long way in the stock and station agents industry. The eulogy Bob delivered at Tony's mass was a real tribute to Tony; it certainly reflected how the community and Bob felt about him. The second is Tony Kelly, and it is great to see him here tonight. The Minister for Gaming and Racing spoke about how he got to know many people through Tony McGrane. Tony Kelly's brother, Brother Norbert, used to teach me. I had lost track of Tony Kelly, and when I eventually saw him again I thought it was Brother Norbert, but it was not. In any event, I renewed my friendship with Tony Kelly, again through Tony McGrane.

I want to speak about another friend who drove all the way from Casino to Dubbo for Tony's funeral: that is Superintendent Bruce "Commander" Lyons. I know he wanted to place on record the love, feeling and respect he had for Tony McGrane—or Hereford, as he would call him. He had just been transferred to Lismore as the area commander and he drove all the way to Dubbo out of respect for Tony. I want to pay tribute to Chris and Tony's other staff. I rang them on a few occasions during the period of Tony's sickness. They were able to keep their chin up and keep the office going, and I pay credit to them for that. Members of Parliament could not do what they do without their electorate staff.

In one way I benefited from Tony's death as I had the privilege of meeting his sister, Maureen, and her husband, Malcolm. I appreciate having had that opportunity. Tony and I did not live on each other's doorsteps but we had a lot of time for each other. I pay tribute to those who gave eulogies at the requiem mass that was held to celebrate the life of Tony: Father Paul Devitt and the bishop and the priests of the Bathurst diocese. They were eulogies that could only be attributed to Tony McGrane. I conclude by reciting one of the Prayers of the Faithful that was recited on that day:

For Tony, a child of God, and heir to the kingdom, that he may be held securely in God's loving embrace now and for all eternity. We pray to the Lord. God bless you Tony. Thanks for the memories. Vale, Tony McGrane.



**Ms LINDA BURNEY** (Canterbury) [9.20 p.m.]: I commence by acknowledging that we are gathered in the traditional country of the Gadigal people of the Eora nation—the country on which this Parliament is built. Tony McGrane represented a region of New South Wales that is a part of the Wiradjuri nation—a nation of which I am a member. What a wonderful person Tony was. He came from the red dirt country of the Wiradjuri people. I am grateful that I am able to participate in this condolence debate. I do so in the knowledge that Warren Mundine—who has already been referred to tonight—was closer to Tony than anyone else in this House. Warren and Tony worked together in Dubbo, their great love, on Dubbo City Council. They were great friends.

I hope I am reflecting in *Hansard* some of the views of the Mundine and Riley families. It was through Warren Mundine that I got to know Tony, well before he was a member of this House. I do not want to get too morbid, but people have told lots of stories and I also want to tell a story. Members of Parliament have some good laughs and some not so good laughs in this Chamber, but I cannot remember laughing as much as I did one day in the Stranger's Dining Room. I walked from the Members' Dining Room into the Stranger's Dining Room, where Richard Torbay and Tony McGrane had been sitting for quite a while. I sat down with them to have a glass of wine and I came away after almost splitting my sides because I had endured, or enjoyed, those Elvis impersonators for about half an hour.

I did not really believe that Tony McGrane and Richard Torbay were Elvis impersonators; I thought that they were having me on. Subsequently I visited Parkes at the invitation of the Parkes Quota Club and I saw photographic evidence of Tony McGrane and Richard Torbay having attended the annual Elvis Presley festival in Parkes. Mr Acting-Speaker, I can inform you that the pictures of Tony McGrane and Richard Torbay in silk shirts unbuttoned to their waists was something to behold. I do not know whether their gold chains were real, but they were pretty impressive. I did not get to hear any of the singing but I thought the impersonations I heard that night were pretty fantastic. The last time I saw Tony was with Warren's wife, Lynette Riley-Mundine, at Royal Prince Alfred Hospital on the Monday or Tuesday of the week that Tony passed away. It was interesting in a sense that we were visiting another famous person from Dubbo who also passed away the same week. That is, of course, Michael Riley, the renowned Australian artist and filmmaker. His funeral was held at St Brigid's Church in Marrickville, very close to when Tony's funeral was held.

The six degrees of separation phenomenon is a very true thing. People have spoken tonight about Tony's good humour and generosity, and I do not think I need to say anything more to emphasise that that was the mark of the man. In 2003 I took over Tony's office—room 1203 on level 12. He said he would pay me a visit to see how I was looking after his old office. It took a little while before that happened, but one day he came in and said I was doing okay and had more decorating flair than he had. Since Tony's death, every time I have sat in the chair at his desk I have thought of him. Death is a great equaliser. If there is anything sure in life for any of us as humans occupying this earth it is that at some time we will all have to face what Tony McGrane faced far too early. When that time comes for me—I am sure everyone in this House will say the same—I hope I face it with the same sort of generosity, humour, and hope that Tony displayed to Lynette and me when I saw him a few days prior to his death.

That humour was there even though he had bright yellow eyes and bright yellow skin and was wearing a bright yellow shirt. I commented that it did not really match, which he thought was hilarious, and we had a good talk. As I said, death is a great equaliser. One thing that struck everyone in this House was the swiftness of Tony's death. It shocked his friends, his family, his staff and all members of Parliament. Tony did many things for us and for this place. He reminded us of generosity and good humour. He reminded us that we should treat every person in a decent way, no matter from whence they have come. But he also reminded us of our own mortality. He reminded us that death is indiscriminate and that we have a tenuous hold on life. In many ways fate takes its course. At the end of the day he also reminded us that life is to be lived and treasured every single minute.

**Ms CLOVER MOORE** (Bligh) [9.28 p.m.]: As a city Independent I pay tribute to Tony, a country Independent. It is still strange to see that vacant space on the crossbenches every parliamentary sitting day. I thank Tony for his contribution to this Parliament, for his cheery friendship in discussions that the Independents had from time to time and at dinners that we had from time to time. I, and I am sure every member, was shocked at the news of Tony's sudden illness. It was really quite salutary how quickly Tony became ill. Richard Torbay kept the Independents informed about how he was going, and it was quite shocking and distressing talking to his staff members, who could not quite cope with what was happening.

As Lord Mayor, I was hosting the welcome home to the Olympians and was standing with the Premier—we had received the VIPs and were waiting for the parade to come along George Street—when he

took a telephone call to say that Tony had just died and Parliament would not be sitting that afternoon. That is how I heard about the death of my Independent colleague, and it was really quite shocking. That news brought home to me how fleeting the gift of life is. I think his staff, his friends, his family and those in the public gallery tonight can take great comfort—it must have been a comfort to Tony in his last few weeks of life—in the fact that Tony lived life to the full and made such a worthwhile contribution to his community. At the end of the day if we can all look back and say we led a worthwhile life and made a contribution we can be satisfied with our life, as I am sure Tony was. I would like to say goodbye, and thank you.

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [9.30 p.m.]: Tonight we have celebrated the life of a remarkable man that was cut tragically short but, as the honourable member for Bligh said, was lived to the full. Those who attended Tony's funeral, as I had the honour of doing, will have seen the five priests and the bishop—obviously Tony would have been extremely proud of that—and heard the speakers lay out Tony's whole life as a contributor to his community for 28 years in local government in Gilgandra and in Dubbo, as a farmer, as a hotelier, as an investor and as a person who was absolutely committed to his community and they will feel, as we all do, that here was a person who brought spark, life and a sense of fun not only to Parliament but to anyone who met him. He was a truly remarkable man.

Tony was remarkable in his dress habits. Very few people still wear the multi-coloured striped shirts with the white collar and cuffs but Tony wore them proudly. He was always a great host. Last year my wife, Barbara, and I travelled to Dubbo on a Newcastle City Council and members trip and Tony was such a good host. I remember attending a dinner hosted by the development corporation and the council at which Tony, Barbara and I enjoyed a really nice bottle of wine. He decided it was terrific and that we would have another. We did not realise—Tony certainly did not—that the wine was not gratis and was not provided by the council. He did not think that was good hosting. That was typical of Tony: always a great host and full of fun but underneath it all, as Richard Torbay said, absolutely committed to his community. He deeply needed and wanted to help people.

I recall meeting Tony first in the broader perspective of his work. Tony, as speakers at his funeral said, did so much not just for his community but for the whole Central West—whether it was Parkes and the inland port or his involvement in Newcastle, my electorate, where he was a member of the Newcastle Port Authority board. He saw the need for an economic link between the west and the coast and recognised the positive benefits of better economic links. Minister Scully mentioned the Golden Highway and Tony's enormous commitment to it. Tony was a really broad thinker. He had a great sense of fun but, as everyone has said tonight, he also had a deeply felt sense of his Christianity and religion. As I have said, that was clearly indicated by the number of priests who served at his funeral.

I pay particular tribute to Tony's staff. When I visited Dubbo to attend a school opening I met my Independent colleague the honourable member for Tamworth at the airport and he told me that he was going to visit Tony McGrane. I had no idea at the time he and Richard were visiting Tony that Tony was so desperately ill in hospital. I think most of us were quite shocked and taken aback by that revelation. When I arrived in Dubbo and I went to Tony's office and heard the bad news I was struck by the love his staff had for him—and the love he had for them. I recall how pleased Tony was when Chris Kimball took a job with him. In fact, he said to me, "Look, I'll be outstripping Torbay now because I've got a fellow who really understands the media." Tony was ready to rise to even greater heights. Those who were at the funeral will know that Tony did not need another publicist because every photograph he was in was a great photo opportunity. He was a very skilled political operator as well as a person with a great passion for helping people.

I suppose that like many people I looked this morning at Tony's inaugural speech in Parliament and at his last. Both of those speeches were dedicated to his community. In fact, I think in both cases he mentioned the need for better police facilities in Dubbo in order to give his serving police officers and the community the best possible service. I will quote from Tony's inaugural speech because I think it shows that Tony understood the depth of social need in the community. He said:

Drug problems do not just start and end at Kings Cross or Cabramatta. The debate about drug problems must include all western parts of New South Wales and other areas outside the central business district of the city. To date, insufficient and inadequate services have been made available to country towns to deal with drug-related problems.

He continued:

Furthermore, law and order problems cannot be solved simply by arresting more and more people. Unless we deal with the social problems such as youth unemployment and drug use, crime rates will continue to rise ... We need to reinstate the accountability of local administrations to the local people in local areas and create workable management systems.

That was Tony thinking very much of his own community. He was a great man and it is a great loss. He was a great friend and someone to whom we pay our respects. I close by expressing my condolences and those of Barbara to Maureen, his sister, and her husband, Malcolm, and to those members of the Dubbo community who have spent almost a lifetime in friendship and service with Tony McGrane.

**Mr DAVID BARR** (Manly) [9.38 p.m.]: I rise to praise and to mourn Tony McGrane. With his shock of white hair and his rosy, chubby cheeks, he was one of the most striking members in this Parliament. He was not necessarily the most handsome—I think that honour goes to the honourable member for Northern Tablelands—but certainly the most striking. Tony had such a distinctive look that he earned the affectionate nickname "Hereford"—which is what many people called him. I used to think he had more of a bulldog countenance. He had a chuckling persona but also a crotchety side that fitted that imagery. Tony took immense pride in his appearance. Mention has been made of those extraordinary shirts that he used to wear—that probably cost more than all the apparel that I am wearing now. Tony was a nonconformist in this place in terms of his appearance and the clothes that he wore, which only added to the respect and affection that we had for him.

Tony was a man of great social values, which I think came from his strong Catholicism, his deep commitment to his community and to getting a fair deal for people in his electorate. He was humane. He was an efficient operator on behalf of his community. He would pester Ministers but got on well with them. As a fellow Independent I was proud of his success and the way he worked. The fact that his initial margin was a slender 14 indicated that he must have had a friend higher up to win, and the fact that it increased to 4,000 indicated the effectiveness of his representation in this place and the affection with which he was held in his electorate.

He worked in the way that an Independent should, not in opposition but constructively with the government of the day to obtain the appropriate outcomes for his community. However, he would oppose the Government when it took action which he disapproved of and which would not be of value to his community. He worked well with Opposition members and tonight they have extolled his virtues. In other words, he was an all-round parliamentarian, someone about whom members on all sides in this place would have only kind things to say. That is not true of everyone in this place—surprise, surprise! However, it was certainly true of Tony.

In conclusion, Tony was a successful and wealthy businessman. He had been a farmer and a representative for many years. He knew the value of a dollar and appreciated the finer things in life, such as a good glass of wine and the horses. I, too, lost money from his racing tips. There is certainly a gap on the crossbench. In knowing him we have all been enriched. We will certainly miss him, but we can also take pleasure in our memories of him. Indeed, his death reminds us of our own mortality and the fact that one day people will stand in this place to talk about us. I hope the comments are as kind as those that have been made about Tony.

**Mr JEFF HUNTER** (Lake Macquarie) [9.42 p.m.]: I join with my colleagues to extend condolences to Tony's family and friends who are in the gallery tonight. I am honoured to have known Tony and to be able to pay tribute to him this evening. I will make my remarks brief because many of my parliamentary colleagues also wish to speak to the motion and I realise that family and friends have been in the gallery for quite some time. There is a lot I would like to say about Tony and the friendship that developed between the two of us, but I will make my comments brief. I read the tribute Richard Torbay paid to Tony when Parliament last sat. He said:

I could talk at great length about Tony as a representative, councillor, shire president, mayor and, indeed, a member of this place. He was often credited as being a relentless advocate.

Anyone reading the speeches Tony made in this Parliament will see that he was indeed a relentless advocate for his electorate. *Hansard* records that he rose to his feet 179 times to either make speeches or ask questions. One constantly sees references to Dubbo and issues that related to his electorate. I notice that it was only a little over a year ago, not long after the last State election, that he rose to his feet to pay tribute to a colleague, Jim Anderson, who died on the day of the election. I read the great tribute that Tony paid to Jim and the advice Jim had given Tony, that he could go on continuing to represent Dubbo and win his seat. I commend to all honourable members the tribute that Tony paid to Jim because it shows what a wonderful person he was. I also read Tony's inaugural speech in the Parliament and what he had to say about his time in local government. On that occasion he said:

Some might say that I have been a big fish in a little pond and that I am now a little fish in a big pond.

I do not necessarily agree with that because Tony certainly made his presence felt in this Parliament. In his inaugural speech he referred to unemployment, education, human rights and equal opportunity, country policing,

rural health services and transport—all those things that were so important to his electorate. I first recall having known about Tony McGrane when I saw him on NBN Television in Newcastle when he was mayor of Dubbo. I was very proud and honoured to get to know him when he was elected to this Parliament. In fact, I was a bit awestruck because I had seen this man on television on many occasions. During the short time he was here we became close friends.

He was a very proud member of the New South Wales Parliament's Asia-Pacific Friendship Group. He loved Asia and the Pacific and regularly attended our meetings. Today when I thought about what I would say in this condolence motion I recalled standing with Tony in this Chamber with about 15 or 20 people who were part a delegation from China. Through an interpreter we talked about how the Parliament operated. As these people were involved in agriculture and rural affairs in China, I asked Tony to come along and help me because I was not an expert in that field. Tony shone when the questions started coming from the Chinese delegation about rural and country New South Wales. He was able to answer all those questions, and you could see the smile on his face. He really enjoyed imparting that information to the delegation. He encouraged them to visit Dubbo and to exchange and trade with that part of the State.

Earlier speakers have referred to Tony's love for travel. I think Matt Brown mentioned a trip overseas, which I had the honour to share with Tony, and more recently a trip to Vietnam. I will never forget that trip to Vietnam. Perhaps he has shared with his friends some of his experiences on that trip. He enjoyed the trip and was a great ambassador for New South Wales and Australia. He made many friends in Vietnam and I know our Vietnamese colleagues will be very sad that he is no longer with us. The last speech Tony made in the Parliament related to Dubbo policing. He took the time to congratulate police in his local area. His last words were:

I congratulate the police who work in my electorate and their commander, Superintendent Ian Lovell. Well done!

His last words in the Parliament were "Well done!" He took the time to congratulate other people on work in his community, a community that he loved. I have shared many meals with Tony, inside and outside Parliament. I became very close to him. I enjoyed the odd phone call that I would receive from him. I would pick up my mobile phone and the name "Tony McGrane" would appear on the screen so I knew who was calling me. It was great to have a chat with him. Like many of his colleagues I was unable to see him after his diagnosis and I am very sad that I was not able to see him. However, I sent messages and I am sure that they got through. He will be very sadly missed. Vale, Tony McGrane.

**Mr PAUL LYNCH** (Liverpool) [9.48 p.m.]: I join with my colleagues in expressing regret at the passing of Tony McGrane and extend my condolences to his family and friends who are in the gallery. Tony had many fine qualities as a person and as a member of Parliament. They have been referred to this evening so I do not intend to restate them. They are undoubtedly true. He was a very good bloke. I wanted to briefly place on the record my regard and esteem for his support in some things in which I have been involved, especially his interest in Irish issues.

With his heritage and with a name like McGrane it is not surprising that he had a passing interest in things to do with Ireland. I remember one day last year when I hosted a delegation from the County Council of County Wicklow and we coincidentally came across Tony in the lift. By the time we got out of the lift we had established a couple of things: first, that he had a relative, I think a cousin, who was a parish priest in County Wicklow, whom the delegation knew; and, second, that the centre of the universe was neither Wicklow nor Liverpool, but, indeed, Dubbo. His interest in things Irish was not just restricted to sentimental issues. He was a regular supporter of more directly and obviously political issues to do with the pursuit of peace and justice in what I would describe as English-occupied Ireland.

Tony supported a number of fundraising functions that were organised by the Australian Aid for Ireland. Without going through the entire list of what he did, he came to a function in 2000 with Cionnaith o Suelleabhain, a Sinn Féin councillor from West Cork. He attended a function and met Mitchell McLaughlin, the chairperson of Sinn Féin in 2002. He had been to a number of other functions. His support to Australian Aid for Ireland was greatly received and was regularly charted in the photographs of the *Irish Echo*, a newspaper in the Irish community. Tony had a greater strike rate of getting into that newspaper than any of the other members of Parliament involved in Australian Aid for Ireland. He has also signed a number of other letters to the Irish and English governments about the Good Friday agreement and co-signed some letters in support of the Colombia Three.

It is a great tribute to Tony that he was obviously devoted to Dubbo—he spent so much time in this Chamber talking about specific and precise things relating to Dubbo—but also found time to remember his

heritage and be involved in things that are broader than Dubbo. Sometimes the downside of being concerned about one's local area is that one forgets the broader picture. That was never the case with Tony. As I say, it is a great tribute to him that he kept that broad view. His support was greatly appreciated not just by Australian Aid for Ireland but also by Republican people in Ireland. I am pleased that I have been able to join my colleagues in expressing my regrets on Tony's passing.

**Mr BARRY COLLIER** (Miranda) [9.51 p.m.]: I came into Parliament in 1999, the same year as Tony McGrane, OAM—though certainly not with the same level of experience in public life as him. I recall listening to the radio reports of the election and the topsy-turvy results. I thought about a man who would reach this place with a margin of 14 votes, and the stresses and strains he must have been under. Tony learnt the ropes like the rest of us in the class of 1999, and he was one of us. Tony was an extremely likeable man, an unassuming bloke with a great sense of humour. He was always the same. He had that calm constancy about him. Many of my conversations with Tony were over breakfast. Tony always had a story to tell, an experience to relate and a person that he knew.

Last year I travelled to England with my family for a holiday. I visited the United Kingdom Parliament and had lunch with the Commonwealth Parliamentary Association and a former defence Minister in the Blair Government, the Hon. Peter Kilfoyle. We introduced ourselves. I said I was from the New South Wales Parliament and his next words were, "Do you know Tony McGrane?" I thought that was extraordinary. He then spoke so highly of Tony and the common interests they shared. I think Tony had spent some time with him in his electorate of Liverpool doing the Beatles circuit. Tony was truly a citizen of the world. He was a wonderful ambassador, not just for our Parliament but for our wonderful country.

Tony's sudden illness and his passing came as a great shock to all of us in the New South Wales Parliament. His passing gave a very special perspective to our role here as members of Parliament. His passing reminded us how precious and tenuous life really is, and how so unexpectedly short it can really be. I remember listening to the fine words of the honourable member for Northern Tablelands, Richard Torbay, on the day that Tony died. Like many on that sombre afternoon, I reflected on what is really important in life. I reflected on how unfair it is that Tony's life was cut so short. I reflected that whether one is Liberal, Labor, The Nationals or Independent, whatever political complexion, Tony McGrane really was one of us. We had lost one of us: a hardworking local member committed to his community of Dubbo, a member of the New South Wales Legislative Assembly, a member we were proud to call one of us.

As a member of Parliament, Tony was dearly loved by his community. He made a difference, he achieved much and he gave so much of himself for his community. We were privileged to have known Tony and to have him as one of our number for even so short a time. This House is poorer for the passing of Tony McGrane. Vale, Tony McGrane! I express my deepest sympathy to Maureen, his sister, to his family, friends and staff. I also express my deep condolences to the people of Dubbo.

**Mr STEVE WHAN** (Monaro) [9.55 p.m.]: I will make a brief contribution to the condolence debate. I met Tony McGrane only 18 months ago, when I was elected to this place. That was not long enough to get to know someone like him, but it was long enough to see that he was a very fine man who represented his electorate extremely well. I recognised quickly that he was a person with an amazing personality and a great sense of humour. I have heard a lot about Tony from the honourable member for Northern Tablelands, Richard Torbay, tonight and on the day that Tony died. One of the saddest things is that I have found out a lot more about Tony McGrane tonight than I learnt about him in the 18 months that I knew him—that is something I regret.

In the short time I have been in this place, it struck me that Tony was a person who was very welcoming. He was always happy to talk, he always had a smile or something to say in the corridor. He had something that is often missing in politics but is valuable here. I feel like I knew Tony McGrane better than I did, because I knew him through his good friend Richard Torbay. Before Tony's passing Richard regaled us with many stories, which is a great sign of their fantastic friendship. Earlier this year, on the night of the State of Origin game, they were a double act at dinner. Richard and Tony told stories for most of the night. Tony willingly and happily laughed at all the stories, which seemed to be about him or something he had done.

Richard and Tony obviously had a great friendship. All honourable members appreciated Richard's effort in telling us about Tony's life both on the day he passed away and tonight. I knew Tony for only a short time, but it was obvious that he was a person of great stature and that he had great respect from the people in his hometown. One of the great things about country New South Wales is the larger-than-life characters such as

Tony McGrane who emerge out of communities and become their representatives. Tony did a fantastic job for his community with great commitment and humour. It was valued and something that will be sadly missed. I express my commiserations to his family and friends who are present.

**Mr JOHN MILLS** (Wallsend) [9.57 p.m.]: I extend the condolences of my wife, Trudy, and I to Tony McGrane's sister, Maureen, to her family, to the local government people from Dubbo and to Tony's friends. We knew Tony as a man of compassion, joviality and good humour. He was also a man of style and good taste. He introduced me to one of his tailors, Bauman, at the Mabukrong area in Bangkok, who made the best suit I still own—sadly I am not wearing it tonight. He was a great conversationalist and a very wise person. It was so easy to talk to him. I first heard of Tony when I saw photographs of him with the then Lord Mayor of Newcastle, John McNaughten. I realised that they were obviously good friends. That was 13 or more years ago.

They had a policy issue in common: working together for the mutual benefit of both Dubbo and Newcastle—the inland city and a region of important primary production and the nearest coastal port. They had a common need to upgrade the Golden Highway, Route 88, to facilitate the cheaper and better exports of Dubbo's production. Much of the policy direction that Tony took, in association with John McNaughten and other people, has come to pass. My mate Colin Markham—the former honourable member for Keira, the former honourable member for Wollongong, a former shadow Minister for Aboriginal Affairs and a former Parliamentary Secretary for Aboriginal Affairs—used to take members of the Labor Caucus Aboriginal Affairs Committee to visit Aboriginal communities in western New South Wales to listen to their stories and problems.

Colin introduced us to Tony—they were already mates—and to Warren Mundine, who was in the gallery earlier. He is now the National Vice-President of the Australian Labor Party. Tony and Warren had worked as fellow councillors at Dubbo. After Tony became the member for Dubbo, Col and I and other Government members visited Dubbo and Peak Hill with the Aboriginal land councils and we saw Aboriginal sites. Tony was certainly a hard worker for the people he represented, and that included the Aboriginal people of his electorate.

My wife, Trudy, was director of migrant health in the Hunter region and she had a brief to establish panels of health interpreters in regional and rural New South Wales. I know that she worked successfully with Tony when he was mayor to establish that panel in the Dubbo area, as she did with other local government people around the northern part of New South Wales. I will not repeat much of what has been said by other members, but Tony McGrane was an outstanding representative for his people and for country New South Wales. Tony was in this place only a short time but his contribution to New South Wales was very great.

**Ms PETA SEATON** (Southern Highlands) [10.00 p.m.]: I join all members of this House in extending my condolences to the family and friends of Tony McGrane. We all miss him in this Chamber. Many members knew him very well and considered him to be a very close friend. I know they will be feeling the pain that his family and other friends are feeling at the moment. Tony was a man of great courage and humour. Sadly, I did not know him particularly well, except to say hello. He was someone who always had a friendly word, a nice smile and a happy greeting. That is the way all of us knew him—except, of course, those who were lucky enough to know him much more as an individual.

A number of people I know remember Tony McGrane very fondly, particularly the Hon. Tom Lewis, a former member of this place and a former Premier of New South Wales. For the past several years Tom, who is a neighbour of mine, has regularly asked about Tony and how he is getting on. Tom has said, "Please send my regards" and those sorts of things. Tom told me a story about Tony some time ago, which he reminded me of when I rang him the day of Tony McGrane's death to tell him the sad news. He reminded me of the story, which is obviously close to Tom's heart. I think it illustrates the sort of passion, vision and determination of Tony McGrane and his commitment to his beloved Dubbo.

As many people will know, Tom Lewis is considered to be the father of our national parks system. In particular, I think most people would acknowledge that the Western Plains Zoo at Dubbo came very much from the vision of Tom Lewis. However, that vision was very much shared by Tony McGrane who, at that stage, as I understand it, was the secretary of the local pastures protection board. Tony McGrane, as a local person interested in civic affairs, obviously recognised what the Western Plains Zoo could mean to Dubbo and the surrounding region. This may be an urban myth or a rural myth, as the case may be, but apparently there was much discussion in the area about the prospect of the Western Plains Zoo and there was some concern among some people who perhaps did not quite understand the concept. Members of the pastures protection board apparently instructed Tony McGrane to write a stern and firm letter to Tom Lewis protesting the idea of the

Western Plains Zoo because they feared that lions or tigers could escape, cause havoc on the local farms, and sheep and goats would be eaten.

Tony went ahead and did as he was instructed. Apparently, some time later, members of the pastures protection board complained to him that they had received no reply from "that renegade Tom Lewis" and asked what on earth was going on. Tony McGrane replied that he had done as he was instructed: he had written a letter—but they had not asked him to post it! He had very much worn his passion on his sleeve for what he saw was something that would make a great difference and be a great asset in Dubbo in the decades to come. All of us who have visited Western Plains Zoo would certainly attest to that. With those remarks, and in passing on the condolences and fond remembrances from Tom Lewis, I join other members in extending to Tony McGrane's family and friends our condolences.

**Mr RICHARD AMERY** (Mount Druitt) [10.04 p.m.]: I will make a short contribution about Tony McGrane. I certainly do not hope to emulate the moving and touching contribution that was made by the honourable member for Northern Tablelands, Richard Torbay, on the day of Tony's death—a tribute that would be hard to follow. I do not think any of us would have thought, when we broke up for the mid-year recess, that we would be reassembling in late August and hear the news from Richard Torbay of Tony McGrane's health, of his short struggle and, some time later, his death.

I will keep my contribution short because my knowledge of Tony goes back probably only to the 1990s. I used to visit Dubbo as a shadow Minister. All shadow Ministers would acknowledge that shadow Ministers do not get many resources. Even though we were in Opposition and even though we rolled into town in a hire car, with probably just another member of Parliament with us and nothing else, Tony McGrane, as the mayor, would always meet us. He would meet me, he would discuss issues, and he would be part of any discussion paper that was being launched and any matters that related to his council area. He was more than pleased to get in your ear because one day you might be in government.

After taking office in 1995, I was the brand-new Minister for Agriculture. The Premier of New South Wales, Bob Carr, the then Minister for Land and Water Conservation, Kim Yeadon, and I conducted a drought tour in the first few days of government. We landed in Dubbo and we were met by the mayor, Tony McGrane—I think he may have been wearing his chains, from recollection. I have some nice photographs of him greeting us at the airport. However, it was not just a new mayor trying to latch onto a new government and saying, "Now that you are in government I want to talk to you", because he met us in the same way he did when we rolled into town as shadow Ministers with limited resources. I recall him taking me aside that day while the Premier was in his press conferences and talking to me as if it were like the good old days of Opposition. He wanted to raise the issues of how farmers were affected by the drought.

In his short parliamentary career Tony made his presence felt—the number of speeches he made has been mentioned by other members. He made his presence felt by winning what was the National Party stronghold of the seat of Dubbo. I am not just saying this to stick a prod in the side of The Nationals as Independent MPs are a thorn in the side of all the major parties when they are in government from time to time. The honourable member for Bligh came into this House when Independent members were winning Labor seats. The current Independents from the regional areas are a thorn in the side of the Coalition, particularly The Nationals. Tony, of course, wrote himself into history as part of that. By winning that strong Nationals seat he posed a threat to the dominance of The Nationals in many rural areas, and that put him in the State history books. I refer to a publication from the Parliamentary Library, written by Michael Hogan and David Clune, entitled *The People's Choice Volume Three*. At page 408, under the heading "Independents hurt the Coalition", it reads in part:

Independent mayors Richard Torbay in Northern Tablelands and Tony McGrane in Dubbo both won, again showing the difficulties faced by the National Party in defending its safe seats against popular local candidates. Torbay won 44.2 percent of the Primary Vote and 59.4 percent of the two candidate vote in a seat with a previous National margin of 14.6 percent. The Nationals notionally had a 19.4 percent margin in Dubbo in 1995, however long-standing member Gerry Peacocke had since retired. McGrane won only 22.7 percent of the primary vote, behind the National Candidate Richard Mutton and just ahead of the Labor candidate and the One Nation candidate. Preference flows and exhausted votes kept McGrane in the contest until he won after the distribution of Labor Preferences.

That result is recorded in a significant book about the history of elections in this State. Those Independent members won seats that were very much part of the National Party's stronghold. From that win of just 14 votes, Tony went on to retain the seat in 2003 by some 4,000 votes—a ringing endorsement of his role as a local member, and confirming that he was a political force to be reckoned with for years to come.

The issues that Tony McGrane became involved in are too many to mention here. Many members have mentioned some of them. However, there were a few issues in which I was also involved when I held a number of ministerial positions. The first was Tony's involvement with the Salinity Summit held at Dubbo. As a newly elected local member his on-the-ground knowledge of the subject was invaluable. During those few days he organised field visits and made worthy contributions to the summit, and he was an important contributor to its final report. The second was a roundtable on drought—I think it was in 2002—which resulted in the re-introduction of transport subsidies for drought-affected farmers. Nobody fought for farmers harder than Tony McGrane.

The third issue that comes to mind was Tony's involvement with the passage of the Water Management Bill when I was the Minister for Land and Water Conservation. Tony's role there brought to my attention—some members of Dubbo council were with Tony on the delegation—the issue of recognising the future growth of council areas and country towns when determining water allocations to local government. He won that particular argument, and those sort of changes were put into the legislation as it went through the various stages in Parliament. The final issue was the campaign to locate a new gaol in central western New South Wales when I was the Minister for Corrective Services.

Tony McGrane joined forces with the Hon. Tony Kelly to ensure that Wellington was the chosen site of the new gaol. Tony put himself in a selfless situation. He could have continually pushed for Dubbo, which had received many resources from the Government, but he saw that Wellington, situated between Orange and Dubbo, was losing out to its neighbouring towns. The construction of the new prison will be a great boost to Wellington, and when the facility becomes operational we should recognise that Tony McGrane's fingerprints will be all over it. I know I have only touched on a few topics, but it is important to recognise the contributions of Tony McGrane to some important issues which will have lasting benefits for New South Wales.

We will miss Tony. I will certainly miss his sense of humour. I remember answering questions in the House when I was a Minister. This place gets fairly rowdy during question time, but I always knew that I would get a reaction from the crossbench. Tony was a good sounding board and he had a great way of responding to jibes or comments made during question time. He would always seek me out afterwards to make a comment one way or another about any contribution I made. I miss that. I am sure other members will miss Tony's honesty. We will all miss him, as will the people in rural New South Wales. They will miss a person who made a difference. Farewell, Tony McGrane. My deepest sympathy to Maureen and the family, and to the community of central western New South Wales. They have lost a very good man.

**Ms NOREEN HAY** (Wollongong) [10.12 p.m.]: I will be brief in acknowledging Tony McGrane. I was probably one of the few new members of Parliament to become a close friend of Tony McGrane. He and I had a few conversations in which we decided that the thing that probably connected us so quickly was our Irish ancestry. The Irish have a very warm sense of what we call a celebration of people's lives. It is a very Catholic attitude but it is one that I prefer. While others have talked about Tony McGrane's position as the member for Dubbo and his performance in Parliament, I will talk about his performance outside the Parliament.

Earlier this year I had the privilege of travelling to Vietnam with Tony and several other members, including the honourable member for Illawarra. If I can just go back a step, for the first few weeks after I entered Parliament in 2003 Tony McGrane would pass me in the corridors and nod politely. One evening after dinner when we were on the veranda having a glass a wine Tony explained to me that it had been his intention to never speak to me at all. I said to him, "Why would that be, Tony?" He said, "Well, your predecessor was my mate." That is the kind of loyalty he had. I said, "I hope I become your mate because I wouldn't mind getting that kind of loyalty myself." During the trip to Vietnam the honourable member for Illawarra, Tony McGrane and I became a bit of a threesome, trooping around the streets of Vietnam in a cyclo each.

When we took a trip to Halong Bay we had to get a boat early in the morning; to get to our boat we had to climb over about 25 other boats. Tony and I were probably a little more plump than the other members, so there was a bit of pushing, shoving and dragging to get us up and over these boats. By the time we got onto our boat and it was headed to our destination Tony suggested that perhaps we needed a drink to help us recover. As luck would have it, they were selling bottles of Chivas Regal and Johnnie Walker Black Label—I am not a whisky drinker and I never have been. However, after climbing over those boats before and at times after Tony, as things would have it, we agreed that perhaps we should have a drink. But then we checked our watches and realised it was only about 8.30 in the morning.

However, Tony was not to be put off by that. So a bottle of Chivas Regal was ordered. Some were sipping quicker than others. Needless to say, when we arrived at our destination a number of members of



Parliament were unable to get off the boat to climb the 100 steps. Honourable members will note that I am not naming those members of Parliament. Basically, the fun and laughter and camaraderie were second to none. Following that, we went on a number of shopping expeditions because Tony knew some tailors. He did not want suits because he was going elsewhere to get his suits made, but he was looking for shirts. We gave him advice about the shirts to buy. Tony ended up nicknaming me Mother—I hope it was a nickname. He said I reminded him of his mother because I never stopped criticising his choices.

The point I am making is that Tony and I became close friends very quickly. By the way, I have numerous photographs and logs of our parliamentary business in Vietnam. Tony was a genuinely warm person. We would meet for breakfast in the mornings, and he always had a carrier bag containing not what he had just bought but something he was taking back to change because it did not fit, and so on. His warmth and his hard work were second to none. As has been said by many of my colleagues, the sudden illness was a shock to all of us. His family would have been proud of Tony. I am sure Tony is up there somewhere having a bit of a chuckle about all of this and probably thinking that his family has sat there long enough—it was probably a while ago that he last saw them. So I place on record my friendship with Tony. I am aware of his relationships with his colleagues on the crossbench. Tony will be sadly missed.

**Mr SPEAKER:** Colleagues, I would like to join with all of you, before I put the question on the motion of condolence for the late Tony McGrane, in extending my sincere sympathy to his family, his friends and his community. Tony McGrane was a big man in many ways. Tonight we have heard ample testimony of the great esteem in which he was held by all members of this House across all political factions, including the Independents, who are his very close colleagues and friends. Like many here, I knew Tony McGrane long before he became a member of Parliament. In my days as Minister for Education and Training I travelled substantially to Dubbo in the days when he was Mayor of Dubbo and made a number of changes up there. I found in Tony McGrane a very hard taskmaster, as everyone here has attested, but always in a very convivial and jovial way. When he made his point he made it in a way that you could not refuse, but at the same time there was a very kind heart there. You could not turn Tony down. No matter which way you looked, his pleas, his requests, his representations were always of such a nature that you felt you just had to respond in a positive way.

And so it was the case when he had that huge victory in 1999. He turned up here with a 14-vote majority and set about making his career as a member of Parliament. Echoing the words of many others, particularly his close friend the honourable member for Northern Tablelands, all he wanted to do when he got here was what he had been doing his whole life, and that was to help people. That very much sums up the character of the man. He was a person who was big in character but also much bigger in heart. I have been here a long time now and as I was listening to the contributions of other members today my mind was cast back over the period of time I have been a member of Parliament and the number of times, sadly, I have participated in these debates and listened to the outstanding comments made in relation to so many of our colleagues. Readily the names of people like Ken Booth, Bill McCarthy, Raymond Aston, Tony Doyle, Andrew Ziolkowski and John Newman come off the tongue. In more recent times, of course, we lost another very close friend to all of us. I listened particularly closely to the contribution of the honourable member for Mount Druitt, who was also a close friend of Jim Anderson.

We were touched with sadness when Jim Anderson passed away on the day of the election last year. We thought we had had enough of that for a while, only to be confronted now with Tony's sad passing. It is, indeed, a very bitter blow to us here in this Chamber, a very bitter blow to this Chamber and also to his community. We trust that he is listening to all of this and, as the honourable member for Wollongong remarked just now, having a bit of a chuckle about it. All of us would like him to know, sincerely, not only now but forever—and these memories will be recorded—that we did hold him, we do hold him and we continue to hold him in very high esteem as a colleague, as a friend and as a person who has made a great contribution to the State of New South Wales and, particularly, his local community in Dubbo, in the centre of New South Wales. He is a man in whom those who associated with him, particularly his family, can take great pride indeed. I ask all members to join with me in passing this motion of condolence.

*Members and officers of the House stood in their places.*

**Motion agreed to.**

**The House adjourned at 10.25 p.m. until Thursday 21 October 2004 at 10.00 a.m..**

---