

LEGISLATIVE ASSEMBLY

Wednesday 10 November 2004

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

Mr Speaker offered the Prayer.

HOME BUILDING AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Ms REBA MEAGHER (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [10.00 a.m.]: I move:

That this bill be now read a second time.

The Home Building Amendment Bill builds on the Government's wide-ranging reforms for the home building industry that have been introduced over the past three years. The bill covers two main areas. The first relates to the governance arrangements for the insurers operating in the home warranty insurance market. These new arrangements will bring about greater accountability on the part of insurers and a more transparent and efficient scheme for consumers and traders. The second relates to the licensing and disciplinary regime for builders and tradespeople. A number of reforms are proposed to remove unscrupulous operators from the system and to prevent their re-emergence either as, or behind, another legal entity.

In May 2003 the Minister for Commerce announced an inquiry into the Home Warranty Insurance Scheme. The inquiry, which was chaired by Mr Richard Grellman, was asked to consider a range of options for the delivery of this important product and to make recommendations on the best way forward. The inquiry consulted extensively with builders, consumers and other parties. The inquiry submitted its final report in September 2003. Among its recommendations were the establishment of a scheme board and advisory council and a system to regulate insurers, the creation of an Industry Deed to assist the entry of insurers and the strengthening of the building licensing processes. Following the release of the inquiry's report, an Interim Scheme Board was established to provide advice on the implementation of the recommendations.

The Interim Scheme Board membership comprises persons with extensive knowledge of insurance, and provides an excellent mix of experience and skills to oversee the development of the new regime for home warranty insurance. The Interim Scheme Board, with the support of the Office of Fair Trading Home Building Service, has consulted extensively. Based on the board's recommendations, the Government proposes to put in place a range of legislative and administrative changes. New governance arrangements for insurers are part of these. A permanent Home Warranty Insurance Scheme Board will be established to continue the work already started by the interim board. The scheme board will be a high-level specialist advisory body focusing on home warranty insurance.

The membership of the board will be drawn from persons with skills in general insurance, insurance products and commerce. Its role will be to monitor the operation of the scheme and to make recommendations to the Minister on possible changes. It will also provide advice on the operating conditions for insurers. The existing Home Building Advisory Council will be re-established in the Home Building Act 1989 and its functions will be amended to reflect its additional role in relation to traders. It will have representation from the insurance industry and non-aligned builders in addition to industry body representation. Consumer representatives will also be appointed.

The development of Market Practice Guidelines and Claims Handling Guidelines was one of the recommendations of the inquiry. Following consultation with insurers, Market Practice Guidelines have now been established and operate as part of the conditions of approval for insurers. Insurers will have to disclose premium and underwriting guidelines, provide reasons for decisions, implement service standards and establish complaint-handling processes. These will enable insurer compliance to be monitored against performance

indicators. The Claims Handling Guidelines and complementary data collection proposals are currently being prepared for discussion with insurers, the building industry and other stakeholders.

In this context the bill contains some proposals that exempt the operation of certain provisions in the Privacy and Personal Protection of Information Act 1998. These exemptions are necessary to facilitate the obtaining of information and use of material relevant to the operation of the Home Warranty Insurance Scheme. They will also facilitate the use of information under the changes to the licensing and disciplinary regime. An Industry Deed will be entered into between the Government and the insurers. The deed will indicate the insurers' and the Government's commitment to the scheme. The Government will agree not to amend the legislative scheme without proper consultation, and the insurers will agree to make a long-term commitment to underwriting home warranty insurance in New South Wales.

As a result of the Government's actions CGU Insurance entered the home warranty market in May this year and another insurer, Lumley General Insurance, has also been approved to provide warranty insurance, therefore providing further competition among insurers and greater choice for builders. As I foreshadowed, the bill proposes a range of measures designed to further tighten the licensing provisions and help stamp out phoenix company activities. Significant increases in penalties under the Act are also proposed. Members will be well aware of the hardship that unscrupulous traders have caused for consumers, subcontractors and suppliers. Over the past four years the requirements for licensing have been progressively tightened, and these changes will make it even harder for the shonks to operate in this industry.

A number of the proposals replicate provisions recently introduced in relation to the property, stock and business agents legislation and other licensing schemes. They will enable the Commissioner for Fair Trading to more effectively prevent inappropriate persons from being involved in the industry and to take effective disciplinary action to remove unscrupulous and incompetent traders. These changes, coupled with the increases to penalties under the Act and the stabilisation of the insurance scheme, will ensure that consumer protection will be significantly enhanced. I now turn to the provisions of the bill.

As I mentioned, a Home Warranty Insurance Scheme Board will be established under the Home Building Act. Its role will be to offer high-level specialist advice on home warranty insurance. The scheme board will have the following functions: to advise the Minister with respect to the approval of kinds of insurance, and insurers; to advise the Minister on the conditions of approval of insurers; to advise the Minister on variations to approvals of insurers; to monitor the operation of the scheme and to make recommendations with respect to the scheme; and to provide advice to the Minister on any other matter referred to it by the Minister. The scheme board will comprise five part-time independent members appointed by the Minister, as well as the Director-General of the Department of Commerce or nominee.

The members of the scheme board appointed by the Minister must have knowledge or experience in insurance products or commerce. A reconstituted Home Building Advisory Council will be established. The Home Building Advisory Council is currently established under the Fair Trading Act 1987. The council will provide advice on consumer-related and, in the future, trader-related issues. As the council will be working closely with the scheme board and because their memberships will overlap it is also proposed that the council be re-established in the Home Building Act.

The council will consist of at least 14 members including: the chair and deputy chair of the scheme board; the Director-General of the Department of Commerce or nominee; two representatives from the insurance industry appointed by the Minister, in consultation with the Insurance Council of Australia; two representatives of the building industry, appointed in consultation with the Master Builders Association and the Housing Industry Association; two persons appointed after consultation with the Labor Council to represent the interests of building industry employees; two persons holding a contractor licence; two consumer representatives; and one legal representative, appointed in consultation with the councils of the Law Society and Bar Association. In the case of both the scheme board and the advisory council, similar provisions will govern the appointment of members and the procedure of meetings as currently apply to the other advisory councils established under the Fair Trading Act.

I mentioned previously that market practice guidelines have been established that deal with issues such as underwriting requirements, service standards for insurers and the transparency of the insurance process. The market practice guidelines have been made part of the operating conditions for insurers under section 103A of the Act. A range of other conditions may apply. To ensure that the Minister has the benefit of high-level advice on the formulation of any conditions of approval, the Act will require that before imposing any conditions of

approval on insurers the Minister must firstly consult with the scheme board. The Minister will also have to consult with the board before approving insurers, or varying or revoking an approval. Under the new insurance scheme builders will continue to be able to obtain insurance from more than one insurer. However, it is necessary to ensure that builders do not use this process to obtain greater insurance coverage than is appropriate, having regard to their financial and operational capacity.

The bill therefore provides for insurers to be able to exchange between each other relevant insurance information about licence holders. Relevant insurance information will include information concerning the business, commercial, professional or financial affairs of applicants for home warranty insurance. To ensure that insurers are legally entitled to exchange information of this kind, the bill provides that an insurer who is requested by another to provide relevant insurance information is required and authorised by the Act to disclose the information, despite section 121 of the Act or any other law of the State or any other jurisdiction with respect to the privacy of such information that would otherwise prohibit that disclosure. Section 121 of the Act prohibits the disclosure of trade secrets, information that is of commercial value or information concerning the business or financial affairs of the person from whom the information was obtained, unless the consent of the person is given or other legal excuse applies.

As part of the new governance arrangements, insurers will be required to provide information to the commissioner relating to their business operations as well as information concerning individual builders and claimants. Section 103AC currently provides for the provision of such information to the commissioner. However, where the information relates to individual claimants or insured persons, the consent of those persons was previously required. It is proposed that section 103AC be amended to remove the need for such consent. Access to this kind of information is necessary for the commissioner to deal effectively with disputes and protect the public.

As I said at the outset, the bill provides for a number of enhancements to the existing licensing regime that will further assist in preventing unscrupulous traders from operating within the industry. These will enable the Commissioner for Fair Trading to more effectively prevent inappropriate persons from being involved in the industry and to take disciplinary action to prevent such persons from continuing to be associated with the industry. The bill extends the definition of "officer" in the Act to include a person who is an officer of a corporation within the meaning of the Corporations Act 2001 rather than being linked only to a director or person who is concerned in the management of a company, as is the position now under the Home Building Act.

In a manner similar to that taken under the property, stock and business agents legislation, the Home Building Regulation will specify persons who are disqualified from holding a licence. This will include persons convicted within the last 10 years of an offence involving dishonesty. However, the commissioner may determine that an offence committed by a person should be ignored because of the time that has passed since the offence was committed or the triviality of the act or omission that gave rise to the offence. The commissioner will be required to reject an application for a licence if the applicant is disqualified from holding a licence, if the applicant is a mentally incapacitated person or if the commissioner is not satisfied the applicant is a fit and proper person to hold the licence. Similar provisions will apply to applications for building consultancy licences, supervisor certificates and tradesperson certificates.

The commissioner will also be able to reject a licence application if satisfied that there are reasonable grounds to believe that the application has been made with the intention of avoiding disclosure of the applicant's, or a close associate of the applicant's, past conduct as the holder of a contractor licence. This proposal is intended to prevent the current practice by some licensees who seek to use the licensing regime to mislead consumers as to their compliance record through linking themselves to other entities. A licence may be refused if the commissioner considers that a close associate of the applicant, who would not be a fit and proper person to hold a licence, exercises a significant influence over the applicant or the operation and management of the applicant's business.

This provision will ensure that persons who are not of good repute will not be able to become involved in the business of a licence holder in circumstances where they are able to effectively control that business without necessarily being a director or officer concerned in the management of the business. A close associate will be defined in new section 3AA. It includes a partner, agent or employee of the applicant or licence holder. It also includes a person who bears a prescribed relationship to the applicant such as a spouse, de facto partner, child, grandchild, sibling, parent or grandparent.

Another ground for refusing a licence application is where an employee or proposed employee of the applicant is disqualified from holding a licence, has had an application for a licence rejected on a ground

relating to his or her character, honesty or integrity, or has had a licence cancelled or suspended on any disciplinary ground. This proposal is intended to prevent disqualified persons from continuing to operate in the industry under the umbrella of another licensee, in particular in circumstances where the disqualified person can exercise day-to-day control of operations or receive significant benefits from the corporate or other structure of the licensee without necessarily holding a position concerned in the management of the licence.

However, the commissioner will be empowered to approve of persons working as employees when considered appropriate. Applicants for licences and certificates will be required to notify the Commissioner for Fair Trading of any changes in the state of affairs of the licence applicant before the application is determined. This will place a responsibility on applicants to disclose matters of importance, in particular solvency issues, or risk licence suspension or revocation. The commissioner will be able, by notice in writing, to require an applicant for a licence or a close associate of the applicant to provide information relevant to the investigation of the application.

The commissioner will also be able to require an applicant or close associate to provide such authorities and consents to enable the commissioner to obtain information, including financial and other confidential information from other persons. If a requirement under this provision is not complied with the application may be deferred while non-compliance continues. The power of the commissioner to obtain information from persons by notice in writing under section 127 of the Act will be expanded to enable the commissioner to obtain information relating to the financial solvency of both licence holders and applicants for a licence. The intention of the regime is to identify licence applicants with poor financial compliance records that place themselves, consumers and others at risk.

A number of reforms to the disciplinary provisions are contained in the bill. Part 4 of the Home Building Act establishes the disciplinary regime for licence holders. Normally, a period of time is given for the licensee to make submissions and to provide evidence with respect to the matters to which the notice relates. During this time the licensee may continue to operate until such time as a determination is made by the commissioner. This can leave consumers and others exposed to loss in dealing with the licensee in the intervening period. The bill therefore amends the Act to introduce a power similar to that contained in the Property, Stock and Business Agents Act 2002. The commissioner will be able, by notice in writing, to suspend a licence pending a determination of whether to take disciplinary action. Such a suspension applies only if the commissioner is satisfied that the grounds for disciplinary action specified in the notice to show cause would, if established, justify the suspension or cancellation of the licence.

The suspension may not be imposed for more than 60 days. A suspension may be revoked at any time by notice in writing. The proposed suspension power does not affect any power to suspend a licence under the Fair Trading Act. Additional grounds will be available for disciplinary purposes. These include: that the holder becomes a disqualified person; the holder does not meet the required standards of financial solvency; there is a risk to the public that the licensee will be unable to carry out work under contract; the licence was improperly obtained; or that the commissioner has become aware of information about the licensee that, if known at the time the application for the licence was determined, would have been grounds for rejecting the application. The grounds for disciplinary action will also include employing a person where the licence holder knows that the person is disqualified from holding a licence, has had an application for a licence rejected on a ground relating to the person's character, honesty or integrity, or had a licence cancelled or suspended on a disciplinary ground.

Disciplinary action will also be available if a licensee fails to comply with requirements relating to mandatory inspections. In July 2002 the Joint Select Committee on the Quality of Buildings recommended that mandatory critical stage inspections be required to be carried out by the principal certifying authority, council or accredited certifier. The mandatory stages would vary depending on the type of building work. The Environmental Planning and Assessment Regulation 2000 provides that to allow a principal certifying authority time to carry out critical stage inspections, the building contractor for a building site must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before commencement of the work.

It is essential that the builder comply with this requirement as serious ramifications may ensue if a mandatory inspection is missed and the work proceeds. Failure to undertake the required inspections, particularly at the footings stage, can lead to serious problems with the work and may result in protracted building disputes, which may cost consumers many thousands of dollars. To reflect the importance of this requirement the bill amends the Act to expressly provide that it is a ground of improper conduct under the disciplinary provisions should a licensee either knowingly fail to inform the principal certifying authority of a mandatory inspection or has proceeded with the building work in the absence of an inspection taking place.

All the new licensing requirements and disciplinary powers accruing to the commissioner that I have outlined will be subject to review on application to the Administrative Decisions Tribunal. In addition to the new disciplinary powers, the bill makes a number of changes to the offence provisions. One of the Government's election commitments was to increase penalties for contractors who breach the Home Building Act. In accordance with this commitment a comprehensive review was undertaken of the penalties that apply. The bill proposes that the maximum penalties under the Home Building Act be made equivalent to those under the Fair Trading Act, that is, 200 penalty units or \$22,000 for an individual and 1,000 penalty units or \$110,000 for a corporation.

The review also noted that some penalties do not reflect the seriousness of the offence. For example, it is proposed to increase the maximum penalty for breaching the maximum deposit requirements from 40 penalty units to 200 penalty units for individuals and 1,000 penalty units for corporations. Penalties for lesser offences, such as failure to provide a consumer brochure at the time a contract is entered into, will be doubled for corporations. It is proposed that proceedings for offences under the Home Building Act be dealt with in a similar manner to that which operates under the Fair Trading Act. In this regard proceedings for an offence against the Act would be disposed of summarily either before a Local Court or the Supreme Court in its summary jurisdiction.

Proceedings for a breach of the Home Building Regulation would continue to be disposed of summarily before a Local Court. The maximum monetary penalty that may be imposed by a Local Court for an offence against the Home Building Act would be 200 penalty units—the current maximum penalty provided in the Act. The review of penalties also included those under the disciplinary provisions. The bill increases from \$22,000 to \$50,000 the maximum monetary penalty that the commissioner may impose on a corporation under the disciplinary provisions. This amount is in line with the maximum monetary penalty that the Minister may currently impose on an insurer for breach of the conditions of approval. No increase is proposed for individuals.

As well as raising the existing maximum penalties for breaches of the Act, certain new offences will be created. It will be an offence to lend a licence. The proposal will bring the Home Building Act into line with legislation introduced in relation to real estate agents. The maximum penalty would be equal to that for doing work without a licence—currently 200 penalty units or \$22,000. The bill makes it an offence punishable by a penalty of 200 penalty units for individuals and 1,000 penalty units for corporations for a licence holder or owner-builder to contract with an unlicensed person to do work that requires a licence. This is intended to bring to an end the situation where builders use unlicensed persons as subcontractors. This proposal will support existing licensees and improve the quality of construction.

It will also be an offence for a person who has control over the doing of building or specialist work to fail or refuse to advise an authorised person of the name and residential address of each subcontractor undertaking the work or to state a name and address the person knows is false. A maximum penalty of 200 penalty units will apply. Contractors who provide false or misleading information in connection with an application for home warranty insurance will also be subject to a maximum penalty of 200 penalty units. A number of other miscellaneous reforms are proposed by the bill. Section 120 of the Act requires the commissioner to maintain a public register of licences, certificates and permits issued under the Act.

The register also records adverse information relating to licence and certificate holders, including the results of any relevant disciplinary determination, the results of prosecutions, details of penalty notices issued, the number of insurance claims paid, instances of non-compliance with tribunal orders, details of public warnings and any cancellation or suspension of the licence, certificate or permit under the Act or any other Act. This information is provided to assist consumers in deciding whether to engage a builder or tradesperson. The information contained on the register is available on line for the public.

Under the Act there is no ability given to the commissioner to remove a particular from the register where it is discovered that the retention of that matter on the register is misleading or otherwise operates unfairly against the licensee. For example, one of the matters recorded is the number of insurance claims paid. In a small number of cases it has been found that the claim was paid without any fault on the part of the licensee or the claim should not have been paid. This normally occurs where new information comes to light after the claim is paid and the claim noted on the register. In these circumstances it is prejudicial for the builder that the register continues to record the claim. It is also of no assistance to consumers who may otherwise wish to engage that builder.

The bill therefore gives the commissioner power to remove or amend a particular on the register where it is shown to the satisfaction of the commissioner to be, or is to the knowledge or opinion of the commissioner,

to be false, erroneous, misleading or unfairly prejudicial to the licence or certificate holder. Section 123 of the Home Building Act provides for the service of notices and other documents under the Act. The bill brings the service provisions into line with those in the Fair Trading Act and the Interpretation Act, which include posting documents by normal mail. Pursuant to section 96A of the Home Building Act a developer must not enter into a contract for the sale of a dwelling in a project unless a certificate of home warranty insurance obtained by the builder is attached.

Failure to attach the certificate of insurance is an offence subject to a maximum penalty of \$22,000. The Act also provides that if a developer contravenes this requirement the sale contract is voidable at the option of the purchaser before the completion of the contract. A similar right for a purchaser to rescind applies in relation to the sale of properties by owner-builders and builders. The purpose of such provisions is to protect consumers against uninsured building work. However, the section can operate unfairly against a developer, owner-builder or builder where the required insurance has, in fact, been taken out over the building project but that due to an oversight the certificate of insurance was not attached to the contract for sale at the time of exchange of contracts.

To address this situation, while at the same time seeking to protect consumers against uninsured work, it is proposed to amend the Act to provide that if a developer, owner-builder or builder contravenes the requirement to attach an insurance certificate, notwithstanding that insurance has been obtained, the right of rescission will apply but only if a certificate of insurance is not served on the purchaser or the purchaser's legal representative prior to completion of the sale under the contract. While the proposed change addresses the inadvertent omission by the developer, owner-builder or builder the penalty provision for failure to attach the certificate will remain. I commend the bill to the House.

Debate adjourned on motion by Mr Andrew Fraser.

DUTIES AMENDMENT (LAND RICH) BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.31 a.m.], on behalf of Mr Craig Knowles: I move:

That this bill be now read a second time.

The principal aim of this bill is to implement the Government's intention, foreshadowed last May, to include indirect as well as direct disposals of land-related property in the tax base. This is necessary because the Government recognises that the transfer of shares in companies or units in trusts that are land rich is generally regarded by business as similar to a transfer of the land itself. When introducing the State Revenue Legislation Amendment Bill in May this year the Treasurer said:

The disposal of interests in land through the disposal of shares in land rich companies or units in land rich trusts should be subject to vendor duty. However, the application of vendor duty to land rich entities involves complex drafting issues. The Government will extend vendor duty to the disposal of shares in land rich companies and units in land rich trusts following consultation with the industry.

The bill achieves its objective by introducing disposal duty on the disposal of indirect interests in unlisted companies and trusts. As a result of consultations with industry bodies and professional groups, the bill also makes some improvements to acquisition duty—the current tax on the acquisition of significant indirect interests in land. Just as acquisition duty is necessary to protect the transfer duty tax base, it is necessary to tax the indirect disposal of interests in land to protect the vendor duty tax base. Without this measure there will be a clear tax incentive to acquire indirect interests in land rather than direct interests as their subsequent disposal would not be liable for vendor duty, whereas disposal of direct interests would be liable. As a result the measure introduced by this bill will not increase revenue from vendor duty. It will, however, reduce the incidence of erosion of the tax base.

The structure of disposal duty will be essentially the same as for acquisition duty. Firstly, disposal duty will apply only to the disposal of interests in an unlisted company or in a unit trust other than a public unit trust if it is land rich. That is, disposal duty will apply only if 60 per cent or more of the assets of the unlisted

company or trust is land-related property and the unlisted company or trust owns at least \$2 million worth of land in New South Wales. That will ensure that disposal duty does not apply to small investors with minor holdings in unlisted companies or trusts; nor will it apply to disposal of investments by small investors in listed property trusts. Secondly, just as acquisition duty applies only to acquisitions by investors who acquire a significant proportion of the entity, or who increase their significant interest, only those investors who own a significant proportion of a land-rich entity will be liable for disposal duty on disposal of their interests.

The definition of what constitutes a significant interest is the same as for acquisition duty: that is, 20 per cent or more for private trusts and 50 per cent or more for companies and wholesale trusts. Any investor in those entities with such holdings will be liable for duty on any disposal within three years of the time at which they attained the significant interest. Without that approach, interests could be sold down to just below the threshold then a separate disposal could be made, thus avoiding duty on disposal of a sizeable holding. Vendor duty applies only to disposal of land-related property if the sale price is at least 12 per cent higher than the acquisition price. That rule has been incorporated into disposal duty with some modifications, to recognise the indirect nature of the holdings in land. As a result, the rule applies to a sale by a shareholder or unit holder to the extent that the land owned by the company or trust at the time investors sell their shares or units is the same as the land held by the company or trust at the time the investors acquired their shares or units. If the land was acquired by the company or trust after the person acquired the interest in that company or trust, the rule applies to the increase in value from the time the company or trust acquired the land.

In addition to incorporating the existing elements of acquisition duty, this bill applies the exemptions from vendor duty to disposal duty. As a result, disposal duty will not apply to disposals of indirect interests in land where disposal of the land would not attract vendor duty. For example, the disposal of indirect interests in land consisting of farms, new or substantially new buildings and improved vacant land will be exempt from disposal duty. Indirect interests in companies and trusts can change as a result of the actions of others as well as those of the investor. For example, the issuing of units in a trust to a new investor will reduce the interests of existing investors in the trust. That reduction in interest is technically a disposal of an interest by the existing unit holders.

However, if the Chief Commissioner of State Revenue is satisfied that such a disposal was outside the control of the investor whose interest is reduced and does not form part of an arrangement to avoid payment of disposal duty, no duty will be payable. The Government considers that such passive disposals by unit holders should not trigger a liability for disposal duty because the disposal does not provide any return to the investor, so there are no proceeds from which duty could be paid. As well as introducing disposal duty provisions, the bill makes a number of changes to premium property duty and vendor duty. In relation to vendor duty the bill clarifies a number of existing concessions. Firstly, consistent with the Government's undertakings earlier this year, the bill confines the vendor concession to conservation instruments in perpetuity, also known as permanent conservation orders.

Secondly, the bill expands the concession for residential land used incidentally for business purposes to include an exemption for businesses conducted in the home, such as a person who takes in ironing or an accountant or software developer who uses one room of the home. Thirdly, the bill provides that where a religious organisation or charity disposes of land which is in part used for an exempt purpose, such as a school, vendor duty will not apply to that part of the land. The same concession will apply when religious bodies or charities buy land, part of which is to be used for an exempt purpose. Currently no concession applies. The bill also expands the compulsory acquisition concession to apply to the transfer of land required by a consent authority as part of a development approval. This concession also applies to the transfer of land for affordable housing.

Finally, the bill ensures that there is no circularity in calculating vendor duty when the purchaser has agreed to reimburse the vendor for either or both the vendor's liability for GST and vendor duty. In relation to premium property duty, the bill provides a concession for large parcels of land to be developed for residential purposes, regardless of whether the land is vacant. Under the concession, premium property duty will apply to no more than two hectares of a large parcel of any residential land should the purchase price exceed \$1.5 million per hectare. I commend the bill to the House.

Debate adjourned on motion by Mr Steven Pringle.

SHOPS AND INDUSTRIES AMENDMENT (SPECIAL SHOP CLOSURES) BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.39 a.m.], on behalf of Ms Reba Meagher: I move:

That this bill be now read a second time.

The Shops and Industries Amendment (Special Shop Closures) Bill provides for general shops—that is, retail shops other than scheduled shops and small shops—to be kept closed on Saturday 25 December 2004 and on Sunday 26 December 2004. The bill provides a limited exemption for general shops in tourist areas to trade on 26 December where trading is normally permitted by a current ministerial order under section 89B of the Shops and Industries Act 1962, and where those shops are staffed by persons who freely elect to work on that day. These restrictions will be effected through amendment of the Shops and Industries Act 1962 by the insertion of proposed sections 85E and 85F. In line with the Government's family-friendly policies, it gives me great pleasure to introduce a bill which has as its main purpose the preservation of the tradition of families spending the Christmas weekend together.

As honourable members will recall, the precedent for this type of legislation was set in 1999 with the enactment of the Shop Trading (Special Provisions) Act 1999. The exemption enabling general shops to trade in tourist areas on 26 December provides a sensible compromise between the commercial interests of shopkeepers and the family commitments of staff. It also caters for the post Christmas Day trade in tourist areas where the demand by travellers for consumables is substantial. For the purposes of understanding the proposed sections 85E and 85F, I inform honourable members that general shops, which include shops such as furniture, electrical and hardware stores, food supermarkets, department stores, clothing and jewellery shops, and scheduled shops, which satisfy everyday consumer demand and include newsagencies, chemists, takeaway food shops, souvenir shops and video shops, et cetera, will not be affected by the bill and will be free to trade on 25 and 26 December. Small shops, being small family type businesses, also will not be affected by the bill.

Such scheduled shops and small shops are free to trade seven days a week under the Shops and Industries Act. In respect of Sunday trading by general shops, section 84 of the Shops and Industries Act provides that general shops are to be kept closed on Sundays, except for the two Sundays immediately preceding Christmas Day. This restriction does not extend to scheduled shops or to small shops. Section 85 of the Shops and Industries Act provides that general shops, other than small shops, are to be kept closed on public holidays. These are defined under section 78 of the Act to include the publicly observed Christmas Day and Boxing Day holidays. Section 78A of the Shops and Industries Act enables the Director-General of the Department of Commerce to grant exemptions from the prohibitions in sections 84 and 85. A number of these exemptions have been granted since section 78A was first enacted and an exemption under the section enables certain general shops to open on Christmas Day and, more usually, on Sunday 26 December 2004.

Under section 85 of the Shops and Industries Act, 26 December will not be a public holiday as the Boxing Day holiday will be observed on Monday 27 December 2004 under the automatic contingency arrangements of the Banks and Bank Holidays Act 1912. Therefore, trading on 26 December by general shops will not be prohibited under section 85, but will be subject to the Sunday prohibition under section 84 of the Shops and Industries Act. Under the bill, proprietors of general shops in New South Wales who have previously received an approval under section 78A of the Shops and Industries Act to trade on a public holiday and a Sunday will have that approval suspended in respect of the Christmas Day public holiday and Sunday 26 December 2004. This suspension will extend to orders made by the Minister pursuant to section 89B of the Shops and Industries Act, which would permit general shops in tourist areas to trade on Christmas Day. However, these shops will be permitted to trade on 26 December if staffed by persons who have freely elected to work on that day, irrespective of normal rostering arrangements.

In this regard, the bill provides that no exemptions under sections 78A or 89B made before, on or after the commencement of proposed section 85E will apply in respect of Christmas Day trading, similarly for section 78A exemptions which apply to general shop trading on 26 December. The existing penalty provisions of the Shops and Industries Act will apply to general shop trading on 25 and 26 December in contravention of the new provisions. In conclusion, the bill will provide for the automatic repeal of the new sections at the beginning of 27 December 2004. I commend the bill to the House in furtherance of the Government's commitment to family-friendly policies.

Debate adjourned on motion by Mr Steven Pringle.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.44 a.m.], on behalf of Ms Reba Meagher: I move:

That this bill be now read a second time.

The Superannuation Legislation Amendment Bill introduces miscellaneous amendments to public sector superannuation Acts to address a variety of issues. The Acts being amended are the First State Superannuation Act 1992, the Police Association Employees (Superannuation) Act 1978, the Police Regulation (Superannuation) Act 1906, the State Authorities Non-contributory Superannuation Act 1987, the State Authorities Superannuation Act 1987, the Superannuation Act 1916 and the Superannuation Administration Act 1996. Overall, the amendments are cost neutral to the Government. Some of the amendments will directly benefit some members of the public sector superannuation schemes; other amendments are relatively minor, affecting the administration of public sector superannuation arrangements.

I will first list the amendments that directly benefit members. These amendments enable acceptance of Federal Government co-contributions, allow certain former public sector employees to make contributions and roll-ins into First State Super, enable the SAS Trustee Corporation to ensure that certain death benefits are not subject to contributions tax, allow certain invalidity pensions to be paid from the State Superannuation Scheme to be paid as complying pensions for tax purposes, and clarify the definition of "nominated salary" for senior executive officers. The amendments that relate to administrative matters will improve the operation of the legislative provisions applying to hurt-on-duty claims under the Police Superannuation Scheme, rationalise the legislative provisions applying to the transfer of superannuation entitlements when an employee ceases public sector scheme membership, confirm the power of the FSS and SAS trustee corporations to delegate their function of determining disputes to their internal disputes committee, and enable the SAS Trustee Corporation to pool insurance experience across employers.

I will now describe the amendments in more detail. The first set of amendments affecting public sector scheme members will enable Federal Government co-contributions to be accepted in the State Authorities Non-contributory Superannuation Scheme [SANCS] for employees who are members of the State Superannuation Scheme, the State Authorities Superannuation Scheme and the Police Superannuation Scheme. Around 40 per cent, or 40,000, of these members will qualify for the co-contributions because they are already required to make after-tax superannuation contributions to these schemes. These members are also automatically covered by SANCS—also known as the basic benefit or 3 per cent scheme. The bill enables the SAS Trustee Corporation, which is the trustee for the defined benefit schemes, to accept co-contributions into SANCS on behalf of members of the defined benefit schemes.

The bill enables the SAS Trustee Corporation, which is the trustee for the defined benefit schemes, to accept co-contributions into SANCS on behalf of members of the defined benefit schemes. The bill provides for the creation of a separate accumulation account for each affected member for this purpose. Another amendment affects employees covered by First State Super when they stop working in the public sector. Currently, they cannot continue to make contributions or roll-in benefits from other superannuation funds, although they retain a First State Super account. This has been a source of complaint from current and former public sector employees, who would prefer to consolidate their superannuation accounts in First State Super, especially employees such as teachers and nurses, who may regularly move between public sector and private sector employment. The bill will allow former public sector employees with First State Super accounts to continue to make personal contributions and roll other superannuation benefits into those accounts.

The bill contains amendments that relate to the treatment of lump sum death benefits payable from the schemes governed by the Police Regulation (Superannuation) Act 1906, the State Authorities Non-contributory Superannuation Act 1987, the State Authorities Superannuation Act 1987 and the Superannuation Act 1916. Under these Acts the trustees must reduce various benefits to offset the employer cost of the 15 per cent contributions tax payable to the Federal Government. However, a benefit payable to dependants on the death of a former member is exempt from contributions tax. In some cases the benefit may already have been reduced prior to payment. For example, a person may cease scheme membership on resignation from employment but elect to preserve a benefit in the scheme. At that point the value of the benefit is reduced to offset contributions

tax, and crystallised. If the person subsequently dies before being paid the benefit and the benefit becomes payable as a lump sum to a dependant the earlier benefit reduction becomes inappropriate.

The bill allows the trustees to augment the benefit to the pre-reduced value. The augmentation does not result in a cost to the Government because of tax deductions available to the trustees for the purpose of carrying out such augmentation. Other amendments would affect a small number of people receiving invalidity pensions from the State Superannuation Scheme, which is governed by the Superannuation Act 1916. Under the Act invalidity pensioners may be recalled to service if their health is restored. This provision makes invalidity pensions non-complying pensions for tax purposes because technically they are not payable for life. The non-complying status of these pensions can result in adverse tax implications for some invalidity pensioners. The bill allows invalidity pensioners who are at least 55 years of age to elect to have their pension paid in a complying form to reduce the potential for adverse tax outcomes.

The last set of amendments affecting members relates to the definition of "nominated salary" as it applies to senior executive officers who are members of the State Superannuation Scheme or the State Authorities Superannuation Scheme. The purpose of the amendment is to put beyond doubt that optional member contributions made by these officers to another superannuation fund do not reduce the nominated salary which forms the basis of determining their superannuation entitlements. This will ensure that the effect of optional superannuation contributions on nominated salary is no different from the effect of any other item that an officer may include as part of a total remuneration package.

I now turn to the amendments that affect relatively minor aspects of the administration of public sector superannuation arrangements. The bill contains amendments that will improve the operation of legislative provisions affecting the Police Superannuation Scheme, which covers police officers who were recruited prior to 1 April 1988. Payments in respect of death or injury arising as a consequence of their employment are paid from the scheme in accordance with the Police Regulation (Superannuation) Act 1906. The Act requires the Commissioner of Police, in most instances, to determine whether a death or injury has resulted from being hurt on duty. However, there is currently a lack of clarity about whether the commissioner is empowered to make a hurt-on-duty determination in respect of certain types of claims for payment of a gratuity.

Judges of the former Compensation Court found that some of the legislative provisions currently preclude the Commissioner of Police from making a hurt-on-duty decision in some circumstances. The bill amends the legislative provisions to make it clear that the police commissioner is to make the hurt-on-duty determination in these circumstances. The provisions were developed following extensive discussions between the SAS Trustee Corporation and NSW Police, and are supported by the Minister for Police and the Police Association of New South Wales. Also in relation to the Police Superannuation Scheme the bill validates hurt-on-duty determinations that were made in the past by the Commissioner of Police without first being requested to do so by the SAS Trustee Corporation. In addition, the amendments will allow the Commissioner of Police to make these determinations in future without first being requested to do so by the trustees.

A further aspect of the bill relevant to the Police Superannuation Scheme concerns appeal rights where a police officer is not satisfied with a determination made by the SAS Trustee Corporation about a claim for a hurt-on-duty benefit. Currently there are conflicting legislative provisions in the Police Regulation (Superannuation) Act 1906 and the Superannuation Administration Act 1996 prescribing the avenues for appeals. The latter Act gives police officers a right of appeal to the Industrial Relations Commission in court session, while the former Act gives the right of appeal to the District Court. The bill makes it clear that rights of appeal will only be to the District Court. These amendments are supported by the Minister for Police, NSW Police and the Police Association of New South Wales.

The bill deals with amendments to rationalise certain provisions in the State Authorities Non-contributory Superannuation Act 1987, the State Authorities Superannuation Act 1987 and the Superannuation Act 1916. The Acts have different ways of dealing with the superannuation entitlements of employees whose employment is transferred to the non-government sector, depending on whether the transfer is a result of a government privatisation initiative or of a government initiative. In effect the provisions have the same outcome. The amendments in the bill amalgamate and streamline the provisions to facilitate administration and do not represent any changes in policy. The amendments also enable regulations to be made to prescribe an employer's liabilities in respect of benefits or contributions that may be payable in any period in which an employee may elect to transfer employment or superannuation entitlements before the election takes effect.

The Superannuation Administration Act 1996 specifies that one of the principal functions of the SAS and FSS Trustee Corporations is to determine members' disputes about decisions made by the trustees. The bill

makes it clear that the trustee corporations may delegate this function to their internal disputes committees. Finally, the bill amends the State Authorities Superannuation Act 1987, the State Authorities Non-contributory Superannuation Act 1987 and the Superannuation Act 1987 to enable the SAS Trustee Corporation to equitably pool insurance experience among scheme employers on the basis of actuarial advice. I commend the bill to the House.

Debate adjourned on motion by Mr Steven Pringle.

GAMING MACHINES AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [10.56 a.m.]: I move:

That this bill be now read a second time.

In November 2003 a subsidiary of Melbourne-based TABCORP Holdings Ltd made an offer to buy all of TAB Ltd's shares. This offer succeeded in mid-2004 over a rival offer from Brisbane-based UNiTAB Ltd. The Government stated during the early stages of the offer that if either bidder acquired more than 50 per cent of TAB's shares TAB would be required to divest the business arm operating under the centralised monitoring system [CMS] and linked gaming system licences within 18 months. This timing was required to remove any potential conflicts of interest. TABCORP currently owns and operates poker machines at Star City Casino and throughout Victoria. The CMS links all gaming machines in clubs, hotels and the casino and provides daily data on the usage and turnover of each machine. It is the basis for monitoring gaming machines and the collection of tax by the Government.

TABCORP subsequently entered into a deed with me as Minister, which committed it to divest the business within the 18-month time frame. The Government also indicated during the early stages of the offer that the investment licence would be withdrawn subject to TABCORP completing its contractual obligations for gaming machines provided under this licence. During the offer period TABCORP agreed to the sale of the CMS and linked gaming system business to UNiTAB. The sale is subject to TABCORP and UNiTAB concluding contractual arrangements, which is currently expected to occur before the end of December 2004. In December 2003 Parliament passed the Totalizator Legislation Amendment Act to facilitate the takeover offers being considered at that time.

This bill follows on from that initial step. The amendments are required to enable completion of the commercial arrangements regarding the divestment of the TAB gaming licences to UNiTAB to take place. I note that the amendments are not of a policy nature. There is no major policy shift in the way the CMS or linked gaming system licences are to be run. There is no change to the exclusivity arrangements for these licences. There is no change to the way gaming machines will be monitored through the CMS, or additional requirements for the holder of the linked gaming system licence. The bill contains only machinery amendments to allow the finalisation of a commercial agreement between TABCORP and UNiTAB regarding the ownership and operation of the CMS and linked gaming system businesses. The bill seeks to remove the specific references in the current legislation to TAB Ltd as the holder of the exclusive licences for the CMS and linked gaming systems.

The amendments will not disturb the exclusivity that the legislation confers upon the CMS and linked gaming system licences. The references to TAB are to be replaced with a more generic expression that allows these provisions to apply to UNiTAB and any other future owner of the CMS and linked gaming systems licences. The amendments also enable the transfer of the exclusive licences from TAB Limited. This will allow the CMS and linked gaming system businesses to be transferred to UNiTAB. The provisions are clear that any such transfer is allowed only with the written consent of the Minister and subject to any terms and conditions determined by the Minister. It is anticipated that the timing of the licence transfers would converge with other components of the divestment strategy.

As part of the transfer of the licences it is important to ensure that services continue their smooth operation. To ensure this, the bill incorporates a number of savings provisions. One provision ensures that third-party contracts that are in force remain applicable to the new licence holder. As a precaution, the provision

allows the Minister to publish an order in the *Gazette* that requires parties to contracts to give any consents necessary to permit the transfer of these contracts to the new licence holder. The contracts must be, in the Minister's opinion, necessary for the continued operation of the CMS or linked gaming system businesses, and reasonable conditions can be applied to the consents. Typical examples are a contract for telecommunication services, or a contract for CMS equipment maintenance services.

It is understood that the existing provisions of the procurement agreement between TABCORP and UNiTAB require TABCORP to use its best endeavours to secure the assignment of contracts. The legislation need not be used if the parties to the contracts give consent. It will be the responsibility of the licence holder to come to the Minister with any contracts where consent is not given, and it will need to convince the Minister that consent is necessary to the running of the CMS or linked gaming system business, before a Ministerial order is made. If consent is not given within 60 days after it has been sought under an order, the consent is taken to have been given unconditionally. This sanction is to encourage the prompt resolution of this matter and to encourage dialogue between the parties particularly in relation to any conditions sought on the consent. These are sensible provisions, as they will ensure that the new owner of the CMS and linked gaming system businesses is in the same position to operate these businesses as TAB, prior to the sale.

Another savings provision relates to the collection of fees via direct debit. A great number of venues have provided information to enable the CMS monitoring fee and fees associated with the operation of linked gaming systems to be paid via direct debit. Rather than requiring all of these venues to provide this information again to the new licensee, this provision allows the direct debit payment authorisations to continue to operate in favour of the new licence holder. One of the conditions to allow the takeover of TAB Limited was that the investment licence would be withdrawn. The investment licence currently enables TAB Limited to own gaming machines and operate them in hotels on a profit-share basis. Few hotels took up contracts under the investment licence with TAB and all but one of these contracts have expired. The proposed legislation is drafted to remove all references to an investment licence, but includes a savings provision which allows the one remaining investment licence contract to continue until its expiry date and to prevent any extension of this contract.

The Gaming Machines Act currently requires that the CMS and the linked gaming system licensee have commercial arrangements with the New South Wales racing industry. During the negotiations for the takeover of TAB Limited, TABCORP and the racing industry entered into a heads of agreement in relation to the ongoing commitment to the racing industry. This agreement supersedes the specific agreement between the CMS and the linked gaming system licensee and the racing industry. It means that the defined legislative requirement is no longer necessary, and can therefore be removed from the bill.

I now turn to the issues of interest to the Legislation Review Committee. I believe that this bill does not contain any provisions that fall within the areas of interest to the committee. The bill does not contain any provisions that trespass on personal rights or liberties. The bill does not contain any provisions that make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers or upon non-reviewable decisions. No new regulation-making powers are conferred by the bill and as such it is not considered that it would inappropriately delegate legislative powers or insufficiently subject the exercise of legislative power to parliamentary scrutiny. As I said, this bill removes technical impediments to the transfer of the CMS and linked gaming system licences from TAB Limited to UNiTAB. The amendments are machinery, necessary and appropriate to enable a commercial agreement to be implemented. The Department of Gaming and Racing will continue its role to regulate UNiTAB as licensee. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maquire.

NOXIOUS WEEDS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [11.06 a.m.]: I move:

That this bill be now read a second time.

Weeds have a major impact on agricultural productivity and the environment in New South Wales. The Cooperative Research Centre for Australian Weed Management reports that weeds cost Australia in excess of \$4 billion annually. New South Wales bears a proportionate share of this cost. In order to address the problems

that noxious weeds present, a concerted effort is needed from all stakeholders. While the majority of landholders are vigilant and conscientious about weed management responsibilities, a proportion are not. The bill before the House today will allow landholders to better meet their land management obligations and protect their neighbours, the community and the environment from the damaging effects of noxious weeds. It creates a much-needed flexibility to accommodate weed management practices as they change over time. It also makes provision for improved regulatory powers to restrict the opportunity for new weeds to establish in New South Wales, and for authorities to be able to rapidly deal with weeds if they arrive.

The bill is the result of extensive consultation with the community, industry, local government and State Government organisations. The genesis of this bill was a comprehensive review of the Noxious Weeds Act 1993 conducted in 1998. That review group was made up of representatives from the Local Government Association, Shires Association, NSW Farmers' Association, Nature Conservation Council, rural land protections boards, Total Catchment Management, National Trust and Department of Land and Water Conservation. The initial review of the Noxious Weeds Act 1993 involved a thorough and open consultation process that resulted in over 100 submissions being received. The review group took due account of these responses in making its final recommendations. A number of concerns were raised, in particular relating to the responsibilities of public authorities, the precedent of noxious weeds legislation over other Acts, the use of weed management strategies to replace orders, joint owner/occupier responsibility, monitoring and reporting requirements as well as some minor issues.

The staff of the Department of Primary Industries have been diligent in consulting with their opposite numbers in other organisations to ensure that their concerns and needs have been considered. The review met three broad requirements. The first was a statutory requirement that the Noxious Weeds Act 1993 be reviewed as soon as possible after five years from the date of its assent, which was 4 May 1993. The second was to continue the New South Wales Government's ongoing program of red tape reduction and regulatory reform. The third was to fulfil the New South Wales Government's commitment to review legislation that may impact on competition under the Competition Principles Agreement.

In preparing this bill, the importance of ensuring that the amendments were consistent with the objectives of national weed management was also recognised. So, where possible, the bill is consistent with the nine core principles of State and Territory weeds legislation, as set out by the Australian Weeds Committee. Furthermore, the House should note that weeds regulation in other States is often incorporated into broader land management legislation. Where practicable, this bill has been developed to be consistent with the objectives, functions and powers of that legislation.

I will now turn to the findings of the review group. The final report identified several problems with the Act. Some of these problems included competition policy issues. In particular, there was a problem with the supply of materials and equipment by local control authorities. The inherent ability in the current Act for a local control authority to artificially subsidise the costs of these services is contrary to the competition policy. This issue has now been fully addressed in the Local Government Amendment (National Competition Policy Review) Act 2003. In response to the review group's concerns, the bill removes these provisions from the Act. A number of other amendments are also required to give effect to the review group's recommendations.

The existing methods for declaring noxious weeds and defining weed control requirements are quite inflexible. Put simply, they do not address contemporary land and weed management practices. The methods for controlling noxious weeds are limited, in most cases, to continuously suppressing and destroying weeds. However, contemporary land and weed management practices now mean that there are alternative ways in which noxious weeds can be effectively controlled. These techniques either address the cause of the weed problem or provide effective control using a range of techniques. For example, maintaining a dense pasture through improvement and grazing management can provide competition for weeds, reduce the level of infestation and reduce the opportunity for weeds to invade further.

Other methods can include revegetation, farm forestry and establishment and maintenance of biological control agents. These new methods avoid the need for continuous herbicide application, which can be expensive and lead to replacement of the existing weed with just another weed. The other major advantage to these new land and weed management practices is that desirable competitive species are allowed to develop. To support this new approach and to better reflect the significance and danger that noxious weeds represent to pasture productivity and the environment, the bill replaces the existing categories of noxious weeds. New categories known as "control classes" have been created.

The Government is committed to involving the community in this new approach. That is why the bill ensures that weed control orders, other than emergency weed control orders, will be subject to public consultation. The Act makes no provision for this type of public consultation. Weed control orders will continue to be declared by ministerial order, as is currently the case. Other changes to the order-making provisions provide for increased flexibility in the management practices that can be used to control weeds. In some cases, particularly with common and widespread weeds, true, long-term weed control will only be achieved through changed land management practices.

As I noted earlier, special provision has been made in the bill for the making of emergency weed control orders. In addition, powers for local control authorities to deal with emerging noxious weeds have also been provided for. Emergency weed control orders will be effective for up to three months. In some situations, the threat of the spread of a weed incursion may warrant immediate action. As such, the Minister responsible will have the power to waive the public consultation requirements for the making of these orders, if necessary. The bill provides that special emergency powers may be used in relation to emergency weed control orders. This means that a local control authority is able to take emergency action to control noxious weed infestations where the circumstances justify such action.

Where practicable, local control authorities will be required to give notice to the owner or occupier before entering a property to carry out work. In accordance with the existing provisions in the Act, this notice will have to be in writing. However, in a situation where an incursion of a particularly virulent weed not previously present in the State is detected on land and contact cannot be made with either the owner or occupier of that land, the fact that notice has not been given will not prevent a local control authority entering the land to carry out work. The bill provides that the cost of such work will be recoverable by a local control authority from the owner or occupier of the land.

The bill also makes provision for the joint management of weeds by local control authorities. This will mean more effective weed management through joint arrangements between local control authorities and other persons or organisations. For example, under the current Act local control authorities have the power to inspect land for noxious weeds. Similarly, under the Rural Lands Protection Act 1998 rural lands protection boards have the power to inspect land for animal pests. The bill allows local control authorities and rural lands protection boards to enter into joint arrangements in respect of the inspection of land under the Noxious Weeds Act 1993. This will significantly increase efficiency between the agencies in terms of time and money.

The bill increases equity in weed management by giving landowners as well as occupiers responsibility for noxious weed management. Previously, it was just the occupier who was responsible for weed management on land. However, because weed invasion is recognised as a major contributor to land degradation, it is an issue that needs to be addressed at all levels. Some landowners shy away from their land management responsibilities by passing them on to other people, such as the tenants of their land. The bill ensures that landowners cannot totally ignore their land management responsibility to keep their land free from noxious weeds.

Another matter that the bill deals with is the provision of information about weeds and weed control activities by local control authorities to Government. Proper weed management is often frustrated by the lack of information on the presence and extent of noxious weed infestations and the actions being taken to control them. Without this information, it is extremely difficult to effectively plan weed management, allocate resources or to measure the success of weed control operations. The bill provides that local control authorities must collect and record this information and prepare reports about weed-related matters for the New South Wales Government, when requested to do so. This requirement is not onerous as local control authorities already collect this information to report for other purposes, such as preparing state of the environment reports.

The New South Wales Government provides more than \$7 million in noxious weed grants annually to local control authorities to assist them with their functions under the Act. It is, therefore, reasonable to expect recipients to maintain these records. The Minister for Primary Industries provides these grants for noxious weed control. However, the current Act is unnecessarily restrictive in allowing these grants to be made to assist organisations in carrying out their obligations under the Act. The bill broadens this function to allow grants to be made to further the objects of the Act.

Local control authorities are the front line for weed management in New South Wales. If they fail to fulfil their obligations, the effects on productivity and the environment can extend well beyond the boundaries of their local control authority. Lack of action by one local control authority cannot be allowed to threaten the broader weed management programs being implemented in neighbouring areas. The bill makes provision for the

Minister responsible to direct a local control authority to exercise its functions under the Act, and to exercise those functions where the local control authority does not comply with the direction. In order to exercise this power to its full extent, the bill provides that the Minister must first consult with the Minister for Local Government or other responsible Minister. This will ensure that this provision is used only in very limited circumstances and generally only after no other option is available. This provision is consistent with those given to the Minister for Primary Industries in part 14 of the Rural Lands Protection Act 1998 and to the Minister for Infrastructure and Planning in the Environmental Planning and Assessment Act 1979.

The bill also deals with the movement of weeds in seeds, fodder and turf on machinery and other equipment. This is a major source of the spread of noxious weeds. The bill provides an effective means of controlling this route of spread, in particular for those weeds which are not yet in New South Wales or which have limited distribution but which have a high potential impact. This is achieved in two ways. First, the weed control order declaring noxious weeds may, in the methods for control and the obligations, specify such measures as need to be taken to prevent further spread. Secondly, the provisions of the Act have been strengthened to limit the spread of materials containing noxious weeds and the deliberate selling of noxious weeds or materials containing these weeds.

For example, alligator weed, although common in some parts of the State, occurs in only a very few small patches in the Wah Wah Irrigation District near Griffith. There is a very real possibility that this weed could be moved on agricultural and earthmoving machinery from its current sites into the rest of the inland irrigation districts in New South Wales. This would have a devastating effect on the rice industry and on the environment of our inland rivers. Further examples are the transfer of Golden Dodder in pasture seed and Mesquite in the rumens of livestock to clean areas. Some of these are currently regulated under the Seeds Act 1982. Some of the restrictions on the weed seed content of seed offered for sale for sowing, which are in the Seeds Act 1982, are still needed and have been endorsed by industry. It is proposed that these provisions will now be provided for under the amended Noxious Weeds Act 1993.

The remaining matters dealt with by the Seeds Acts 1982 are now covered by a comprehensive code of conduct that has been developed in conjunction with the Seed Industry Association of Australia. As such, the Seeds Act 1982 can now be repealed. The provisions in the Act that allowed local control authorities to provide materials, equipment and services to landholders for noxious weed control were identified as being contrary to national competition policy. The bill removes these provisions. This issue has been further addressed in the national competition policy review of the Local Government Act 1993. The Local Government Act allows a local government to charge fees for services provided, including some that may relate to their noxious weed control functions. So, in order to ensure that the objectives of the Noxious Weeds Act are not frustrated by the charging of excessive fees, it is proposed that some of these charges be regulated.

Another change to the Act relates to aquatic weeds. These weeds are amongst the most devastating and difficult to manage noxious weeds in the State. Aquatic weeds or floating weeds are moved by wind, tides and stream flow and cannot always be determined as any particular person's responsibility. The Act places the obligation for control of these weeds on the landholder who owns property adjoining the waterway. So, while allowing a local control authority to exempt landholders from these responsibilities in certain circumstances, the Act does not enable the weed control responsibilities to be transferred to another party. The bill provides that the weed control responsibilities in these specific cases are transferred to the local control authority.

The bill includes other important changes that are designed to improve the operation of the Act. I will now take the House through each of them. Some changes have been made to include "owner" as well as "occupier" to cover the changes brought about by the bill. Other changes to remove the powers of the Minister for Primary Industries relating to enforcement of weed control on private lands have also been made. These powers are no longer needed as they duplicate local control authorities' powers. Other minor changes that have been made relate to the people who may sign certificates of authority as well as to how a weed control order may be served. Changes to the procedures for serving weed control notices have been made in the interest of efficiency and procedural fairness and to align this Act to similar provisions in the Rural Lands Protection Act 1998.

The bill provides for local control authorities to retain the power to serve weed control notices and to enforce those notices. However, they will now be required to inform the owner or occupier of their intention to serve the notice. Intended recipients will then have the opportunity to respond and make submissions to the local control authority about the matter. It is proposed that the bill will commence on a day or days to be appointed by proclamation. This delay is necessary for a number of reasons. First, to ensure that, before the Seeds Act is

repealed, proper provision is made in the Noxious Weeds Act and the Plant Diseases Act to prohibit the sale and spread of species of weed seeds and, secondly, to ensure that the existing declared noxious weeds lists are re-evaluated so that the new weed control orders are a true reflection of current needs. In summary, I believe the bill introduces a number of significant reforms that will greatly improve noxious weed management in New South Wales. It provides a balance between the need to require noxious weed control to protect our productive and environmental resources and the needs of the community for a management system that allows consideration of contemporary techniques. I commend the bill to the House.

Debate adjourned on motion by Mr Steven Pringle.

STATE RECORDS AMENDMENT BILL

Second Reading

Debate resumed from 24 September.

Mrs JILLIAN SKINNER (North Shore) [10.27 a.m.]: I speak on this bill in my capacity as the shadow Minister for the Arts, and it gives me great pleasure to do so. This bill is based on the five-year review of the State Records Act 1998. The reviewers consulted archivists, government departments and other interested parties. It is primarily about providing public access to State records that are more than 30 years old. The State Records Authority has the option of issuing a closed to public access direction where appropriate. However, the primary amendment is that there will be a presumption in favour of public access to State records that are at least 30 years old. At the moment it is the other way around, that is, there is a presumption that records will be closed unless there is an order to open them. The Coalition feels strongly about these amendments because they relate to open and accountable government and will give people access to important records.

I have brought a book into the Chamber that I wrote in 1986 entitled *A Plain Brick Building*. It is a history of Neutral Bay Public School. I had the assistance of parents of the school in writing the book and it celebrates the school's centenary. The research for the book was done by accessing public records. It is important for the public to have the right to read the history of our State, whether they want to access records about a building, the establishment of a facility such as a school, or a public debate. Many of my colleagues will speak on this legislation because we feel strongly about the fact that many things in this State are now hidden. We must make this sort of information available to the public.

The bill explicitly provides that there is a presumption in favour of public access to State records that are at least 30 years old, regardless of whether the records are under the control of the State Records Authority or another public office. If records are more than 30 years old and not subject to a closed to public access direction, they are to be made public within 14 days once application is made, compared with the current 30 days. The bill requires public officers to require reasons for refusing access to documents. Currently public officers can refuse access without giving reasons. The bill introduces a ministerial review process for refusal of document access, although it does not specify what the Minister must take into account in that review. The Minister may wish to address that issue in reply.

The bill extends from six months to two years the limitation period on prosecutions for offences relating to the unauthorised disposal of records. It specifically allows the State Records Authority to provide services outside New South Wales. The authority already provides such services, but the current legislation is somewhat ambiguous as to the legality of that operation. In that regard the bill is a housekeeping measure; it tidies the Act and clearly defines the appropriate actions. The bill is consistent with the Coalition's policy to make records available to anyone. For those who have not accessed our State records, I recommend that they do so.

In writing the book I was astonished to learn the reason all the schools were suddenly having their centenaries. In 1880 the Public Education Act came into force and there was then a rush for communities to establish schools. I have read the fine, copperplate letters written by former members of my constituency, pleading with the government of the day to establish a school. The book is called *A Plain Brick Building*, because the response from the government of the day was, "You may build a plain brick building." That plain brick building is still there; it is the heart of the school. The community is very proud of it because it was drawn to their attention. Until the State records were viewed and that information was made public, people had no idea about what had gone before.

The records in relation to the administration of the school in the early days are fascinating, as are the records of the appeals made by parents, teachers and community members on issues to do with the education of their children. I will read a couple of those documents onto the record. For example, in the early days a letter was written about the school's constant battle for adequate teaching areas. Mr William Humphries, the father of young Nellie Humphries and a builder who was later contracted to construct additional classrooms for the school, was obviously highly indignant when the youngest of his children was sent home. He wrote to the Department of Education indicating the extent of his wrath. The record from the State Archives reads:

Sir, having called at Neutral Bay Public School to know why my child had been singled out and sent Home while six others of her age Remained also that since Christmas she had gone in the Infants School and behaved well for a child of 3½ years at which or earlier I have always sent my six children and had no complaint before they attended the new school being the nearest by Half a Mile ...

All I want and what I will do my best to get is Justice and No Favour.

That is a wonderful record of how people lived, what they expected, and how the education system worked. Here we have a parent sending his seven children to the school—indeed, I believe they made up the bulk of the school population in those days—and they started school at the age of 3½. When the principal was referred to the letter written by the angry father, he wrote to the department illustrating the fact that teaching in an awkward physical environment was not the principal's only bugbear. He wrote:

Sir, With reference to Mr Humphries' letter, I have the honour to state that I sent his child home on account of being too young to attend school, coupled with the facts that there was no Infant Department, and that the number of pupils enrolled so far exceeded that for which accommodation is provided. I must take exception to the two following of his statements:

1. That his child had been singled out and sent home, while six others of her age remained. I find that there is but one child about her age on the School Book ...
2. She had gone in the Infant School and behaving well for a child 3½—She has simply been a nuisance, calling out in her class, and continually dropping her slate. I have also to state that the child in question was brought by an elder sister to my school, when, I believe, it could not have been 3 years old, and though I constantly requested her to leave it at home, the parents persisted in sending it, notwithstanding the fact that it would only stay with the elder sister in the Third Class, and then gave great annoyance like crying and falling asleep.

These matters might seem frivolous, but they are important records of the early days of our education system. I only wish we had such detailed access to records now. I can assure members and those in the gallery that when we seek information from the Government about records it holds, we have a battle on our hands. Given these new provisions regarding public records held by both the State Records Authority and public agencies, perhaps we will now find that there will be less scope for refusal of access to records. I have thus far referred to access to records that are more than 100 years old, but I now seek access to records in relation to the school as it is today. As a member of the school council I am aware that recently the school fought for funding to upgrade its building. It is now a little more than a plain brick building, but the school is seeking financial assistance to extend the school to provide another school building.

I am also a member of the council of another school in my area, Beauty Point Public School. The school has only demountable classrooms, and over the years it has fought to have permanent buildings erected on the site. It is about to get its first so-called permanent brick building, which is a toilet block. I know from rumours and documents that have floated around that over the years the Department of Education and Training has moved to declare the site surplus and have the school closed. I know that the school community would be extremely interested in gaining access to those records. They know the records exist, and I believe that the community has a right to access that kind of information. I have spoken about schools, but the legislation could easily apply to the Government's decisions, both recently and in the distant past, in relation to building roads, the selling off of roads and the building of hospitals and other community facilities. The legislation will apply across the State. I am sure that members of the Government will support the legislation as strongly as the Coalition supports it, because they will want access to State records, and they will want their constituents to have access to them.

On the surface the bill appears to be merely a housekeeping measure, but when one examines it in detail one realises it is about allowing people to learn about what is going on in our State. At the moment there are complaints from many people, including unions and members of the public, about secrecy, Government pressure to keep people silent and a lack of access to public records. Members of the media regularly complain about the difficulty they have in accessing public records through freedom of information provisions, and the extraordinary lengths to which they have to go to argue that certain records should be made available to them. The number of appeals made to the Ombudsman in relation to decisions not to make records available and the

exorbitant costs incurred in relation to securing access to such documents are also matters of concern. This is important legislation, and the Coalition has great pleasure in supporting it.

Mr PAUL LYNCH (Liverpool) [11.39 a.m.]: I support the State Records Amendment Bill and, unlike the second half of the contribution from the honourable member for North Shore, my contribution will be relevant to the bill. The proposed legislation arises from a statutory review of the Act required five years after its commencement. The review confirmed the broad public policy of the Act and has recommended technical and comparatively minor amendments that aim to streamline and update the Act. One such provision includes extending from six months to two years the limitation period for various prosecutions under the Act. Another technical change is that the name "State Records New South Wales" will have the same legal effect as the corporate name of the State Records Authority.

The 1978 legislation provided for public access to State records that were more than 30 years old. Those records are open to the public where the relevant public office issues an open-to-public-access direction. Equally, the relevant public office can issue a closed to public access direction. These amendments introduce some changes to that regime. There will now be an explicit presumption in favour of opening a record to public access. For the benefit of the honourable member for North Shore, we are talking about records that are more than 30 years old. It might have helped if she had read the legislation. The explicit presumption in favour of opening a record to public access should inform any decision-making process when deciding what type of access direction to give.

A review mechanism has also been introduced in the legislation. The State Records Authority can request a review of an access direction by the Minister responsible for the public office that gave the direction. In addition, public offices will now be required to provide reasons, upon request, for closing State records that are more than 30 years old. Another provision requires that State records that are at least 30 years old and not the subject of an access direction are to be made available for public access unless a closed to public access direction is given to them within 14 days. Whilst these are, at one level, arcane and technical issues, they also have considerable significance. The intersection of this legislation in relation to documents more than 30 years old with other provisions regulating public access of official documents gives rise to some complexity and confusion.

At one stage the parliamentary committee that I chair, the Committee on the Office of the Ombudsman and Police Integrity Commission, considered conducting an inquiry into the intersection of these various regimes. That was overtaken by other inquiries, including one by the Public Accounts Committee. One other important aspect of the State records legislation involves the access of historians—including, but not restricted to, local historians—to public records. In my view, history and historians play an important role in our community. Historians cannot, however, carry out their craft without access to documents. These are often public documents that are caught by the State records legislation. The City of Liverpool and District Historical Society and I have had some dealings with this regime. Those dealings are a salutary reminder of why it is important to provide mechanisms to ensure that public records are available to be accessed by historians.

Until the 1950s one of the most notable and significant institutions in Liverpool was the Liverpool Asylum. There were ledgers prepared for inmates of the asylum, and these are invaluable historical documents, both for family and social history. The ledgers were essentially abandoned in the 1950s by the then health authorities when the Francis Greenway designed building that had been the Liverpool Asylum was taken over by education authorities. It is now the Liverpool TAFE. Thankfully, the Liverpool historical society retrieved and protected the ledgers. The society used them as a family history resource, made microfiches of them and spent considerable money on their preservation. Following the 1998 State Records Act, the Department of Health demanded the return of the ledgers and all copies made of them from the historical society, notwithstanding the fact that they had been in the society's possession for many, many years. That was purportedly on the basis of a closed to public access direction by the Department of Health for all patients' identifying records from 1890 onwards.

That was, of course, unmitigated drivel. The records had been available publicly since the 1950s and it seemed silly for that to be changed. The fact that the ledgers were not medical records at all was even more serious. The Liverpool Asylum was not a medical institution; it was, effectively, a poorhouse. It was expressed to be for the infirm and destitute. During its many years of operation it included ex-convicts as inmates, and it catered for the poor, the destitute and the working class, including, I have recently discovered, one of my relatives. The point is that a closed to public access direction was wrongly and improperly used by the Department of Health to prevent access to documents by historians. The story ended well after fairly rigorous representations by me to the then Minister for Health, who intervened and indicated that the direction should not apply to those documents.

The original ledgers were eventually handed over to David Roberts, who I notice is in the public gallery today, and the society kept copies, allowing the records to be made available for research. There were also some financial payments. This tale had a quite happy ending, but it should not have got to that, and I wonder how many other documents have been unnecessarily withheld from public access for use by historians. I should hasten to add that the problem was not Mr Roberts or the State Records Authority, it was the Department of Health. However, as I say, it is a salutary story about over-zealous bureaucrats who restricted access to documents that in some cases were more than 100 years old and who could not have suffered any adverse consequences as result of allowing them to be released. I am happy to support the proposed legislation.

Mr RUSSELL TURNER (Orange) [11.45 a.m.]: I speak briefly on the State Records Amendment Bill, which, as indicated by the honourable member for North Shore, the Coalition will support. The bill is based on a five-year review of the State Records Act 1998. I note that the Legislation Review Digest states that regulations and bills are subject to review every five years. The Legislation Review Committee's functions with respect to the bills are:

- (a) to consider any Bill introduced into Parliament, and
- (b) to report to both Houses of Parliament as to whether any such Bill, by express words or otherwise;
 - (i) trespasses unduly on personal rights and liberties, or
 - (ii) makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or
 - (iii) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions, or
 - (iv) inappropriately delegates legislative powers, or
 - (v) insufficiently subjects the exercise of legislative power to parliamentary scrutiny.

I note that the committee wrote to the Premier to seek, among other things, clarification of certain matters. In the letter, written by the vice-chair, the honourable member for Illawarra, Marianne Saliba, the committee asked the Premier:

The Committee seeks your clarification as to whether the duties and obligations which, under s 57(4) of the State Records Act 1998, a public office is not authorised to breach in the exercise of its absolute discretion to authorise early public access to a record including the observance of the information protection principles or the health privacy principles.

The Committee also seeks your advice as to whether there are any circumstances in which records given to a State collecting institution by a private individual or non-State body may become subject to the Act.

The Premier responded to the committee and stated, in part:

The issues raised by the Committee relate to early public access and coverage of records provided by private individuals.

The Premier addressed that issue later in his letter and stated:

In relation to your concerns regarding privacy, section 57(4) provides a safeguard whereby public offices may not authorise early public access to a State record in breach of any duty or obligation that the public office may have with respect to the record. Prior to the expiration of the 30 year period, public offices would be subject to the non-disclosure provisions in the *Privacy and Personal Information Protection Act 1998*, the *Health Records and Information Privacy Act 2002*, and other statutory confidentiality provisions.

In relation to the concern regarding private individuals' information, the Premier reported:

Records from a private individual or non-State body

The focus of the Act is on official records. Private records given to a State collecting institution are excluded from the operation of the Act, provided the record forms part of that institution's collection. An example would be a collection of letters written by a private individual which have been donated or purchased for the library of the State collecting institution.

General correspondence from a private individual or non-State body to a public office, whether a State collecting institution or not, would, of course, be incorporated into the public office's records and would become State records for the purposes of the Act. Such correspondence would be dealt with under the general regime for State records outlined above.

That is subject to the five-year review. Paragraph (d) of the overview states that one of the objectives of the bill is:

- (d) to explicitly state that there is a presumption in favour of public access to State records that are at least 30 years old and to require public offices to have regard to that presumption when considering whether State records are to be open or closed to public access.

Public offices still retain the discretion as to whether they release records early or whether they are closed to public access. In many cases access should be granted to certain records that are not 30 years old, and I instance the recent celebrations of the 125th anniversary of Clergate Public School. The school produced the usual informative booklet on its history. However, it was surprising that even with the available records in general conversation on the day it was apparent that few people had a detailed recollection of what had happened 10 or 20 years ago. The release of such information would not disclose anything that was secret but would enable such booklets to be far more informative. In certain cases information may be required to be released with respect to State schools or hospitals without contravening the legal requirements outlined in the bill. I agree that there should be some flexibility, but the discretion lies with public offices as to whether they release such information. Only time will tell whether that privilege is abused or should be made more flexible in certain cases. Paragraphs (i) and (j) of the overview state that two further objectives of the bill are:

- (i) to provide that the name "State Records NSW" will have the same legal effect as the corporate name of the State Records Authority.
- (j) to extend from 6 months to 2 years the limitation period application to prosecutions for unauthorised abandonment, disposal, transfer, removal from the State, damage, alteration or neglect of State records.

The reference to "neglect" is important because in the past many State records have been neglected. They have been stored in a cupboard, shed or basement, where they have deteriorated. These days records can be kept for historical purposes by means other than in writing. When they are in written form they may be subject to water damage or be damaged by vermin. People are now much more aware of the importance of safeguarding records so that future generations will be able to access the information more readily than has previously been the case.

I note that the bill specifically allows for the State Records Authority to provide services outside of New South Wales. That is the current situation, although there is some ambiguity about it. I hope the bill will remove that legal ambiguity by giving clearer directions to those who have the discretion as to whether to make information available to people outside New South Wales. The bill also introduces a ministerial review process for refusing access to documents. At present offices can refuse to grant access without the necessity to give a reason. That matter should be clarified to provide that an adequate reason is to be given for the denial of access to documents less than 30 years old. If records are more than 30 years old and are not subject to a closed to public access direction, the records will be made public within 14 days of an application being made, rather than the current 30 days. That shortens the process and Clergate Public School would have had more flexibility in compiling its booklet rather than having to wait 30 days for vital information.

The bill will make State records more accessible to the general public, despite the ambiguity with respect to the discretion of offices to release information that is less than 30 years old. However, the bill is a step in the right direction and highlights the advantages of reviewing all Acts and regulations every five years. Times change and legislation should be reviewed on a regular basis to ensure its validity. If it is not amendments may be necessary. This bill amends the legislation appropriately and the Opposition supports it.

Mr ANDREW CONSTANCE (Bega) [11.57 a.m.]: The Opposition does not oppose the State Records Amendment Bill because it believes in efficient, open, accountable and transparent government in today's digital age. The bill strengthens the State Records Act 1998, and I note that it does not impact on the budget in that it does not require additional staff for the Office of State Records. Based on historical information it is envisaged that only about a dozen reviews a year will be required with respect to adverse rulings. The Act provides for public access to be given to State records over 30 years of age. The State Records Authority has the option to issue a closed to public access direction where appropriate.

The significant amendment is the explicit statement that there will be a presumption in favour of public access to State records. That will be of benefit to archivists and historians. Indeed, many members of Parliament will be keen to access information about what went on in their electorates 30 years ago. The best example I can think of in relation to the Bega electorate is the Department of Main Roads—the old DMR—which purchased land for specific road projects relating to the Princes Highway. One project that springs to mind and is topical at this time is the Bega bypass. Land was purchased 30 years ago as a road corridor in order to divert heavy vehicle traffic in and around Bega.

From my perspective and that of the council, it will be interesting to look at any official records relating to the purchase of the land, primarily because it will enable us to argue further to the State Government the case that the Bega bypass needs to be built today, as identified 30 years ago. I am sure there are many other such projects around the State to which the process set out in the bill will provide more open and accountable

government. As I said, the bill explicitly states that there is a presumption in favour of public access. If records are more than 30 years old and are not subject to a closed public access direction they are to be made public within 14 days once an application is made.

The bill requires public officers to provide reasons for refusing access to documents. Obviously, some information remains sensitive in today's world. At present, public officers can refuse access to documents without giving reasons. The bill also introduces a ministerial review process for refusal of document access, although the legislation does not specify what the Minister must take into account in his or her review. The Minister should provide more detail about that. The bill extends from six months to two years the limitation period on prosecutions for offences relating to the unauthorised disposal of records, and it specifically allows the State Records Authority to provide services outside the State. As alluded to by the honourable member for Orange, this already occurs, but there is some ambiguity in the current legislation as to the legality of that operation. As I said, the bill is consistent with the Coalition's commitment to open and accountable government, and on that basis we will not oppose the legislation.

Mr JOHN PRICE (Maitland) [12.02 p.m.]: I support the bill. I shall specifically address my experience in terms of the value of the operation of the State records office, going back to about 1982, with the contraction of the State Dockyard, which eventually led to its final closure. I held an executive position at the dockyard. One day I was concerned to discover a pile of records being burnt, and the officer who was conducting the burning was told to back off. I rang the Globe Street office, who quickly sent some archivists to ascertain what material was required. The entire records section of the drawing office and the photographic group were under my jurisdiction.

Since 1942, when the State Dockyard was re-established, it had built more than 100 vessels. During the war it built tugs for the United States of America Army. It also undertook major war-time ship repair projects, and immediately after the Second World War was responsible for the maritime reconstruction of the Australian fleet. Honourable members may recall that many of our ships had been sunk by Japanese submarines. We had this incredible history of the State's involvement in Second World War activities. Added to that, as I had discovered during my time at the dockyard, there had been a previous dockyard, the Walsh Island Dockyard, which was on an independent island in the Hunter estuary. However, that island no longer exists because the islands have been joined by dredging and all sorts of other activities.

The original floating dock was still tied up at Kooragang Island and had been towed down to a site at Carrington, recommissioned and put into service, even in a dilapidated condition, and it remained in service until its replacement way back in the late 1970s or early 1980s, when the new floating dock, the Muloobinba, was commissioned by the then Deputy Premier, Jack Ferguson. Notwithstanding that, in the archive area I salvaged the papers that I felt were of significance. The archivists agreed with me and we did not burn anything any more. However, I found in a cupboard a complete photographic record on four-inch by two-inch preserved negatives every drawing that had been done by the Walsh Island Dockyard.

Walsh Island Dockyard built almost everything one could think of and was significant in the development of the State through the First World War. It built buses, the old red rattlers for the Sydney electric train service and demountable buildings. It was responsible also for weapons production, as was the State Dockyard. There were a number of gun barrel turning devices there when I was involved. These records existed, and if it had not been for the State records office the history of the largest enterprises owned by any State government in this State would have been lost. So it is extremely important that we maintain these records on a bipartisan basis. Referring back to the State Dockyard, there were also scale models of ships—I think we have all seen them. They are magnificent, and are very expensive to build. We had warships, commercial vessels and dredgers. What was to become of them?

To my knowledge, and I cannot verify this, the State archives office took responsibility for the models. Some of them were placed with the Newcastle Maritime Museum; some came down to the previous State Office Block. We found that some of them were jointly owned by the State and the purchasers of the ships. I am not quite sure what happened in those cases, and one day I will check it out. I mention these items because it is extremely important that our young history in this nation be preserved, and the Government is best placed to do that. It is significant that we have seen fit to release these records on a regular basis, albeit after a 30-year gap. It does not matter; the important thing is that they are there, they will be available, and the history can be written. Also, it can demonstrate that State governments can run significant shipbuilding, engineering and ship repair enterprises competitively.

As honourable members are aware, the State Dockyard eventually closed because it had gone past the cost-plus basis and we were hit with international competition once things settled down in the late 1970s or early 1980s. That is the way of the world commercially, and as the place was structured it would not receive State funding once it became unprofitable. So the establishment eventually closed. But closure does not mean finality. It means that those valuable records have been transferred to other places where they will be available for everyone. Other artefacts that are not suitable for archiving can be identified in the locations where they exist. I think Newcastle City Library is a repository for some State archives, and there are probably a number of other repositories around the State of which I am unaware. My personal experience shows that this legislation is vital. It might seem small but it is extremely important, and it demonstrates clearly to the community that States like New South Wales can stand up and walk, and how we did it.

Mr STEVE CANSDELL (Clarence) [12.09 p.m.]: I support the State Records Amendment Bill. The purpose of the bill is to introduce measures to streamline operations under the State Records Act and to update some of the Act's provisions. The proposed amendments are the result of a comprehensive review of the State Records Act conducted by the State Records Authority earlier this year. The bill is about open and accountable access to historical information. Much historical research has been hampered by stonewalling bureaucracy.

As an example I refer to Ellangowan Public School, in the north of my electorate. That small school has just celebrated its 100th anniversary. At its centenary party it set up an historically significant room, almost like a museum, with all the information from the first days of the school. It contained stories about the first schoolteacher, who was brought there in the last century. One day he rode his pushbike from Ellangowan to Casino—about 20 miles, or 30-odd kilometres. Where the road is today there were swamps in those days. The teacher did not return to school until the Wednesday of the following week. He had punctures, he was bogged, he had been bitten by a snake, and just about everything else. That information was all in the school archives. He had to make a report to the school and the education department about his absence, and that report has gone missing.

The records showed that money was raised from the community when the school was burnt down. Graziers donated extra land and the school was relocated to a better area. The local people banded together and raised some money, and £4,000 came from the State Government. The school was rebuilt. It almost closed again because it did not have enough pupils within two years, but the number gradually built up. That information took years to gather. That procedure could have been streamlined if the amendments contained in this bill had operated at that time. The records tell how people interacted with the education department, and vice versa, 30, 40 or 100 years ago. Information and understanding are lost unless everything is written down and available for educational research within the school itself, so that people can feel a sense of ownership in the school's history.

The bill seeks to strengthen the existing provisions by including an explicit presumption in favour of opening records to public access. Public offices are required to have regard to this presumption when deciding what type of access direction to give. To further streamline the process, the bill provides that any record more than 30 years old, but not yet the subject of an access direction, is to be made available within 14 days of an initial request for access unless the public office responsible for the records makes a closed to public access direction within this time. We are not talking about breaching national security; we are talking about streamlining access to general historical records.

When I first moved to Grafton 22 years ago, we bought an old house. When we started researching it we found that in 1886 it was the old Vineyard Hotel. It closed after four years and was purchased by the Sisters of Mercy for the first Sisters of Mercy ladies college while the main college was being built. Through the local historical society at Schaeffer House we managed to find letters that the nuns sent back to England referring to the cows and trees—the only things they could see on the property. That property is only 200 metres from the centre of Grafton, so one can get the feeling of the culture and the lives those people lived. That sort of information is personal, but pupils need to be able to easily access that same sort of information about the Ellangowan school. I commend the bill to the House.

Mr STEVEN PRINGLE (Hawkesbury) [12.14 p.m.]: As has been said, we on this side of the House do not oppose the bill; indeed, we welcome the principles embodied in it. Those principles explicitly state that there is a presumption in favour of access to State records that are at least 30 years old. This presumption needs to be extended to other aspects of the Government. We all know how difficult it has been to get information from the Government. Upper House members in particular have had to continually ask questions, probe and have public inquiries to get access to information quickly and easily. I particularly commend to the Government that it adopt the recommendations for transparent governance that came about as a result of the Commonwealth

Parliamentary Association September report as a result of a conference in Ghana in July this year. Other countries have adopted the principles—

Mr Paul Lynch: Point of order: We are debating the State Records Amendment Bill, which deals primarily with records that are 30 years old. Fascinating as a freedom of information conference in Ghana might have been, it is a bit of a struggle to say that that is relevant to this debate. I suggest the honourable member return to the leave of the bill.

Mr STEVEN PRINGLE: To the point of order: What is relevant is that this is about public access to information. Other countries have adopted these principles. Members of the Government have seen the recommendations for transparent governance. This is what it is about.

Mr Paul Lynch: Further to the point of order: I suggest that the honourable member reads the bill. It is patently obvious that he has not done so. An occasional acquaintance with the legislation might improve the quality of his contribution to debate. Certainly, what he has said so far has nothing to do with the bill. Another document he ought to acquaint himself with is the standing orders. When he has read the bill and the standing orders he will understand that what he is proposing is outside the leave of the bill.

Mr DEPUTY-SPEAKER: Order! I uphold the point of order. The honourable member for Hawkesbury will address the bill.

Mr STEVEN PRINGLE: The bill is about openness and transparency. Freedom of information is a fundamental right that all citizens have. It should not be costly to get information. It should not be difficult to get information. There ought to be clear-cut procedures, routine publications from statutory authorities. We know this happens on some occasions, but nowhere near enough. The processes to facilitate access to information are vital. No-one should need to state reasons for seeking access to information. It ought to be publicly and freely available.

The exceptions rule states that the Minister is able to get involved in the issues, and the bill requires public officers to provide reasons for refusing access to documents. Even so, that needs to be extended to many other areas. We also need to address, in particular, the culture of secrecy that this Government has had for many years. The right to access public information is absolutely crucial. We do not oppose the bill. We identify very clearly that the bill has positive influences, but it needs to be extended to all areas of this Government, which has a culture of secrecy and is failing the people of New South Wales.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [12.18 p.m.], in reply: I thank honourable members for their contributions to the debate, in particular those members who took the opportunity to place on the public record some of the history of their local areas. I commend them for their interest and passion, which they have shown in this debate. Public access to the records of government is a fundamental right in a democracy. The State Records Act promotes the principles of accountability and access by requiring public offices to create records of their business and administrative transactions, and by ensuring that records of significant value are preserved.

The current Act provides for public access to be given to State records more than 30 years old by way of the public office making an open to public access direction. The public office also has the option of issuing a closed to public access direction where appropriate. The proposed amendments will strengthen this process by explicitly stating that there is a presumption in favour of public access to State records that are at least 30 years old. The bill introduces a requirement that public offices provide reasons for giving closed to public access directions and will establish a mechanism for the review of access directions.

The honourable member for North Shore, in her contribution to the second reading debate, raised the issue of ministerial review and the factors that should be considered by the Minister. The bill does not set out the matters to which the Minister must have regard in reviewing a decision. That is designed to avoid being too prescriptive. The Minister may take into account any relevant matters, including, of course, the matters to which the public office had regard in making the direction in the first place.

The bill provides for State records that are at least 30 years old and not the subject of an access direction to be made available for public access unless a closed to public access direction is given to them within 14 days, rather than the current one month, after an application to access the record is made. In addition, the bill clarifies that public offices providing appropriate early access to State records under the Act are protected by the

liability provisions of the Act and introduces an additional safeguard requiring public offices to have regard to the Attorney General's guidelines in assessing whether to authorise early public access. The bill supports the key principles of the Act, streamlines the Act's operations and updates relevant provisions. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

HISTORIC HOUSES AMENDMENT BILL

Second Reading

Debate resumed from 27 October.

Mrs JILLIAN SKINNER (North Shore) [12.22 p.m.], by leave: I have sought leave to make a further contribution to the second reading debate because in my earlier contribution I foreshadowed amendments that I would move in Committee, in particular, to require consultation in the preparation of a conservation plan and to delete the amendment in the bill that would remove the requirement to table the Historic Houses Trust annual report in Parliament. However, I will not move those amendments, on the basis that representatives from the Premier's Department and the Historic Houses Trust, with whom I have held discussions, have given me assurances that broad consultation will be undertaken with bodies such as those I outlined in my proposed amendments and others. In fact, some of the bodies are represented on the trust. Further, the Historic Houses Trust annual report will continue to be tabled in Parliament. It is important that that provision remain part of the Act. I am happy to accept those assurances and not move my proposed amendments.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [12.24 p.m.], in reply: I thank honourable members for their contributions to the debate on this bill and for their support of the work of the Historic Houses Trust of New South Wales. I acknowledge the action of the honourable member for North Shore in withdrawing the proposed amendments. I will comment on some issues raised by the honourable member for Bligh in her contribution to the second reading debate. The honourable member for Bligh considered that the name of the Historic Houses Trust should be changed because the trust now manages a range of properties, not only house museums and other historic houses. While her view is understandable, the trust has considered the possibility of changing its name and does not want to do so.

The Historic Houses Trust has developed a profile and level of recognition in the community with its present name and a better name has not been suggested. It makes no sense at all to give away the value of its brand name merely because the role of the trust has changed somewhat. The honourable member for Bligh suggested that the word "trust" should be removed from the title, and the honourable member for North Shore suggested it could be named the "Historic Places Trust of New South Wales". Even in this place there are varying views on what is an appropriate name, which is a sufficient demonstration that any change to the present name would be confusing.

The honourable member for Bligh queried proposed section 6 (1), which would allow the Minister to nominate all members of the Historic Houses Trust. When the trust was first established properties such as Elizabeth Farm, Lyndhurst and the Rouse Hill estate, which were administered by the Heritage Council with input from the then Department of Public Works, were proposed for transfer to the trust. It was appropriate at that time for the Minister responsible for those agencies to nominate trustees. However, the properties I have referred to were all transferred to the trust in the 1980s and the arrangement for nominating trustees is, therefore, no longer relevant. Most importantly, the trust includes a diversity of expertise and experience in fields such as heritage, architecture, history, law, management, conservation, curatorship and education. The purpose of proposed section 6 (1) is to make sure that that diversity can be achieved.

The honourable member for Bligh considered that the requirement under proposed section 6 (1) for at least one trustee to have knowledge and experience in history, and at least one trustee to have knowledge and experience in architecture, would lead to an underrepresentation of these disciplines on the trust. At present the Act does not specify a requirement for any such knowledge and experience in history and architecture. The bill does not prevent more than one person with knowledge and experience in each of those areas being appointed. The provision is consistent with the appointment of trustees to other statutory boards in the Arts portfolio. None of those statutory bodies, so far as I am aware, suffers from the absence of any appropriate knowledge and experience of a scholarly nature.

As to the principal objects of the trust as outlined in proposed section 7, there is no duplication between the activities of the Historic Houses Trust and the National Trust in the management of their respective properties. As I have said, the two organisations have distinct roles and, in particular, a responsibility for managing different properties. The bill does not change that situation. The amendment to section 7 of the Act is to ensure that the Act reflects more accurately the role of the trust in managing and maintaining not only house museums and houses of historical importance but various other buildings and structures and sites for which it has responsibility.

The proposed repeal of the requirement to notify in the *Government Gazette* the trust's intention to manage a property as a house museum is a technical amendment to remove a redundant provision dealing with properties acquired by the trust. The present notification provision was only ever intended as a mechanism to distinguish between house museums, which are subject to the Act's various limitations on their control, and management of those properties acquired by the trust for office accommodation and ancillary purposes. The new definition of "historic building or place" makes this distinction so that the mechanism of gazettal is not required. The Minister's power to authorise acquisition of properties is not affected. The current gazettal requirement was never intended as a means by which the trust promoted transparency and publicised its properties. The trust will continue its highly successful efforts to encourage public access to its properties and to increase public participation in its programs.

Finally, the member for Bligh has queried the proposal to allow the Minister, rather than the Governor, to approve the disposal of objects from its collection received by gift or bequest that are not consistent with the trust's collection policies. The aim of that proposal is to recognise that in certain specific circumstances the disposal of collection items can be streamlined, without the loss of accountability. Under the current provisions, the Governor's approval has been required to dispose of items such as pillowcases, miscellaneous crockery and furniture such as tables and chairs. These items were not associated with the trust's properties. Most of these items were valued at under \$500 and were disposed of through auction or consignment. The Government considers that ministerial approval provides a more appropriate level of review in such cases and that it should no longer trouble Her Excellency with them.

In summary, since the Historic Houses Trust was established in 1980, it has grown to an organisation managing 15 properties of historic significance. Its experience in the management of house museums has led to it assuming responsibility for a range of museums and other places. The main purpose of the bill is to make it clear that the trust has responsibility for managing various buildings and sites, such as the Hyde Park Barracks, the Justice and Police Museum, the Mint and the Museum of Sydney, in addition to managing historic house museums. The bill ensures that the legislative framework for the Historic Houses Trust will continue to support the trust in its work to conserve, interpret and manage its portfolio of properties and its collections on behalf of the people of New South Wales. The trustees, director and staff of the Historic Houses Trust are to be commended for their record of achievement in managing the trust's diverse range of properties and encouraging public interest in and enjoyment of our cultural heritage through careful conservation and scholarship and innovative exhibitions and public programs.

The trust has received a wide range of awards recognising its leadership in the management of historic properties. On 27 October the Premier and Minister for the Arts officially opened the trust's new head office and the Caroline Simpson Library and Research Collection at the Mint here in Macquarie Street. The trust has successfully managed this complex three-year conservation and building project to consolidate its head office units in a single location with easy public access, an auditorium and open public spaces. With this building project now completed and the proposed amendments to its legislation now before the House, the trust is well placed to continue its valuable work in managing the historic buildings and places in its care. I am pleased to commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Membership

Mr DEPUTY-SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

That Reverend Mr Nile be re-appointed to the Committee on the Independent Commission Against Corruption.

FORESTRY (DARLING MILLS STATE FOREST REVOCATION) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [12.35 p.m.], on behalf of Mr Kerry Hickey: I move:

That this bill be now read a second time.

The Forestry (Darling Mills State Forest Revocation) Amendment Bill is a welcome piece of legislation. It implements an agreement that was reached late last year to provide for the involvement of a local Aboriginal group, the Darug people, in an area of land near Baulkham Hills. It is good news for the whole community because it recognises and acknowledges the importance of the land for the descendants of the Darug people and part of the land being assigned is proposed as the site of an education centre. The Darling Mills State Forest is about 36 hectares in size. It is part of the Cumberland National Forest, and it is located near Baulkham Hills. Honourable members have probably seen part of the forest as they drive along the M2 motorway.

In 1994, a native title claim on behalf of the Darug people was made over various areas of Crown land that included Darling Mills State Forest. Following extensive negotiations, in early December last year an agreement was reached between the stakeholders. These were the Minister Assisting the Minister for Natural Resources (Lands), the Minister for Natural Resources, a representative of the descendants of the Darug people and other stakeholders. The agreement provided for a number of things. First, it provided for the naming of most of the bushland known as Excelsior Park and the land within Darling Mills State Forest known as "Bidjigal Reserve" in acknowledgement of the importance of the land for the descendants of the Darug people.

Secondly, the agreement provided for the dedication of the major part of Excelsior Park as Bidjigal Reserve for several purposes. Specifically, these were the preservation of Aboriginal cultural heritage, the preservation of flora and fauna, and public recreation. Thirdly, the agreement noted the need for an Act of Parliament for the revocation of the dedication of Darling Mills State Forest and the addition of the lands comprising the former State Forest to the Bidjigal Reserve. Since that time, the Government has satisfied many of the commitments in the agreement. There has been a dedication of the major part of Excelsior Park, and this dedication has been tabled in Parliament pursuant to section 82 of the Crown Lands Act 1989. The dedication has created the Bidjigal Reserve.

However, it is not a simple matter to dedicate the land of Darling Mills State Forest as part of that reserve. Section 19A of the Forestry Act 1916 requires that the revocation of the dedication as a State forest of any national forest be effected by an Act of Parliament. That leads me to the bill before the House. In accordance with the agreement of December 2003, this Government has prepared a bill that revokes the dedication of Darling Mills State Forest as a State forest and then dedicates that land as part of the Bidjigal Reserve. I commend the bill to the House.

Debate adjourned on motion by Mr Michael Richardson.

BUSINESS OF THE HOUSE**Private Members' Statements**

Leave granted for private members' statements to be noted for up to 60 minutes.

PRIVATE MEMBERS' STATEMENTS

SAWTELL CRIME

Mr ANDREW FRASER (Coffs Harbour) [12.37 p.m.]: I speak today on behalf citizens in Sawtell. The headline of an email sent to me by Mark Hodgson and Amanda Lee from the Sunpatch Surf Shop at Sawtell says it all: "Crime in Sawtell—Urgent—Please Help Us". The business has been broken into eight times over the past two years. The email states:

As you may have heard, there has been a massive increase in the number of break and enters in Sawtell's First Avenue over the past two months. Of these break-ins we have been on the receiving end of five in the past two months.

We were broken into on the 6th September with approximately \$5000.00 worth of stock taken (that is wholesale - retail value is approximately \$9500.00) We were broken into in our Sale Shop on 2nd of October with about \$3000.00 worth of stock taken. We were broken into in our main store on the 12th of October with \$3000 worth of stock taken and then again last night two panes of our front window were broken with the thieves being unable to obtain entry due to the security mesh that we have had fitted to the inside of our window, however we had to have the window glass replaced at a cost of \$1000.00 to us.

We are no longer able to claim anything on our insurance as we were refused renewal on our policy—and after approaching every insurance company in Australia we were only able to secure one policy, however should we start making claims on this one, we will be untouchable.

We have back to base monitored alarms—however the security guard is usually in Coffs and takes 10 to 15 minutes to get here. Even the police (as noted in today's Advocate) take 10 to 15 minutes to get here...and they think that is good enough! Well its not!

So far we have expended \$1,200.00 on security mesh, \$800.00 on steel mesh along the back of our shop, \$1000.00 on the front window glass replacement and an extra \$2000.00 on our insurance premiums and we are about to spend \$4000.00 on a CCTV surveillance system. All in all this is \$9,000 which may not seem like a lot, but (unlike popular belief) we do not make a lot of money and this consists of about a quarter of our annual income.

We have approached the Sawtell and Coffs Harbour police asking for assistance, only to be told that their resources are stretched to the limit and they are unable to help us.

We know who the culprits of these crimes are and so do the police, however being minors, we are powerless to apprehend them. The police have found items of our stock in one of this person's hands, yet are unable to charge him with the break and enters—only with receiving and possessing stolen goods—when the boy is only 17 years old, this amounts to a petty crime and is not enough to ensure his detention. He is currently on curfew, however the police check on him at 11 p.m. before they go home from the station, and after that he is free to roam the streets of Sawtell damaging whatever he likes, whenever he likes.

These people are at their wits end. Last week a cleaner employed at Sawtell Bowling Club was attacked with an iron bar by an intruder into the club, and he has now lost the sight in one eye. This is a crime wave of massive proportions. I have spoken to Coffs Harbour police, who have said, as reported in the *Coffs Coast Advocate*:

Coffs/Clarence local area commander, Superintendent Ian Lovell, said earlier this week there were not enough resources to turn the Sawtell station into a 24-hour facility.

He said the station already had a 24-hour coverage from Coffs Harbour and that police patrolled the Sawtell area.

However, if police were not in the immediate vicinity when needed, a Coffs Harbour car was only "10 to 15 minutes away".

That is not good enough for the citizens of Sawtell. There is a dual problem here. First, there are not enough resources to enable the local area commander to implement random police patrols, which may catch the thieves red-handed. Second, under the present laws these juveniles get away with possessing goods and no action is taken. They are still roaming the streets and creating problems.

This week I read with interest in the *Daily Telegraph* that almost \$1 million a year is being ripped from motorists in the Coffs Harbour electorate and surrounding areas, with the speed camera at Urunga taking \$896,000 per annum and the speed camera at Korora taking \$40,000. In other words, the Government is making \$1 million a year out of those speed cameras. I appeal to the Government to hand that money back to the local area commander so he is able to implement police patrols that meet the needs of the community. Alternatively, the funding could be used to provide a 24-hour police station for the people of Sawtell, or to allow the police station to remain open after 11 p.m. Another alternative is to have flying squads, or at least patrols, operating on a random basis to deter these young hooligans.

I commend to the House and members opposite the legislation put forward by the Leader of The Nationals with regard to disciplining young offenders and having parents accept some responsibility for their children's behaviour. That someone should have lost an eye after being attacked with an iron bar is an absolute disgrace. Some businesses have lost 25 per cent of their year's profit because of the actions of these hooligans. I call on the Government to immediately do something about this problem.

NORTH LAKE MACQUARIE ENVIRONMENTAL HEALTH CENTRE

Mr JEFF HUNTER (Lake Macquarie) [12.42 p.m.]: Last Thursday, 4 November, I had the great pleasure to announce to a gathering of local community members a two-year \$200,000 grant for the North Lake Macquarie Environmental Health Centre, which is located in Boolaroo. The announcement was made at the environmental health centre. Some of those in attendance included David Rothery, the chair of the management

committee, together with community members, and Lucy Bates, the co-ordinator of the centre, and her staff. Also in attendance were Steve Edwards, a representative of Boolaroo Public School, Judy Harrison from Speers Public School, Martin Frolisch from Argenton Public School, Craig Dalton from Hunter Health, Graham Clarke from the Department of Environment and Conservation, and Erica Southgate from Lake Macquarie City Council.

The gathering was very pleased to hear that the Government was providing \$200,000 for the continuation of the environmental health centre. The grant will help support the centre's work while long-term plans are developed to remediate lead contamination left by the former Pasmenco smelter. The grant, from the New South Wales Government's Environmental Trust, is additional to the funding already being provided to the centre by Pasmenco. Unfortunately, contamination coming from the smelter, which dates back to the nineteenth century, has impacted upon people in the suburbs adjoining the Cockle Creek site. Honourable members would recall that on many occasions over the years I have raised in this House issues concerning lead contamination in the north Lake Macquarie area.

A number of programs have been undertaken since the problem was identified in the 1990s, and the emission of lead fumes and dust has dropped dramatically since the smelter closed in 2003. Development has now begun on the environmental remediation plans for the site and the surrounding area. Pasmenco, which is in receivership, will be expected to bear the costs of the major clean-up operation, and it is also contributing funding for the continued operation of the centre. However, as Pasmenco addresses the legacies of its fallout, the Government recognises that there remains a specific need to reinforce the good work of the centre in the community over the next two years. The grant of \$200,000 means that the North Lake Macquarie Environmental Health Centre will be able to continue its important community advisory work during this period.

The work of the centre includes monitoring the blood lead levels of local people, particularly children, conducting health education and promotional programs, offering case management for residents, and consulting the community on issues relating to lead contamination. Its activities also include providing advice and assistance in removing ceiling dust from local houses and minimising exposure to lead contamination around homes. The centre is overseen by a committee that represents the broad interests of the community. It is a key, independent centre providing a valuable service in directly assisting local people. The grant will help enable the centre to continue its important work during a critical transition period before wide-ranging remediation plans are put in place. The grant is part of a \$22 million package from the environmental trust for a wide range of projects around New South Wales.

I take this opportunity to congratulate the Government on its continuing support for the environmental health centre and the people of north Lake Macquarie who have been directly affected by the fallout from the Pasmenco smelter. I also congratulate the management committee on the great work it has done in the local community. I have had the opportunity to work with the committee closely over many years, and it is certainly a dedicated group of local community members. With the assistance of various government departments, including the Department of Infrastructure, Planning and Natural Resources, the Department of Health, the Department of Environment and Conservation, and Lake Macquarie Council, the management committee has done a great deal of work on behalf of the local community.

I also congratulate Lucy Bates, the co-ordinator of the North Lake Macquarie Environmental Health Centre, and her staff for the good work they do. They are very well respected in the community. I also congratulate our local public schools—at Speers Point, Boolaroo and Argenton—on their work in promoting good health in our local community and on the great work they do with the students. Congratulations to all involved.

LANE COVE TUNNEL

Ms GLADYS BEREJIKLIAN (Willoughby) [12.47 p.m.]: I wish to place on record recent media reports regarding the contractor who is responsible for the construction of the Lane Cove Tunnel project. Media reports read as follows:

Anyone working on the construction of the Lane Cove Tunnel who did not work well with affected residents and community groups will not last long, the contractors say.

Media attending a progress report lunch last week at tunnel builders Thiess John Holland's North Ryde base were told everyone on the project had a four-day induction where they were informed how the company expected them to behave towards the community ...

The four-day induction—where workers are schooled on safety, environmental protection and community consultation and negotiation—is believed to be unusual in the building industry.

I wish to place on record my absolute concern given these comments. What the contractors are saying in the public domain and what residents are experiencing are two totally different things. I cite the example of the residents of Walter Street, Naremburn, who have contacted me in droves over the last week to highlight their grave concerns about proposals regarding the construction of the Lane Cove Tunnel project that will seriously impact their street. I take this opportunity to thank Sharon Dirkin in Walter Street who has played an instrumental role in notifying her neighbours of what is going on, and they have since all written to me or contacted my office and urged me to raise their issues in this place.

About a month ago I held a meeting in Naremburn with all relevant committee organisations, including shopkeepers, progress association members, bicycle representatives, and others, to discuss issues impacting Naremburn through the Lane Cove tunnel project. At that meeting Walter Street residents raised two issues with Thiess John Holland, and Thiess John Holland, on that occasion, pledged publicly that it was open to considering what the residents wanted. The first issue concerned the sound barriers that will be erected in the vicinity of Walter Street due to the widening of the Gore Hill freeway. Thiess John Holland had advised the residents previously that it was not fussed whether these sound walls were either transparent or opaque. Residents have since indicated—as they were given the choice—that they would like opaque sound barriers. Thiess John Holland has now turned around and told the residents that that is not possible. One minute Thiess John Holland assured residents publicly that they would have choice, that they would be consulted, then the next minute—after residents indicated their preference—they were told that they could not have their preference.

The second issue raised by the residents is that they feel they were not given adequate time to be consulted about the large number of trucks that will be going down their street. I take this opportunity to place on the record some concerns expressed to me by residents. One resident said:

I am writing to you about our street been turned into a thoroughfare for Gore hill freeway widening, i have 2 young children, 2.5 and 3.5 and both love big trucks and always run towards them the concern i have is our street is very narrow and if two cars are parked on either side there is no way you will get a truck through and one day i am afraid that one of my kids or one of the 30 other kids in the street who play in the street as it is a closed off street will be hurt by one of these trucks.

Another thing i am against is the clear sound walls we look directly onto the freeway and my concern their is we will end up with unwanted light at night which will keep us up, why can't they just use the same material they have got now, as the lady from John Holland told me their is no difference in price between the 2.

Another resident says:

I am totally opposed to any form of transparent noise walls on the freeway. Because I am on the high side of Walter Street, I already see headlights from my front veranda over the top of the existing Noise wall, should the barriers become transparent not only would I have the visual impact of cars wizzing past, I would have direct light invading my space and coming into the main bedroom, this is unacceptable to me. I also have serious concerns about Walter Street being used as a major haulage route for this project. This is a small narrow local back street where children play on the road, and cars park both sides, barely leaving enough room for a regular car to fit between, the thought of large numbers of heavy vehicles using this as an access point to the project is ludicrous, and would be incredibly dangerous given the conditions in the street.

Given the public comment that Thiess John Holland has offered in relation to committing to a consultation process, and given the public commitment that representatives of Thiess John Holland have already given residents regarding their choice of opaque sound barriers, I urge Thiess John Holland to do what it said it would do in public consultation and address, firstly, the sound walls issue and, secondly, the safety concerns that residents have indicated they have about the number of trucks going down Walter Street.

PORT STEPHENS RAAF WILLIAMTOWN SUPPORT GROUP CITIZEN OF THE YEAR AWARD

Mr JOHN BARTLETT (Port Stephens) [12.52 p.m.]: The Port Stephens RAAF Williamtown Support Group was formed in 1997 primarily to support the personnel at the RAAF Base Williamtown and also to recognise the achievements of the personnel and partners of the RAAF who contribute greatly to any Port Stephens community group. This was achieved by conducting a Port Stephens RAAF Williamtown Support Group Citizen of the Year Award and dinner evening. Nominations have traditionally come from the commanding officers at the RAAF base, but this year there are going to be some changes to the way nominations are made.

There is a very hard-working local committee made up of John and Carolyn Donahoo, Harry Skelton from Nelson Bay RSL Club, John Longrigg, Phil Darvall, and Lue Fagan, and I am the present chairman. We have a number of sponsors and in the past those sponsors have contributed to one winner having a trip to Gallipoli on Anzac Day and another winner going to the Anzac Day ceremonies in Washington last year. Our sponsors include the Nelson Bay RSL Club, Kloster Ford, Port Stephens Council, Newcastle airport and BAE. The business community obviously recognises the importance of RAAF Base Williamtown to the Hunter.

With the expansion of early airborne warning aircraft that are coming into Port Stephens, we are heading towards nearly 3,000 directly serving personnel at RAAF Base Williamtown. That means something like 1,200 homes in the Hunter are needed to be rented by the RAAF to accommodate its personnel. In excess of \$100 million a year comes out of the base from wages and gets spent in the Port Stephens and lower Hunter area. It is a vitally important cog in the wheel of economic expansion that the Hunter has been experiencing in the past five to 10 years. The airstrip is actually used by Newcastle airport to run the civvy side of its operations. It is now the fastest-growing regional civilian airport in Australia. Passenger numbers are projected to increase from something like 200,000 passengers last year to 500,000 passengers in the next 12 months. As the direct jet services to Canberra, Brisbane and Melbourne increase there is an enormous amount of visitation to the region. For example, visitors to Port Stephens last weekend paid \$39 for a one-way flight from Melbourne to Newcastle airport, thus adding to the tourism base that is the strength of the Port Stephens economy.

This year we are asking community groups to inform the committee if there is someone in their community from the RAAF base who they consider should be a recipient of this award. We are asking the community to write to the committee detailing the achievements of the nominee, their level of commitment and the amount of time spent giving their services, along with any other relevant information concerning that RAAF person or that person's spouse. As well as the award going to the successful nominee, we also are now offering the nominating group an award of \$500 for the nomination.

We are trying to take the nomination role away from the commanding officers, who know less and less what their troops are doing with their community time, and handing the award nomination process over to community groups in the Port Stephens electorate. We have written to something like 83 of the 355B committees at Port Stephens Council, we have written to the State Emergency Service [SES], to the Rural Fire Service and to many of the other community organisations, who we are sure have these RAAF personnel working with them at a community level, inviting them to nominate. If the person nominated wins the award, which is going to be presented at Fly Point on Australia Day, the nominating committee will also win a \$500 award.

LEETON ABORIGINAL LAND COUNCIL

Mr ADRIAN PICCOLI (Murrumbidgee) [12.57 p.m.]: This afternoon I am going to discuss an important issue in my electorate that I am afraid the Minister for Aboriginal Affairs has failed to deal with adequately, despite much correspondence since 14 November 2002. I had been approached by a member of the local Aboriginal land council in November 2002 and that member gave me a couple of documents, one of which was obviously extremely confidential because it contained a number of allegations of impropriety, fraud, et cetera, which I forwarded to the Minister in a letter dated 14 November 2002.

Since that time enormous difficulty has been experienced in obtaining an appropriate response from the Minister and the department. I accept that many of these matters are delicate in that allegations are often without substance, but every allegation should be properly investigated. That did not happen in this case. In recent times the Minister has made a number of announcements about Aboriginal land councils and changes that have been implemented, but the problems with Leeton Aboriginal Land Council have been ongoing for a couple of years. I last wrote to the Minister on 1 October this year outlining the concerns of the Leeton Aboriginal Land Council. Prior to that date I wrote to the Minister on 6 March 2003. As yet I have not received a reply to that letter, despite my office telephoning the Minister on 9 September, 7 October and 23 October.

On 25 September 2002 I received a letter from the Office of the Registrar stating that the registrar would investigate the allegations and take appropriate action, but to date no action has been taken. That has left the Leeton Aboriginal Land Council in an unfortunate position in that funding has been provided for services to the local Aboriginal community but members of the council are concerned that those funds are not being appropriately spent. They suggest that the Minister or the registrar investigate those matters. To date no action has been forthcoming. I am disappointed that this important matter appears to have been ignored. I draw this matter to the attention of the House in the hope that the Minister will be inspired to act appropriately. I will do

everything in my power to work with the Minister's office to ensure that the allegations are investigated appropriately and that the Leeton Aboriginal Land Council is managed properly for the benefit of the entire Aboriginal community in the area.

MENTAL HEALTH WEB SITE

Mr ALAN ASHTON (East Hills) [1.02 p.m.]: Today I have the privilege of speaking about something before it happens. One of my constituents is involved in an organisation called Aftercare. This afternoon in the Speaker's Garden a new web site, *ParliamentalHealth.com.au*, a world leading online mental health service, will be launched. I invite all honourable members to drop in to the function to learn about what the service will mean for their electorates. The new web site, which is the initiative of Aftercare and the Mental Health Co-ordinating Council, will provide all parliamentarians with the world's most up-to-date information on mental health issues. It will also provide the latest news and information on individual electorates.

In consultations I have had with these organisations in bringing this web site to fruition, I pointed out that a general mental health web site would not be as useful to State and Federal members as a web site that outlined the services available in every electorate. That portal will be set up next March and members will be able to access this web site at any time to ascertain what services are available in their individual electorates. For example, the web site will contain information about my electorate of East Hills, and this information will also be useful to the honourable member for Bankstown, the honourable member for Fairfield and the honourable member for Auburn. There will be information about Banks House, which plays a role in the provision of mental health services, and non-government organisations such as the Schizophrenia Foundation.

Last night, along with many other members of Parliament, I attended the launch of Parliamentarians for Mental Health by the honourable member for Manly, the honourable member for Hornsby and others. Members on both sides of this House acknowledge that, unfortunately, mental illness is the fastest growing health problem in the western world, certainly in Australia and New South Wales. Although the Government has allocated significant funds over the past six or seven years, more needs to be done. The initiative I have referred to is a start. Members of Parliament deal with constituents about a range of problems such as housing, infringement notices and so on. We may not always be experts on mental health, although I have taken steps to improve my awareness.

This web site will make it easier for members of Parliament to access mental health information and resources, to review the latest news and announcements and to find out about emerging mental health trends in individual electorates. It will enable members to make more informed decisions on mental health policies based on accurate, real-time information, and to view the latest community and corporate events. Although I acknowledge that I am not a computer expert, nor do I aspire to be, my secretaries will be able to download this information and provide it to me in written form. Other members have to skills to do that. In fact, the brochure states that it is child's play. Honourable members who have some spare time this afternoon should attend the function and receive a hand-out about the web site. I thank the Mental Health Co-ordinating Council and Aftercare for organising this function. In particular, I thank Brendan Kavanagh from my electorate; Joy Said, the Executive Director of Aftercare; and Heidi Freeman, Development Project Officer for the Mental Health Co-ordinating Council. I ask members of Parliament to have a cup of tea and a biscuit on me and learn something about the new portal that is to be released.

SYDNEY PEACE PRIZE

Mr PAUL LYNCH (Liverpool) [1.07 p.m.]: I speak today about the Sydney Peace Foundation and the Sydney Peace Prize. This is a matter of interest to a number of my constituents and, indeed, a number have discussed with me the excellent work done by the foundation. In addition, someone who has been a constituent of mine for many years is a member of the executive committee of the foundation. The foundation is aimed at developing links and partnerships between academic, corporate, public service, community and media groups. It has a number of roles and functions. It awards scholarships for studies in peace, human rights and conflict resolution. It promotes peace with justice through a seminar series and conducts the schools peace initiative. It is also a major sponsor of the Centre for Peace and Conflict Studies.

Its best known role, of course, is to select and award the Sydney Peace Prize. The chair of the foundation is Alan Cameron, Commonwealth Ombudsman in 1991-1992, Chairman of the Australian Securities and Investments Commission from 1993 to 2000 and the holder of many prestigious and significant positions, including one with the New South Wales Judicial Commission. Other members of the executive committee

include Tim Fitzpatrick, David Hirsch, Mark Kelly, James McLachlan, Clare Petre, Abraham Quadan—who is, incidentally, a friend and until recently a constituent of mine—Marie Whybourne and Susan Wyndham. The members of the advisory committee are Andrew Clarke, Bryce Courteney, Danny Gilbert, Kathryn Greiner, Dr Ken MacNab, Hugh MacKay and Pat O'Shane. The foundation director is Emeritus Professor Stuart Rees. The executive officer is Marilyn Harris. The Sydney Peace Foundation does excellent work and in my view deserves congratulations and praise for its efforts. Its central focus is peace with justice. It sums up its views with a quote from the Mahatma, Mohandas Karamchand Gandhi, who said:

Peace must be just ... it must be neither punitive nor vindictive (and) the fruits of peace must shared equally.

The alliances the foundation has developed include having as "partners in peace" Gilbert and Tobin, PBL and the City of Sydney. Other corporate links are with Qantas, the *Bulletin*, the Observatory Hotel, ING Crouch Advertising, the India Quay Indian Restaurant, Dr Jane and Mark Fulton and Great Gigs Pty Ltd. As I said, the foundation is probably best known for the Sydney Peace Prize. The prize was first presented in 1998 to Muhammed Yunus, founder of the Grameen Bank of Bangladesh. In 1999 the prize was presented to Archbishop Desmond Tutu, in 2000 to Xanana Gusmao, in 2001 to Sir William Deane, former Governor-General, and in 2002 to Mary Robinson, former President of Ireland and United Nations High Commissioner for Human Rights. Last year it was awarded to a particularly outstanding candidate, Dr Hanan Ashrawi, at a ceremony at which I was fortunate enough to be present. This year the prize was awarded to another outstanding recipient, Arundhati Roy, at a function at which I was also delighted to be present.

Arundhati is perhaps best known for writing a novel that won the Booker Prize, *The God of Small Things*. She is also the author of a number of other works of political essays that argue against the barbarities of globalisation and privatisation, the cruelties of the Narmada Valley Dam project in India and the insanities of nuclear aggression. She is a scathing critic of America's surge for global dominance and the evil of its war in Iraq. Her books dealing with those topics include *The Algebra of Infinite Justice* and *The Chequebook and the Cruise-Missile*, both of which I have enjoyed reading. Her intellectual rigour and scholarship are on a par with two of my other favourite authors, Noam Chomsky and Tariq Ali. However, she has a facility with language that is simply breathtaking.

The Sydney Peace Prize was presented to Arundhati in a function at McLaurin Hall at the University of Sydney on 4 November 2004. Members of Parliament who were present, apart from myself, included the honourable member for Canterbury, Ian Cohen, the Deputy Premier, Meredith Burgmann and Frank Sartor, the Minister Assisting the Premier on the Arts. The prize was presented to Arundhati by the Governor, Marie Bashir. The night and the 2004 prize were undoubtedly a success. As the master of ceremonies, Jennifer Byrne gleefully pointed out, this was the second consecutive year in which the foundation director, Stuart Rees, had been attacked by both Piers Akerman and Gerard Henderson. Even if no other criteria were used, that of itself was enough to guarantee that the function was a success.

Arundhati, having received the prize, then distributed the money component of the prize between three Aboriginal groups, one from Redfern, one from the Australian Capital Territory and one from Ceduna, South Australia. I had the great delight of meeting representatives from each of those groups and sitting with them during the function. The tabloid and knee-jerk media whipped itself into its usual lather of absurd indignation about the awarding of the prize to Arundhati. Whilst their performance was not as appalling as last year's outpourings against Hanan Ashrawi, they were still fairly despicable. Some of those odious creatures attacked Arundhati for supporting terrorism and/or violence. If nothing else, that demonstrated utterly no acquaintance with either her work or her writings. I direct those tabloid media ranters to what she has written in articles such as "War is Peace". They might also look at the work Arundhati has done in relation to the Narmada Valley campaign, which has been absolutely and essentially non-violent. Indeed, in one of her writings she spoke of that in these terms:

The ferocious, magical, magnificent, tenacious and above all non-violent resistance that has grown on the banks of the beautiful river.

The foundation and Stuart Rees ought be congratulated on their ongoing work and especially the 2004 Sydney Peace Prize. They should not be dissuaded by the intellectual pygmies in the tabloid media who attack them without a due basis.

WORKERS COMPENSATION PREMIUMS

Mr CHRIS HARTCHER (Gosford) [1.12 p.m.]: I express the ongoing concern of my constituents and of all Central Coast members about the administration of workers compensation and the high and ever-escalating premiums that employers must face in handling workers compensation. I cite the specific instance of one constituent, who wrote:

On 15/02/04 I received an inspection notification from Allianz; a date was set for 31st March at 11am for the audit. Mr Fry (the auditor) spent approx 20 mins in our home where all wages books, group certificates ... certificates, profit and loss sheets were presented along with 7 archive boxes of work related receipts, we had been audited on 2 other occasions in previous years with no problems and did not expect there to be any on this occasion. Mr Fry concluded that he did not have the information he required to fully conduct the audit and would send me a fax with a further list of requirements. I found Mr Fry intimidating and a little disturbing. A fax arrived later that day with another list of requirements. I discussed this with our Accountant ... who told me to buy an A4 workbook and to enter up all chq stubs that related to sub contractor payments for the last 7 years, after doing this I passed this on to [the accountant] and asked that he contact Mr Fry and discuss the audit with him as I found him difficult to understand.

No contact was made with us again until we received a bill from Allianz for \$51,406.08. This bill was dated 9.8.04 and payment was required by 6.9.04. I was physically sick.

On 10.8.04 I wrote to Mr Fry asking him to clarify his opinion on why our bona-fide sub contractors were deemed workers. I'd picked up a copy of the Wages Definition Manual that day and pointed out that I would be requesting a review of the audit in accordance with section 170 of the Workers Compensation Act.

On 12.8.04 Alan Davis sent a letter to Allianz protesting the charges and outlining our income for the last 5 years, no reply was received to my knowledge.

On 25.9.04 I wrote a letter to Allianz requesting a review but did not send this as we took advice from a larger accounting practice ... who advised us that they would make this request to WorkCover directly. Within a few days [they] received the review request form and we signed this, he completed it for us and hand delivered it along with a solicitors letter on 03.09.04 in time for the deadline of 06.09.04 ...

On 27.08.04 I wrote another letter to Mr Fry asking for a reply to my previous letter. I have still received no reply from him.

I recently discovered that Alan Davis had had a telephone conversation with Mr Fry on 19.04.04 and that he had sent him information regarding sub contractor invoices and PPS forms ... we had no idea what Mr Fry was basing his results on, and no contact information for these men either. All the addresses were on the ... forms and invoices ...

It seems odd that more than one of these men had given us an invoice that had their own letterhead and ABN number implying that they work for themselves.

Yesterday 15.09.04 I received a telephone call from John Eade at Allianz notifying me that as we had not paid the fine on the due date (06.9.04) the matter was out of his hands and was going through the collection process and in 3 weeks time we would receive a demand for the money. He told me that if we did not pay we would be issued with a bankruptcy notice, and to contact WorkCover and see if they could stop the process.

I phoned the ... team at Gosford who do the reviews and they told me on my first call that they couldn't find a file, the second call they had the wrong file, and the third call that there was nothing in the file to suggest that I requested a review and therefore they could do nothing. When I said that we cannot pay this money [they] asked how much money could I get hold of.

This is an extraordinary circumstance for employers who have administered their own business for many years, looked after their workers and never been faced with accident claims. This massive rise in premiums and WorkCover's indifference to requests for review and information are an indictment of the administration of the workers compensation insurance system in this State. The complaints continue with the reclassification of businesses. One business, Enertec Pty Ltd, was previously classified under consulting engineering services; then it was changed because it makes airconditioning. But it makes airconditioning as an engineering service, and it was reclassified as airconditioning. So the rate went up from \$5,000 in one year, 2002-03, to \$35,000 the following year. It is clear that the workers compensation system in this State needs to be addressed urgently.

Private members' statements noted.

[Mr Deputy-Speaker left the chair at 1.17 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Routine of Business

[During notices of motions]

Mr Alan Ashton: Point of order: I would like to hear the notice of motion of the honourable member for Manly. While he was giving his notice of motion, the Leader of the Opposition was calling him names from behind his back.

Mr Barry O'Farrell: That is you and Bob. That is you and Bob in caucus.

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

Mr Barry O'Farrell: It won't be for the last time.

Mr SPEAKER: Order! I note the retort of the Deputy Leader of the Opposition that this will not be the last time he is called to order. If his present behaviour continues he may not be present in the Chamber to be called to order again. This afternoon's session has got off to a lively start. Although the Chair is keen to extend a degree of latitude to members and to allow a measure of interaction between them, the standards of the House will be upheld.

PETITIONS

Milton-Ulladulla Public School Infrastructure

Petition requesting community consultation in the planning, funding and building of appropriate public school infrastructure in the Milton-Ulladulla area and surrounding districts, received from **Mrs Shelley Hancock**.

Murrumbateman Public School

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

Mature Workers Program

Petition requesting that the Mature Workers Program be restored, received from **Ms Clover Moore**.

Gaming Machine Tax

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

Lake Wollumboola Recreational Use

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

Crime Sentencing

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

Road Tunnel Air Filtration

Petitions asking the Government to ensure that all Sydney road tunnels are fitted with air filters, received from **Ms Clover Moore** and **Mr Michael Richardson**.

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**.

Coffs Harbour Aeromedical Rescue Helicopter Service

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

Yass District Hospital

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

Breast Screening Funding

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

South Coast Rail Services

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

Hornsby Shire Rail Parking Facilities

Petition requesting additional commuter parking facilities at railway stations in the Hornsby shire, received from **Mrs Judy Hopwood**.

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 Neville Newell**.

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Water Carting Restrictions

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

Hawkesbury Electorate Sewerage

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

Sullage Removal 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**.

State Forests

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

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

Cat and Dog Meat Sale

Petition requesting legislation banning the sale of cat and dog meat for human or animal consumption, 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**.

BUSINESS OF THE HOUSE**Notices of Motions**

General Business Notices of Motion (General Notices) Nos 2, 6 and 8 lapsed.

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

Mr ANDREW STONER (Oxley—Leader of The Nationals) [2.35 p.m.]: I move:

That General Business Order of the Day (for Bills) No. 11 have precedence on Thursday 11 November 2004.

I seek precedence for the Rural Communities Impacts Bill because in this State we have legislation that protects threatened species but we have no legislation whatsoever that protects threatened communities. Throughout New South Wales rural and regional communities are under threat, not only from drought and changing economic conditions, technology and demographics but also from the Government's policies. Small rural communities are finding life tough enough without having to deal with the policies of rationalisation, centralisation and cost cutting that are pursued by the Government.

I can give numerous examples. The Government has threatened to close the agricultural research station at Trangie on the Western Plains. The research station is a key facility that assists the local economy and agriculture in the region. In Geurie the sewerage scheme needs urgent upgrading but the work has been stalled because the Government has cut funding to the Country Towns Water Supply and Sewerage Scheme. The water quality is poor in the township of Wellington. The state of the water supply may affect the decision of people and businesses to relocate to the district. The poor quality of the water is also as a result of funding cuts the Government has made to the country towns water supply scheme.

Schools in small country towns are facing hardship. Students who attend the school at Parkes have to suffer appalling conditions because the Government will not fund the installation of airconditioning in all the classrooms. The communities between Rankins Springs and Barmedman are suffering because the Government will not properly maintain the branch lines that haul grain and other commodities out of those areas. At Barradine, Gwabegar and even Dubbo, timber industry jobs are under threat because of the Government's proposal to lock up timber resources in the Brigalow belt south bioregion. I refer also to Broken Hill, where the honourable member for Murray-Darling has threatened to resign from the Australian Labor Party if jobs are lost as a result of the centralisation of the area health service in that region.

Rural communities in this State are facing enormous threats. In 1995 the Premier promised to implement rural community impact statements. We have not seen any such statements. How could the Government be properly undertaking such statements if it is pursuing this agenda against country New South Wales? The Rural Communities Impacts Bill will legislate a requirement that the Government must consider the impact of policies on rural communities. My bill should have precedence tomorrow because of its great importance to country New South Wales.

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [2.38 p.m.]: I do not know whether the Leader of The Nationals was awake but he moved for the reordering of General Business Order of the Day (for Bills) No. 11 and then spoke to No. 12.

[Interruption]

Mr Speaker, can I move that we vote on the item the honourable member wants us to vote on, which is No. 12, rather than No. 11? Is that allowed? It is the dill removal motion. What is it, No. 11 or No. 12?

Mr Andrew Stoner: No. 12.

Mr CARL SCULLY: Now that that is clear to everyone, the Government will agree to the motion.

Motion agreed to.

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

Mrs JILLIAN SKINNER (North Shore) [2.41 p.m.]: I move:

That the General Business Notice of Motion (General Notice) of which I gave notice today [Dubbo Kindergarten Class Sizes] have precedence on Thursday 11 November 2004.

The people of Dubbo are entitled to an explanation from the Government about why there are, on average, 24 children in kindergarten classes in the Dubbo electorate. They have a right to know that the Government has broken its promise to reduce average kindergarten class sizes in the 22 priority schools this year.

Mr SPEAKER: Order! The Government backbench will come to order.

Mrs JILLIAN SKINNER: Furthermore, they have a right to hear what the New South Wales Teachers Federation has to say about the Government's failure to keep its promise to publish class size audit reports in 2003 and 2004 and to hear the Government's explanation about why these are considered Cabinet-in-confidence documents.

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

Mrs JILLIAN SKINNER: The Government has an obligation to provide an answer to the New South Wales Teachers Federation, which has been represented on the Government's class sizes advisory committee and which has been pressing for months to have the class size audit reports released. This Parliament should have an opportunity to hear the Minister answer the New South Wales Teachers Federation Deputy President, Jennifer Leete, who has asked on the federation's web site what the Government is covering up about class sizes. The Hon. John Watkins, who is interjecting across the Chamber, was the Minister for Education and Training at the time and promised that the audit reports would be published annually. The New South Wales Teachers Federation, the Parents and Citizens' Federation of New South Wales and many others are asking what the Government has to hide. Are so many children hidden away and is the Government doctoring the figures? Is it trying to abuse the people of Dubbo by not telling the truth?

Mr SPEAKER: Order! I call the honourable member for Murray-Darling to order.

Mrs JILLIAN SKINNER: This Parliament has a right to debate the motion because it is clear that the Government is hiding the fact that hundreds of children in country New South Wales are stacked in classes and that the Minister is in denial. The Government has an obligation to tell this House why an audit report on class sizes should be considered a Cabinet-in-confidence document when it made a commitment at the last election to publish the reports every year. I note that honourable members opposite are smiling. They share my amusement at the Minister's audacity. I am sure they will talk to the Premier in caucus about why the Minister is hiding class size audit reports and not telling the people of Dubbo why they should have an average of 24 children in their kindergarten classes. [*Time expired.*]

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [2.46 p.m.]: The Opposition has just discovered Dubbo.

[*Interruption*]

Bring it on!

Mr SPEAKER: Order! The honourable member for Lismore will come to order. I call the honourable member for Wakehurst to order.

Mr CARL SCULLY: One would think there was a by-election! Honourable members opposite have shown no interest in the area until recently. I will tell the House a little story about the Coalition's record in Dubbo. While I was in the electorate with that great man Tony McGrane—a sensational local member—I spoke to farmers at Baldry and a former director of the Liberal Party said, "I am ashamed of the Coalition's record in Dubbo; it is disgusting." He went on to say, "This is what Independents deliver for the bush when they work with a Labor Government. They deliver this sort of upgrade." Honourable members opposite think they can spread little stories and they will get a run.

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

Mr CARL SCULLY: Half of them have been out doorknocking and telling untruths. They will say to the people of Dubbo, "If only you return a Nationals member to Dubbo, all will be saved." I know what will happen if the people of Dubbo return a member of The Nationals: the new member will go indulge in the carping, whingeing and negaholic behaviour that we witnessed for 30 miserable years.

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

Mr CARL SCULLY: We want to continue the coalition that we have with the Independents. We are happy to debate this issue. The Government is proud of its record on class sizes.

Mr Andrew Tink: Point of order: It sounds like caucus has already made up its mind—the Premier is out and the Leader of the House is in!

Mr SPEAKER: Order! There is no point of order. I call the honourable member for Epping to order.

Mr CARL SCULLY: Gerry Peacocke was the Coalition member for Dubbo and he was a Minister, but the Liberal Premier, John Fahey, dumped him. That was what the Liberal Party thought of Dubbo. When the honourable member for Northern Tablelands is next in the Dubbo electorate I would like him to ensure that the voters know what the Liberal Party thinks about a Nationals member for Dubbo. The Coalition will treat the area with contempt. I am happy to debate this issue, but the clarion call to the people of Dubbo is that they should not let The Nationals take over the area again.

Motion agreed to.

JOINT SELECT COMMITTEE INTO THE TRANSPORTATION AND STORAGE OF NUCLEAR WASTE

Government Response to Report

Mr Carl Scully, by leave, on behalf of Mr Bob Carr, tabled the Government's response to report No. 53/01 of the committee.

QUESTIONS WITHOUT NOTICE

RAIL INDUSTRIAL DISPUTE

Mr JOHN BROGDEN: I direct my question to the Premier. If rail drivers strike next week will the Premier invoke the Essential Services Act and declare a state of emergency on the rail network and thereby force rail workers back to work?

Mr BOB CARR: I am delighted to answer the question. I said at the press conference on this issue that I held a little over an hour ago—

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

Mr BOB CARR: The Government will do nothing at this stage to inflame the dispute, because it has one objective above all.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting. A number of members have been called to order. I am reluctant to place those members on three calls to order so early in question time. However, I will have no hesitation in doing so if the need arises. Question time will be conducted in an orderly way and the standards of the Chamber will be upheld. The Premier has the call.

Mr BOB CARR: The workers are employed, 14,000 of them, under the Federal system. We are going into a meeting designed to achieve conciliation, and events will take their course. We rule nothing in, and we rule nothing out. It is under Federal legislation, and we reserve our right to take whatever legal action is required and appropriate. We are hopeful of achieving a conciliated outcome. Why would anyone not want that? This is not the first, and it will not be the last, strike threat in public transport. Is the Leader of the Opposition implying that there was never an industrial dispute in the State rail system under Coalition governments in New South Wales? If he is implying that, he is rewriting history.

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

Mr BOB CARR: Three things have emerged from the Opposition on this rail dispute: first, yesterday's statement by the Opposition that no pay increase should be under discussion.

Mr John Brogden: Wrong!

Mr BOB CARR: Here is the press release.

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

Mr BOB CARR: The Opposition's suggestion would mean that rail workers would be designated by the Coalition as the one group of employees in New South Wales not to get what is currently the standard pay movement flowing through the public sector, which is 12 per cent over three years. So rail workers would be singled out. Second, the Opposition says, as I pointed out yesterday, "Treat it as the Howard Government treated the wharf dispute," which means bringing in the dogs and balaclavas to drive out unionised workers, sacking them overnight. That is what the wharf dispute was all about.

Mr SPEAKER: Order! I call the honourable member for Murray-Darling to order.

Mr BOB CARR: The honourable member for North Shore made mention of web sites. I went to the Opposition web site to find its public transport policy, and here it is—the old positive alternative trick! That is the Opposition's positive alternative. We all want to avoid a strike in State Rail.

Mr John Brogden: Point of order: My point of order is relevance. I asked the Premier directly whether he will act or give in to the unions. It is pretty clear to me that the unions are running New South Wales, not the Premier.

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat. There is no point of order. The Premier's answer is relevant to the question he was asked.

Mr BOB CARR: At this moment the matter is before the Industrial Relations Commission—

Mr John Brogden: And what is your plan? What are you doing if they strike?

Mr BOB CARR: Don't be ridiculous. We want the matter resolved through conciliation because we want to avoid a strike.

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

Mr BOB CARR: We reserve to ourselves the right to respond as appropriate should conciliation fail. What we want is a settlement that does not disadvantage commuters, and that is what we are working hard to achieve. The Leader of the Opposition knows nothing about industrial relations—just as he knows not a scrap about any other policy area.

CRIMINALS ASSETS SEIZURE

Ms TANYA GADIEL: My question without notice is addressed to the Minister for Police. What is the latest information on seizing the assets of criminals?

Mr JOHN WATKINS: There is no substitute for police catching hardened criminals and locking them away behind bars. But increasingly New South Wales authorities are using the tactic of asset confiscation to make a massive dent in the operations of criminals. Asset confiscation ensures that those involved in organised crime cannot simply resume their operations when they are released from prison, with all their illegal funds and property intact. In 2002-03 the New South Wales Crime Commission raked in more than \$19 million in asset confiscation from criminals in this State—assets taken back from drug traffickers, gun runners, international fraudsters, car rebirthers, racketeers, and dangerous thugs. We took back cash, homes, jewellery and fast cars, and we used the funds to support law enforcement, crime prevention, and education in our communities.

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

Mr JOHN WATKINS: The incredibly successful Task Force Gain was funded entirely from seized criminal assets—not from the NSW Police budget. The task force's 1,100 arrests to date have been paid for with \$3 million from the confiscated proceeds account, and another \$2 million is on its way. Our asset confiscation laws will now be made substantially more powerful. The Government will make further amendments to the Criminal Assets Recovery Act 1990. We will extend the scope, clout and operation of our asset confiscation legislation.

Under the Criminal Assets Recovery Act proposals we will extend the powers to include a new range of crimes, including trafficking in firearms, child pornography, and property destruction, so assets held by perpetrators can be stripped and seized by the Government. We will extend the powers to allow us to target criminals who have broken the laws of other States and Territories, if those other jurisdictions do not intend to seize the criminals' assets.

We will also target criminals who have used their criminal enterprises, instead of physical possessions, to fund activities or services. This is a major change in our asset confiscation powers. No longer will it be possible for friends and families of criminals to enjoy lavish five-star holidays, or take part in other extravagant activities, and be untouchable. We will change the law to allow investigators to move against these people, to force repayment to the Government of the criminal funds they have knowingly spent. For example, if the partner of a drug dealer has been living it up in Hawaiian hotels and flying first class around the world, we will make them pay back the funds.

Another measure the Government will introduce is to indemnify banks or other financial institutions that provide police or the Crime Commission with reports on customers, including details on their banking history or any other data that may assist an investigation. We will ensure that tax evasion and similar crimes are regarded as the proceeds of illegal activity, and we will seize those funds as well. In addition, where a criminal under scrutiny takes out a loan or mortgage, we will allow investigators to seize the repayments they make with illegal funds.

The Government is also committed to taking a stronger stance on the emerging crime of identity fraud. Criminals often hold assets under false identities to conceal their links to criminally acquired property and funds. We will change the law to ensure that any assets held or acquired under fraudulently obtained false identity will be forfeited unless the person can prove that the assets were not obtained through illegal activity. We expect to decimate the accounts of even more criminals under these changes to our confiscation laws. The money received is placed in an account administered by the Treasurer, which I called the Confiscated Proceeds Account. While Task Force Gain has been allocated more than \$5 million from that account over an 18-month period, the fund also helps pay for victims compensation, specialist law enforcement functions, drug rehabilitation and drug education services. In addition to the \$19 million raked in by the New South Wales Crime Commission in 2002-03, investigators seized 458 firearms and 91 stolen vehicles, and they made 435 arrests.

Mr SPEAKER: Order! There is too much audible conversation. The Chamber will come to order.

Mr JOHN WATKINS: While we cannot yet assign a dollar figure, we estimate that the increase in assets and confiscation that will occur as a result of these changes will be substantial. I look forward to providing our law enforcement agencies with that additional muscle.

ADULT TRAINING, LEARNING AND SUPPORT PROGRAM FUNDING

Mr ANDREW STONER: My question is directed to the Premier. What do you say to 19-year-old Kirrily Brooks, a Dubbo resident who is blind, and who has written to the Premier in braille pleading for the retention of full funding for the Adult Training, Learning and Support [ATLAS] program to enable her and other people with disabilities to attain employment?

Mr BOB CARR: The Leader of the Nationals should treat this matter with a bit more respect. If a blind woman takes the trouble to write to the Premier let us not just throw the letter across the Chamber. Let us treat it with a bit of respect.

Mr Andrew Stoner: Point of order: The letter is addressed to the Premier and I have delivered it to the Premier, as promised to Kirrily Brooks.

Mr SPEAKER: Order! The Leader of The Nationals knows only too well that it is grossly discourteous to throw papers across the table.

Mr BOB CARR: Kirrily Brooks is entitled to much more respect than that, and anyone with a sense of courtesy or respect would have treated her letter appropriately by passing it across to me either before or after question time. Of course I take it seriously. I am advised that Kirrily Brooks is currently a participant in the ATLAS program run by Western Plains Workforce in Dubbo. She will be eligible to move to the Community Participation Program when it begins next year. I am advised that the Department of Ageing, Disability and Home Care [DADHC] is currently assessing an application from Western Plains Workforce to run the Community Participation Program in Dubbo. Ms Brooks will be asked shortly to state her preference for a service provider.

Should the Western Plains Workforce application be successful, and Ms Brooks indicates that that is her preferred placement, she can continue in that service. As I have outlined, there is no reduction in overall funding for programs. The reforms announced provide for improvements in the way service providers will be funded. I am further advised that Western Plains Workforce should be advised of the outcome in the next two weeks.

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

Mr BOB CARR: DADHC will then negotiate contract terms, including costs and service content. I am happy to reply directly to Ms Brooks along those lines and to continue to take an interest in her case, which deserves to be treated with more courtesy and respect.

Mr SPEAKER: Order! The Leader of the Opposition will stop yelling.

Mr BOB CARR: I will just say this about the Leader of The Nationals: he is someone without courtesy and respect. Let me quote a very lamentable performance on 29 October on ABC Mid North Coast radio. The announcer, Graham Robinson, was interviewing the Leader of The Nationals and he asked:

Did you ring him—

That is Robert Oakeshott MP—

and tell him to get stuffed?

Mr Adrian Piccoli: Point of order: The point of order relates to relevance. This has nothing to do with the question that was asked of the Premier. This is just a cheap stunt by the Premier to get this on the record to back up the honourable member for Port Macquarie. If they want to have a little conversation outside Parliament about what might have happened on the mid North Coast, that is fine.

Mr SPEAKER: Order! The honourable member for Murrumbidgee will resume his seat. The Chair has not heard enough of the Premier's response to determine whether it is relevant.

Mr BOB CARR: The announcer interviewer said, interviewing the Leader of The Nationals, Prince Mishkin:

Did you ring him and tell him to get stuffed?

The Leader of The Nationals said:

Ah yes, I did, Graham, I um, I rang Robert, I'd had some discussions with him in the past about some sort of a relationship with the Nationals where we could co-operate for example on issues important to the Mid North Coast, um, at that point after him calling this vote—

Mr John Brogden: Point of order: The Premier made a point about this matter being worthy of courtesy and respect.

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

Mr John Brogden: We know that the Premier thinks disabled people are rabble—

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

Mr BOB CARR: He went on:

wasting the Parliament's time, ensuring that the road safety issue didn't get debated, I phoned him and said as for a relationship Robert after your stunt this afternoon you can get stuffed.

That is a shocking admission to make. He then said:

I did do that.

The ABC announcer said, with a tone of bewilderment in his voice:

That's Andrew Stoner, Leader of the National Party.

GIFTED AND TALENTED STUDENTS

Mrs KARYN PALUZZANO: My question without notice is directed to the Minister for Education and Training. What is the latest information on gifted and talented students in the New South Wales public school system?

Dr ANDREW REFSHAUGE: I thank the honourable member for her question and for her ongoing interest in education matters. All students at all levels should be able to achieve, and we want to help them achieve, to the best of their potential in the classroom. Gifted and talented students often do better if particular attention is given to their needs. Students in our selective schools are already achieving outstanding academic, sporting and artistic results. In addition to our selective high schools, our public schools are also providing specialist classes in such areas as information technology [IT], sport, and performing and creative arts, to help foster the talents of those gifted young students.

Also, our primary schools already provide many different programs to help extend the skills of our younger students. Opportunity classes [OC] are offered in years 5 and 6 in some 71 schools throughout the State, while many other schools have taken the initiative and offered their own tailored programs to their talented students. I want these sorts of opportunities for every gifted student in our high schools, and as part of this plan the Government is committed to providing gifted and talented programs in all of our comprehensive schools by 2005, making all of our high schools centres of excellence.

The leading world expert on gifted and talented students, the Canadian Professor Francoys Gagne, was here last year and spoke to 50 of our principals to learn what we were doing and to give his ideas on how we can do better. He was very impressed with New South Wales. He said to me that New South Wales leads Australia in support for gifted and talented students; what we do is significantly better than the other States. In fact, by comparison we are up there with the best in the world. But we are always looking at how we can do better. To help high schools provide these opportunities, we will send gifted and talented support material to all schools, both primary and high schools. The special support package will include guidelines for schools to establish their own gifted and talented programs. The programs are tailored to each student's abilities: academic, artistic, sporting and the like.

An important part of the package will be support material to help schools identify those students who can benefit from gifted and talented programs. This will now include a special parent pack to give parents more information about what is meant by gifted and talented, the characteristics of gifted and talented students, programs and options available to gifted and talented students, including extension programs or acceleration through grades or subjects, and how they can get their child assessed for gifted and talented programs.

Sometimes a gifted and talented student may not be performing his or her best at school. Parents know that their children have the ability, so the special parent pack will ensure that students who are not performing well but who are gifted and talented can be flagged as needing extra support to enable them to achieve their best. It is important that parents have easy access to that information. Research into gifted and talented students shows that parents are often in the best position to identify a child's special gifts or talents. The parent information pack will be available on the Department of Education and Training web site and will be sent to all schools.

Today I met with four exceptional students whose skills and abilities have been recognised in our schools. These are primary school students, and schools are seeking ways in which they can help them. I want to

make sure that the talents of these students—and students like them—are well recognised and fostered in our high schools. I would like to highlight four students. Rebecca Wong from Beecroft Public School won a statewide writing competition open to all primary school students in New South Wales. She is also her school year's top debater and a keen poet. Her talents extend to music. At the age of 11 she is playing pieces on the piano at grade 7 level. Her talents are even more remarkable when one considers that she was born blind. Although she has no sight she has these stunning talents.

One of her schoolmates, Stacey Law, also from Beecroft Public School, is a very talented mathematician. She scored the highest possible mark in the basic skills test in both year 3 and year 5. Her special talents have been fostered and developed by her school. Stacey is studying mathematics at her local high school, Muirfield High School, where she is achieving results at year 11 level, even though she is 12 and in year 6. That is fantastic. Another exceptional student who is present in the gallery is William Gillard, a year 6 student from St Ives North Public School. He is using his exceptional information technology and leadership skills to develop an intranet web site for his school. He interviews and films his fellow students, he writes his own news stories for the intranet site, and with the help of his school and parents he has delivered lectures to universities and corporations about e-learning for students.

Also in the gallery today is Ainslie Halbmeier, a year 3 student from Randwick Public School. She has taken her literacy skills one step further by putting pen to paper and writing her own book, called *The Eyes of the Snow Leopard*. She is nine years old and has already written 5,000 words. I will not take any commission, but when the book is published I want every member to buy a copy.

Mr Barry O'Farrell: It is fiction.

Dr ANDREW REFSHAUGE: It focuses on the environment and conservation. I gather that the school library has already promised to publish the book for her schoolmates to read. She also has fantastic maths skills and is working way above year 3 level, completing work for higher years. I ask the four students to stand up. Well done, kids; you have done a fantastic job. I thank you for coming to the Parliament. I want all our high schools to offer programs for gifted and talented students to help them reach their potential in their own special areas. These programs will provide thousands of our brightest students across the State with new opportunities, and make our high schools centres of all-round excellence.

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

Dr ANDREW REFSHAUGE: Related to this aim is the wish to ensure that everybody achieves his or her best. There has recently been debate about the Reading Recovery Program. I put on the record not only our continued support for Reading Recovery but also the Opposition's support for the program. Opposition spokespeople have called it one of the best success stories in education. It is important to recognise that of those children who have gone through the Reading Recovery Program in year 1, 86 per cent performed at or above the minimum standard for year 5 literacy, so the effects are long lasting. Also, 70 per cent of students who undertook Reading Recovery in year 1 performed at or above the minimum standard for year 3 literacy, with no additional support. Those children had fallen behind, and Reading Recovery brought them up to standard between year 3 and year 5.

One would normally expect an increase of 7 points, yet for those who undertook Reading Recovery the increase is 7.5 points. Not only does Reading Recovery work in the year it is taught, but it has ongoing, beneficial, long-lasting effects. It is important that we understand the successes of the Reading Recovery Program. With regard to gifted and talented students, the Government is keen to ensure that every student in high school who is capable and needs extra help can access programs for gifted and talented students in high school. I thank the four students from those public schools for attending Parliament today and for highlighting the talents we have in our schools.

PARRAMATTA CORRECTIONAL CENTRE CONTRABAND

Mr ANDREW HUMPHERSON: My question without notice is directed to the Premier. Why are inspection procedures at Parramatta gaol so poor that double murderer Jason Richards was able to obtain a mobile phone in an unsearched package through Shop-Fast? If prisoners can get phones, what is to say they cannot get drugs and weapons?

Mr BOB CARR: I must have missed the revelation when I was out on duty on the walls the other night. I do welcome this question from the honourable member. We do not hear often from him, so while he was out there I did a little bit of work on the computer to drag out his last public statement, and it is a beauty.

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

Mr BOB CARR: It stated:

NSW Opposition environment spokesman—

this is a prelude to the answer that members opposite and the House are waiting for. This is just a little tastier; it is an entrée on the menu—

Andrew Humpherson said, "The whole problem is being created by Labor States failing to reach a national agreement." Mr Humpherson was unable to offer any solutions, but he said, "The Premier should act."

Talk about an idiot of genius! There he summed up the whole Opposition approach—"We can't offer any solution but the Government should act." Beautifully done! By the way, the reports are coming now thick and fast about the honourable member. We read about the impact of the redistribution on his seat—adding parts of East Gordon, Pymble, St Ives and North Turramurra to Davidson should make him stronger, but there is an immediate qualification that says the branches in the area have real doubts as to whether they want him to be their member of Parliament.

Mr Barry O'Farrell: Point of order—

Mr BOB CARR: I, of course, will seek advice from my colleague the Minister and report back to the House about the alleged incident in Parramatta gaol.

Mr Barry O'Farrell: We have grown used to the Premier misleading the House. North Turramurra is going nowhere. It is staying with me. North Turramurra stays in Ku-ring-gai.

Mr SPEAKER: Order! No point of order is involved.

HOSPITAL EMERGENCY DEPARTMENTS

Ms ANGELA D'AMORE: My question without notice is directed to the Minister for Health. What is the latest information on emergency department activity?

Mr MORRIS IEMMA: Throughout the winter of this year our health system has faced significant increases in demand. The decay in bulk-billing has only added to this problem. Patients in our hospitals are older, sicker and staying longer—that is, the average length of stay is increasing as a result of the increasing numbers of elderly patients attending hospitals. The decline in bulk-billing and home visits has meant that many more elderly patients are unable to see a doctor until they have acute and complex conditions requiring a lengthy hospital stay. In response, back in July the Government announced the sustainable access plan, which involves three elements: first, an additional \$60 million; secondly, increasing the number of beds, with 563 permanent additions to our hospital bed base and 400 additional winter beds; and, thirdly, more nurses.

The Government has invested significant resources in building additional capacity in our public hospitals. I can advise the House today that, despite the fact that winter has passed its peak, 863 of those beds remained open as of Monday 25 October. The problem caused by the decline in bulk-billing is this: Patients in lower triage categories that could possibly be directed to primary care continue to be seen in large numbers in our emergency departments. For example, at Concord Hospital, the local hospital of the honourable member for Drummoyne, in September of this year 1,052 patients, or 59 per cent of all patients presenting at the emergency department, were in categories 4 and 5, or the lower categories.

At St George Hospital the figure was 44 per cent; at Royal Prince Alfred Hospital, 44 per cent; and at Wollongong Hospital, 45 per cent. Despite these trends of increasing numbers in the lower categories, category 4 and category 5, and of a reduction in bulk-billing and in home visits by general practitioners, causing the elderly to attend when there is an acute problem, I can report that the September figures for the emergency department network access system—the EDNA, or the colour code system—show that there has been an average reduction of 30 per cent in the number of hospitals on bypass hours. The number of EDNA red hours fell from 10,000 in August to 7,078 in September.

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

Mr MORRIS IEMMA: This is a significant improvement and, as expected, it correlates to two factors. The first is a seasonal reduction caused by a decline in the peak activity in August—that caused the Leader of the Opposition to take great delight on a Sunday in releasing the August figures and trumpeting yet another slander on our public hospitals and staff. I would be happy for members opposite to acknowledge those figures and the hardworking efforts of the staff responsible for them. While the number of code red hours has fallen, the Government's work on sustainable access continues.

None of these encouraging trends—the reduction in the code red hours—takes away from the need for the Commonwealth to invest in additional aged care places in the community, to assist in the transition from acute care to community care in nursing homes or other forms of supported accommodation for our senior citizens. I am pleased to give an individual hospital breakdown of the EDNA hours for September. The hospitals that led the way in terms of the average reduction of 30 per cent in September were: Mount Druitt Hospital, 92 hours less on bypass or a 55 per cent improvement; Blacktown Hospital, 142 hours less on bypass or a 48 per cent improvement; Ryde Hospital, 196 hours less on bypass or a 48 per cent improvement; Royal Prince Alfred Hospital, 244 hours less on bypass or a 46 per cent improvement; Canterbury Hospital, 275 hours less on bypass or a 41 per cent improvement; St Vincent's Hospital, 228 hours less on bypass or a 33 per cent improvement; and St George Hospital, 139 hours less on bypass or a 24 per cent improvement.

So that is increased demand, increased numbers attending, increased admissions, increased capacity and an improvement for the month of September on the EDNA network system. To give another example, 119,800—or nearly 120,000—people presented to metropolitan emergency departments in September. In the same month some 29,000 of those 120,000 people were admitted to ward beds from the emergency department, representing an increase of just over 2 per cent. Again, while attendances at our hospitals reflect the easing of the winter demand, we are still admitting more patients into our hospitals, that is, more patients through the emergency departments. Notwithstanding an increasing number attending and being admitted, I can also report that in addition to the reductions in the red hours and the percentage improvements, we have also seen a reduction in access block of 2 per cent down to 36 per cent. These are encouraging figures and improvements in our ongoing efforts to invest more in our hospital emergency departments to provide additional capacity to meet the ever-increasing demands and pressures placed upon them.

GUYRA SHIRE COUNCIL AGED-CARE FACILITY FUNDING

Mr RICHARD TORBAY: My question is addressed to the Minister for Housing. Will the Minister advise the House on the status of an application for financial assistance from Guyra Shire Council for the construction of an aged-care home at Tingha?

Mr CARL SCULLY: I have received correspondence from the general manager of Guyra Shire Council, which is a great council. The council sought approval for \$30,000 for a two-unit aged-care facility. I indicate to the honourable member that, following his strong representations and the cogency of that letter, I have approved \$30,000 to enable a two-unit aged-care facility to be built in the great town of Tingha.

ALCOHOL SALES TO MINORS

Mr PAUL PEARCE: My question without notice is directed to the Minister for Gaming and Racing. What is the Government's response to community concerns about alcohol sales on the Internet to minors?

Mr GRANT McBRIDE: The potential for sales of alcohol to minors via remote sales over the telephone or the Internet is a serious issue. I am pleased to report that my department has taken strong action on this matter. Earlier this year the department initiated an audit of licensed venues engaged in non face-to-face alcohol sales. This followed community concerns that under-age drinkers were able to purchase alcohol by phone or over the Internet.

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

Mr GRANT McBRIDE: On one occasion compliance officers audited, by phone, seven retail outlets in the Sydney city, Pyrmont, Balmain and Bondi areas. In each instance a compliance officer posing as a first-time purchaser ordered alcohol, including a carton of beer and two bottles of spirits. These items were chosen as they were considered in the industry to be so-called party items that under-age drinkers would buy if they were able. The officer then asked for the alcohol to be delivered to an address in the city and it was paid for by credit card. We all know how easy it is for teenagers to get their hands on credit cards. In five of the seven cases, I am

sorry to say, the salespersons did not ask for age particulars as they processed the sale. This is a breach of section 128 (3) of the Liquor Act and carries penalties of up to \$2,200. Offending licensees can also be taken before the Licensing Court.

But this is not about penalising licensees. This is putting them on notice and warning them that they have responsibilities to the community to protect minors. They must not supply alcohol to under-age drinkers, whether in person, over the phone or over the Internet. It is as simple as that. The Government takes the matter very seriously, and compliance officers will be continuing this crackdown. This warning is especially relevant with the schoolies period about to begin. It is law for licensees to ask for age details at the time of sale, and it is just as important that the person delivering the alcohol ask to see proof of age. It is not good enough to say, "I thought they were 18." We expect full compliance with the law.

In July 2002 the Government introduced tough new rules on the sale of liquor through the Internet or by other communications media. It was made law that the licensee who takes orders must get prospective buyers to supply their date of birth. In addition, the person delivering the alcohol must give it only to the adult who placed the order or to another adult on the premises who agrees to accept it on that person's behalf. The person delivering the alcohol must ask for proof of age at the scene. Needless to say, it is an offence for a person to obtain liquor from licensed premises on behalf of a minor. It is a secondary sales breach of the Liquor Act and attracts penalties of up to \$5,500. The message in this case is clear: Supply means supply, and you will pay the fine. Rest assured the Government is acting on this important issue.

I turn now to an issue I raised yesterday involving the linking of alcohol to CD sales in New South Wales. Yesterday I reported that I gave the company involved, Di-a-geo Australia Ltd, 48 hours to suspend its promotion. I am pleased to report some good news to the House. Today, the company has agreed to suspend its promotion. I commend the company for its prompt response to this important community issue.

ORANGE BASE HOSPITAL WARD CLOSURE

Mr RUSSELL TURNER: My question without notice is to the Minister for Health. Why has he allowed health management at Orange Base Hospital to deceive the public over a bird lice outbreak, which led to the closure of a ward for two days for fumigation, by saying this is the first outbreak, when it has been a persistent problem?

Mr MORRIS IEMMA: I can advise the House of the following. Patients are currently returning to the Frost Ward at the Orange Base Hospital. I am advised that yesterday staff at the hospital noticed a small number of mites on a single bed in the ward. It is thought that the mites come from pigeons and starlings that nest on the ledge at the top of the ward building. As a precaution, 11 patients were temporarily relocated from the Frost Ward, which was fumigated and cleaned. During this process there was no disruption to services. Hospital management is currently investigating options to remove the nesting birds. The advice is that they are responsible. Efforts of the management in this matter will be ongoing, as they always are with the hospital.

One day I will get a question from the honourable member for Orange saying something positive about his hospital and the staff, and acknowledging, just once, the second-biggest hospital capital redevelopment in the State, in the mid-west, in his electorate, with Bloomfield and Orange, and the partnership redevelopment at Bathurst. The honourable member might also like to say a few words in this House about the cardiac catheterisation laboratory announced for Orange just a few weeks ago.

MINE SAFETY REVIEW

Mr JEFF HUNTER: My question without notice is to the Minister for Mineral Resources. What is the latest information on the Wran mine safety review?

Mr KERRY HICKEY: I thank the honourable member for his continuing interest in the health and safety of mineworkers. I will never forget 28 May 2004. On that terrible black Friday we lost two young Hunter Valley miners in horrific circumstances, and another miner suffered severe head injuries in a mine in the Illawarra area. I know first-hand the terrible suffering mine accidents cause families, workmates and communities. I never want to see another 28 May. These tragedies show us that we cannot be complacent because we are only as good as yesterday's performance. I expect, and the community demands, that industry turns this trend around. Industry must meet its social obligations to its work force. Workers have a personal duty of care to themselves and their workmates. It used to be thought that mining was a dirty, dangerous occupation

and that serious injuries and fatalities were inevitable—even acceptable. It is not acceptable to me, not to the Carr Labor Government, not to the industry, workers or the community.

Over the past seven years, the Carr Labor Government has invested \$21.5 million to improve the safety performance of the mining industry. This targeted funding has gone towards the implementation of the recommendations of the 1997 mine safety review and the findings of the Gretley inquiry. This Government has enacted specific legislation, the Coal Mine Health and Safety Act 2002, and the Mine Health and Safety Bill 2004, which was recently passed by this Parliament. These laws supplement the Occupational Health and Safety Act 2002, which protects all workers in New South Wales, and clearly defines the duty of care of employers, employees and contractors. Our safety inspectors carry out regular, often unannounced audits and assessments and they work closely with mine check inspectors, the employees who are on the front line of safety performance. We convene safety education workshops and conferences and alert mineworkers to the results of incident investigations. We established a special investigations unit, with experienced staff who report to coronial inquests and assist Government prosecutions.

Performance has improved. Until November 2003, the mining industry in New South Wales had a period of almost 12 months without a fatality and more than two years without fatalities in the coal industry. This is by far the best safety record of any mining industry of comparable size in the world. But we must increase our vigilance, and ask ourselves the hard questions: Just why did we lose these miners, and how can we ensure these tragedies are not repeated? It has been eight years since this Government commissioned an independent mine safety review. It is time to examine what we have accomplished since that review and to see what can be improved. That is why I recently established a new, wide-ranging review of mine safety in the State. The review is headed by former Premier Neville Wran, and has a clear remit to examine our progress to date and to make recommendations on how we can further improve performance. It is good to see the honourable member for Epping taking this subject so seriously that he thinks that mine safety is a joke. I see the review as a chance to provide—

Mr Adrian Piccoli: Point of order—

Mr SPEAKER: Order! Before I hear the point of order of the honourable member for Murrumbidgee, I call the honourable member for Epping to order for the second time.

Mr Adrian Piccoli: For the *Hansard* record, the Premier walked out during the Minister's speech.

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

[*Interruption.*]

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

Mr KERRY HICKEY: I see the review as a chance to provide a fresh, independent and innovative perspective on mine safety. It is great to see support from the Opposition on this. It is the next step in my plan to see New South Wales achieve zero mine fatalities and serious injuries. Ms Jan McClelland, former Director-General of the Department of Education and Training, has been appointed to the review panel to assist Mr Wran. Today I am pleased to announce the appointment of three experts to the advisory panel. Jim Joy is Professor of Mining Safety and Director of the Minerals Industry Safety and Health Centre at the University of Queensland. Professor Joy has presented papers and seminars on risk management and human factors and has written papers and publications including a risk assessment manual and guidelines, as well as the CCH Safe Mining book. He has been involved in advisory roles with the New South Wales GIO Risk Management Council, BHP Billiton and WMC Resources Ltd.

Michael Quinlan is Professor of the School of Industrial Relations and Organisational Behaviour at the University of New South Wales. Professor Quinlan is currently undertaking a comparative study of policy and practice in occupational health and safety and is the author of numerous books and papers on occupational health and safety management and the effects of subcontracting. Peter Wilkinson has substantial experience in developing and using safety case legislative regimes in hazardous industries. Mr Wilkinson currently manages the project to establish the new National Offshore Petroleum Safety Authority. He has collaborated with industry on safety initiatives and projects, provided advice to Ministers and applied health and safety law in practice. The review group will seek written submissions from related parties and consult with members of the Mine Safety Advisory Council in formulating its recommendations, which I expect to receive in the first quarter of 2005. I look forward to updating the House on the progress of the review and its outcomes.

Questions without notice concluded.

REORDERING OF GENERAL BUSINESS

Personal Explanation

Mr ANDREW STONER, by leave: Earlier today I moved that a private member's bill in my name, the Rural Communities Impacts Bill, have precedence tomorrow. In the motion I stated it was No. 11 in the Orders of the Day (for Bills). The Leader of the House attempted to make a fool of me by saying that it is listed as No. 12. I referred to the bill as No. 11 because on the Parliament of New South Wales intranet it is listed today as No. 11. The Leader of the House should have a look on the intranet.

Mr Carl Scully: You were wrong.

Mr SPEAKER: Order! The Minister for Roads and the Leader of The Nationals will resume their seats. The Leader of The Nationals has made his point. No further explanation is required.

Mr ANDREW STONER: There is a problem in the system. It is clearly listed as No. 11 on the intranet and No. 12 in the published notice paper. I demand an apology from that boofhead.

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

CONSIDERATION OF URGENT MOTIONS

Telstra Local Call Charges

Mr MATTHEW MORRIS (Charlestown) [3.43 p.m.]: My motion is urgent because the cost of local calls is crucial to New South Wales residents who rely on their phone services to stay in touch with the world.

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

Mr MATTHEW MORRIS: My motion is urgent because any move to increase local call charges would hurt millions of Australians who are already struggling to pay their telephone bills. My motion should be considered urgent because interested parties have only three weeks to respond to the draft report, which recommends that local call charges be capped until mid-2008. My motion is urgent because the Federal Government has little regard for the low-income earners of this nation.

CityRail Services

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.43 p.m.]: My motion is urgent and should take priority over the motion of the honourable member for Charlestown because New South Wales is in a state of disrepair under the Carr Labor Government. It is urgent because when one million people use the rail system in Sydney today they have one man to blame for the worst rail system in the country, if not the world: Bob Carr. My motion should be debated today because we are yet to hear the Premier report back about his passage to India. We know the reason he went to India: he is looking for a rail system that runs on time. Even the Indian rail system runs better than the Sydney rail system.

My motion should be urgently heard because of the revelations—printed so well, I might add, by the media—of what occurred in Caucus yesterday. It is urgent that the House debate those matters. In an urgent manner I want to advise the House of the view of the honourable member for Wentworthville. We know there is no love lost between the former Minister for the Environment and the Premier. We know there is no love lost between her and the left wing. We wonder where there is love between the honourable member for Wentworthville and the Labor Party. Yesterday she said that the Government is terminal.

It is a matter of urgency that I tell the House what the honourable member for Blacktown said. He said that Michael Costa is a fool. The media went on in some detail about what happened in the Caucus meeting. It is urgent that I let the House know that the honourable member for Wyong—who we definitely know is not on Bob Carr's Christmas list—begged the Premier to go to Wyong on the odd occasion that the honourable member for Wyong is actually in Wyong, get on a train and join the commuters of the Central Coast for a trip from Wyong to Sydney. The honourable member for Wyong finished off by telling Caucus that that would be the only train that ran on time that day. The rail system is in crisis.

Mr John Mills: Wrong, wrong, wrong.

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

Mr JOHN BROGDEN: Wrong? It is a matter of urgency that I tell the House that the honourable member for Wallsend—who we have noticed in recent weeks has attempted to be a John Howard look-alike with his new haircut—thinks there is no crisis in the State's rail system. The one million people a day who catch the trains in Sydney know that the system is in crisis. Let us look at the on-time running figures. On Friday 1 October 10.6 per cent of trains ran on time in the afternoon peak. On Tuesday 12 October 8.1 per cent of trains were on time for the afternoon peak. On Monday 18 October 2.5 per cent of trains were on time in the afternoon peak, and on Wednesday 27 October 1.3 per cent of trains were on time in the afternoon peak. And just when you did not think it could get any worse under this Government, on Monday 1 November not a single train on the CityRail network ran on time in the afternoon peak.

Ms Linda Burney: There was a power failure.

Mr JOHN BROGDEN: The honourable member for Canterbury says there was a power failure. I am glad I sent them my speech because the member has segued nicely into my next point: It is never Bob Carr's fault. It is a power failure, it is too wet, it is too dry, it is too windy, it is too hot. Who is running this State—Goldilocks or Bob Carr? The Government is not delivering to the people of New South Wales. Every Labor member knows that his or her seat is on the line because the Government cannot deliver. One million people a day in Sydney catch the train to work. The Government through its actions and through the arrogance of the Premier—he is the only person in the State who does not know there is a crisis in the rail system—is destroying the capacity of people to get to work and home on time. My motion should be considered urgently because the Labor Party needs to be brought to account. [*Time expired.*]

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

The House divided.

Ayes, 53

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

Noes, 28

Mr Aplin	Mr Hazzard	Ms Seaton
Mr Barr	Mrs Hopwood	Mrs Skinner
Ms Berejiklian	Mr Humpherson	Mr Souris
Mr Brogden	Mr Kerr	Mr Stoner
Mr Cansdell	Ms Moore	Mr Tink
Mr Constance	Mr O'Farrell	Mr R.W. Turner
Mr Debnam	Mr Page	<i>Tellers,</i>
Mr Fraser	Mr Piccoli	Mr George
Mrs Hancock	Mr Pringle	Mr Maguire
Mr Hartcher	Mr Richardson	

Pair

Ms Saliba

Mr Roberts

Question resolved in the affirmative.

TELSTRA LOCAL CALL CHARGES

Urgent Motion

Mr MATTHEW MORRIS (Charlestown) [3.59 p.m.]: I move:

That this House calls on the Federal Government to accept the recommendations of the Australian Competition and Consumer Commission to cap Telstra's local call costs.

It is impossible to overstate the importance of a reliable and affordable communications system in this vast country of ours. Families everywhere rely on their phone service to keep in touch with relatives, friends and associates. They use their phones to make the myriad arrangements necessary to keep a household ticking over. They phone their parents, their children's schools, sporting clubs and other organisations. We know that the home phone is a vital link, especially for our older citizens, who may not be as mobile as they once were. An affordable home phone service brings the world to them. They simply must be able to continue to speak to their families and friends with certainty about the cost of a local call. We all know the psychological importance of human contact. That importance is magnified when one cannot get out and about as often as in the past.

It was heartening to have the Australian Competition and Consumer Commission [ACCC] raise the issue of phone costs for those on low incomes. The commission says improvements can be made to ensure that those on low incomes have access to basic telecommunications, and I commend the ACCC for that. Unfortunately, many older Australians fit into that category. It is, therefore, vitally important that we take every measure possible to ensure their continuing access to this most basic of telecommunication services: a home phone. I know other members will have more to say on the important matter of ensuring that our older residents can use their phones to make local calls without the constant fear of facing even stiffer charges.

It simply beggars belief that any responsible government would ignore the recommendations of the nation's consumer watchdog and allow Telstra, which is rolling in profits, open slather on local call charges. But therein lies the problem. I have just referred to "responsible government". We all know that the Federal Government is not responsible. A responsible Federal government would be committed to keeping the nation's primary telecommunications provider in public ownership, but, as we know, regrettably, that is not the case. Telstra is to be flogged off—and pity the poor punter who wants a reliable service at a price they can afford! I note that the Federal Minister for Communications is meeting with the Telstra inquiry head today to discuss quality control after the sell-off. It is clearly full steam ahead for this sale. Telstra is nothing but a commodity that will pour billions of dollars into the Federal Government's coffers while leaving regular Australians at the mercy of a privatised service. That is why it is so important that the Federal Government accept the recommendations of the ACCC to give domestic phone users some certainty about the cost of local calls.

There is probably precious little a responsible government can do, despite the Federal Government's protestations to the contrary, to protect consumers after the great Telstra sell-off, but this would be one good thing. I have found Telstra's reaction to the ACCC's admirable recommendations to be quite offensive. Its response is that price controls are old-fashioned. Exactly what does that mean? It implies that it is somehow quaint to want to protect an important tradition of keeping local calls at a steady price. It implies that it is quaint to guarantee those least able to cope with spiralling phone costs the right to make local calls at an agreed price. I have news for Telstra: there is nothing at all old-fashioned about providing a vital service at a capped price.

Telstra simply does not have a clue about customer service, as we hear time and again throughout our constituencies, but it certainly knows a thing or two about how to squeeze every last cent out of the poor consumer. Telstra's last net profit was in excess of \$4 billion, an increase of 20 per cent. But still it cannot bring itself to support the notion that continuing to cap local call costs is a good idea. How refreshing it would have been to hear Telstra welcome the report and agree that local call cost maintenance is right and proper. But no, that is not what we heard. Instead, Telstra says price capping is old-fashioned. I bet its customers do not share that view. I bet they would be extremely relieved to know that the ACCC's recommendations were embraced and supported.

One would think that a \$4 billion profit would give Telstra the capacity to extend some goodwill to its customers, but that is not the case. I fearlessly predict that Telstra will fight this all the way and come up with reason after reason why it should be allowed open slather on local call charges. I sincerely hope I am proved wrong. It is horribly ironic that Telstra's failure to embrace the price-capping recommendation came at the exact time it was revealed that complaints about landline bills increased by a whopping 36 per cent last year. The telecommunications industry Ombudsman reported that almost 60,000 consumers complained about their phone

service last year. I can assure members that many of those complaints came through my office and were referred to the local Federal member. So service is going down the gurgler and prices are increasing. Earlier this year the ACCC found that household telephone line rentals increased by 23 per cent in the two years until July 2004. Who knows by how much local call costs will increase if the Federal Government rejects the ACCC's capping recommendations. It is a frightening prospect.

I remind honourable members that in 1999 line rentals were \$11.65 a month. That figure has now increased astronomically to around the \$27 mark, a significant demonstration of price hikes. It must be borne in mind that line rental is the part of phone rental consumers cannot manage or reduce. They can cut the number of their local calls and the length of their long-distance calls if they are concerned about the cost of their bills, but their line rental is set in stone. There is simply nothing they can do to reduce the cost of line rental. As we all know, one cannot have a home phone service without having the line. Telstra simply holds consumers hostage through these excessive line rental charges. The ACCC says it held extensive public consultations before it formulated its draft report. It received written submissions and held 12 public meetings throughout the nation. Its chairman, Graeme Samuel, says future price controls would do much to promote the long-term interests of low-income consumers and consumers generally. I note the ACCC's advice that price control arrangements were first introduced in 1989 and that they are an important telecommunications consumer safeguard.

The ACCC will submit its final recommendations to the Minister at the end of January. Interested parties can make submissions to the ACCC on its draft recommendations, but they have only until 5.00 pm on Friday 3 December to do so. Submissions should be sent to Mr Sean Riordan, at GPO 520J, Melbourne 3001. I urge those who have a view on this important issue to take advantage of the chance to provide feedback to the ACCC. It is important that people who are concerned about the frightening prospect of escalating local call costs make the most of the opportunity to contact the ACCC. A letter to the local Federal member would not hurt either. Anyone interested in viewing the ACCC's draft recommendations can do so by accessing the commission's web site www.accc.gov.au or ringing 1300 302 502 for the cost of a local call.

This issue is significant for the community. All too often Telstra has hiked its charges, with little consultation with members of the community and little regard for them, especially those on low incomes. Amongst Telstra's charges, line rental is a major bugbear for the community. Handset rental, which is about \$6 per month, is also a major concern. Many consumers do not own handsets that are provided by Telstra. Often when Telstra handsets need to be replaced, consumers have purchased their own handsets, and yet they are again slugged with an additional cost. I sincerely hope that the Federal Government shows some regard for low income earners following the recommendations of the ACCC. The commission has certainly raised a valid argument. It clearly calls on the Federal Government to look after consumers, while still being fair and providing ample opportunity for Telstra to operate as a business. In conclusion I place on the public record that I oppose the sale of Telstra.

Mr ADRIAN PICCOLI (Murrumbidgee) [4.09 p.m.]: The honourable member for Charlestown, the honourable member for Wollongong and the honourable member for Murray-Darling should be ashamed of themselves. An urgent motion has been moved about Telstra and the ACCC, which the Coalition acknowledges is an important issue, but, frankly, it is a Federal Government issue and there was an election a month ago. If the Carr Government is worried about the judgment of the Federal Government, it should remember that 18 million Australians passed their own judgment on the Howard Government. That judgment was that the Howard Government is doing a good job. Australians gave the Howard Government a further three years in office. That is what the people of Australia think about the Federal Government, and Telstra was a significant issue during the election campaign.

What did people think of Labor's position on Telstra? They not only failed to support it, they re-elected the Howard-Anderson Government with additional seats. The Opposition will not vote against this motion. Anything that can be done to reduce household costs, including telephone costs, will be supported by the Coalition in this House. But we have great faith in the Federal Government because it has shown since 1996 that it has great judgment. Look how well the Australian economy is going: there is record low unemployment, inflation and interest rates. I know members on the other side of the House hate being reminded of that.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Murray-Darling and the honourable member for Wollongong will cease interjecting.

Mr ADRIAN PICCOLI: The Federal Government has exercised good judgment, and a month ago the Australian public gave it a big tick by giving it another three years in office. I have great faith in the judgment of

the Federal Government and how it will deal with the report of the Australian Competition and Consumer Commission [ACCC] and Telstra. The honourable member for Charlestown raised the question of what might happen to costs and the capping of local calls, et cetera, if Telstra is fully privatised. But let us look at Labor's record when it was in government—let us talk about the Hawke and Keating governments. Members on the other side of the House claim to be genuinely concerned about the costs of basic services such as telephone calls, but let us talk about banking. Why did the Federal Labor government privatise the Commonwealth Bank? What happened when Labor sold the Commonwealth Bank out of public ownership? Dozens of branches across country New South Wales and the whole of Australia were sold. Banking fees have gone through the roof. That government could have set the standard—

Mr Matthew Morris: Point of order: With all due respect, the honourable member has not addressed the issue at hand. He is rattling on about the sale of the Commonwealth Bank, something we cannot change—

Mr ACTING-SPEAKER (Mr John Mills): Order! I have heard enough on the point of order. The honourable member for Murrumbidgee is in order. At this stage his remarks are relevant.

Mr ADRIAN PICCOLI: They are relevant because they go to the issue of the privatisation of public assets. A member of one party cannot criticise the approach of the alternative party to privatisation without being responsible for his own party's approach to privatisation and the impact that has had on Australia and the right of Australian consumers. If members of the Labor Party like the Communist member for Murray-Darling were so keen on the public ownership of assets, they would have kept Qantas, the Commonwealth Bank and the myriad other entities they privatised while in office federally in public ownership. Members should not forget the entities privatised since Labor has been in government in New South Wales. FreightCorp is an important one. What happened with FreightCorp?

The Premier has rolled out these members from country electorates to bleat about the sale of Telstra. This is probably the tenth time an urgent motion similar to this has been moved. As I said before, it is a Federal issue. The Government could at least have dealt with State-owned entities that it has privatised. As I said, FreightCorp is one. That is important to country New South Wales and to the Hunter Valley, and it is relevant to the honourable member for Charlestown as well. What did the Government do? It said nothing. Government members certainly did not say anything in the Chamber and I doubt whether they would have said anything in caucus because they are all too gutless. At the time they were afraid of Minister for Roads, and Minister for Housing, Carl Scully, and they are afraid of the Premier.

Government members should not bleat about Telstra and make impassioned pleas on behalf of consumers who are worried that grandmother's telephone bill will increase. We all care about that, but Government members should not bleat about it when a Labor government was responsible for so much privatisation. Labor Party members have always been too gutless to do anything in this House. Again we are debating a Federal issue. These Labor members should be ashamed of themselves. Two sessions of questions without notice have come and gone since their caucus meeting when there was so much dissent about the rail system in New South Wales. Many representatives of electorates in Western Sydney made big men and women of themselves in caucus when no-one was listening, including the Premier and Michael Costa. They had an opportunity to ask questions, but what happened? There were 10 pathetic Dorothy Dixers from Government members trying to suck up to the Premier—the guy who will bring down the Government.

Have Government members not seen the poll in the *Australian* a couple of weeks ago? Have they not seen the Premier's approval rating? Have they not seen the poll that shows the approval rating of the Labor Party is at 48 per cent? Why do they think that is happening? Forget about the politics of it: the rating is at 48 per cent because the people of New South Wales are unhappy. Forget about what might happen in the next election: start worrying about why the people of New South Wales are unhappy! They are unhappy because the railway system is not functioning. They are worried because if they have a heart attack in Sydney and are sent in an ambulance to the nearest hospital there is a good chance of being redirected to another hospital. These are people whose lives are at risk because of the failures of this Government. Forget about Telstra!

Mr Matthew Morris: Point of order—

Mr ADRIAN PICCOLI: I have finished.

Mr Matthew Morris: My point of order relates to the relevance of the honourable member's contribution. He is not even close to the issue of Telstra and caps on local calls. He is totally out of line.

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

Ms NOREEN HAY (Wollongong) [4.17 p.m.]: I have just listened to the diatribe from the honourable member for Murrumbidgee. Whether those on the other side of this House like it or not, Telstra and the impact of the cost of calls on those on low incomes is important to the people of New South Wales. As the member for Wollongong I will raise any issue that I believe is important to the members of my electorate and that they need assistance with. I strongly suggest that the honourable member for Murrumbidgee not get too carried away with how popular this side of the House is at the moment. I do not believe the Opposition can take any heart from its own performance.

The motion is urgent because everyone in New South Wales has a right to effective and reasonably priced telephones. If the Federal Government continues with its plans to privatise Telstra this may be our last chance to protect those least able to afford price hikes. Yesterday's release of the draft report of the Australian Competition and Consumer Commission [ACCC] raises some hope for low-income earners. It is vital that the Federal Government adopts the ACCC's recommendations to cap a range of telephone services. Telstra and the Federal Government need to listen to everyday mums and dads who should not have to face yet another burden on the family budget. Having had a whopping \$4 billion profit last financial year, it is time that Telstra thought about giving something back to its customers and looking after low-income earners.

I certainly welcome the ACCC's suggestion of price capping on line rentals and local calls. The skyrocketing cost of line rentals has been scandalous and the Federal Government has done nothing about this outrageous situation. The increasing cost of line rentals has hit those least able to pay—our senior citizens, people with disabilities and job seekers. For the past five years people on low incomes have faced an increasing struggle to pay their phone bills. The recommendation of the ACCC offers some relief, but only if the Federal Government adopts its suggestions. The ACCC recommends that phone line rentals, which have more than doubled in five years, should be added to services that must drop in aggregate price each year. Our consumer watchdog has also recommended that Telstra keep local calls at 22¢. I am pleased that the ACCC wants the current cap of 40¢ from a payphone to remain. I am delighted that it realises that an increase in calls from local phone boxes would directly affect those least able to pay. Being able to end social isolation is one of life's greatest pleasures for those who wait daily for a phone call.

The ACCC also suggests that dial-up Internet services should be at the cost of a local call. That is certainly good news for families. Every family is keen to have their children do well at school, and being able to access the Intranet at school and at home is an essential part of their schooling. Keeping these costs low is essential for the future education of our children. It is also vital for local businesses to find markets for their products in this State, nationally and overseas. This is yet another sensible suggestion by the ACCC, which also believes there is a need to continue targeted measures to protect those less able to afford price hikes. The ACCC believes that Telstra's current low-income packages could be improved to make sure our State's low-income earners have access to basic telecommunication services. Those less able to afford rising telephone costs will be pleased that our national consumer watchdog believes price controls should apply for three years.

Everyone has an opinion about Telstra, and those who are not shareholders probably have a negative opinion. Complaints about services and charges have been rapidly increasing. Complaints about bills from homes and businesses have jumped 36 per cent. Complaints about bills from unhappy mobile phone users have increased by 22 per cent; complaints about mobile phone contracts have increased by 27 per cent. Obviously, Telstra needs to lift its game. The latest draft review by the ACCC may go some way towards addressing the obvious problems of our telecommunications carrier. I welcome the suggestion in the draft report that connection services should also be subject to a price cap. I certainly support the review of Telstra, and I urge people to give their opinions about this draft report. I encourage the Federal Government to adopt the recommendations as speedily as possible. Even though honourable members opposite do not seem too keen to pick up the phone and speak to their counterparts in Canberra, I encourage them to ask their mates to consider helping the low-income earners of New South Wales. [*Time expired.*]

Ms GLADYS BEREJIKLIAN (Willoughby) [4.22 p.m.]: There is no doubt that the cost of local calls is an important issue. However, I find it extremely ironic that at a time when the State faces crisis after crisis we are debating a motion relating to a matter over which this Parliament has no jurisdiction. Trains do not run on time and hospital waiting lists are lengthy. One of my constituents has waited seven months for a hernia operation and still cannot get into hospital. The Government is closing community-based mental health facilities, and New South Wales continues to be the highest taxing State in Australia. It is a shame that Labor seeks to politicise this important issue, which is in fact a Federal issue. Like millions of other Australians, I have

the utmost confidence that the Federal Government will deal with this important matter in an open and transparent manner, as it has on many occasions in relation to many other matters.

If honourable members opposite care about people on low incomes, they should lobby their Federal counterparts not to politicise the issue and to work constructively with the Federal Government and its parliamentary committees so that the matter is dealt with in an open and transparent way. The hypocrisy of the Government in moving this motion is breathtaking when our rail system is in crisis. Indeed, more than one million commuters are unable to get to school, to work, to child care and to other activities on time. Hospital waiting lists have blown out and community-based mental health facilities in my electorate are being closed. This State continues to be the highest taxing State in the nation and next year many people will receive a bill for land tax for the first time. This State now has exit tax and payroll tax.

Labor members have an opportunity to articulate in this place the concerns of their constituents. However, they ignore the important issues and choose instead to deal with matters outside the jurisdiction of this State, and by doing so they shirk their responsibilities. If honourable members opposite care about people on low incomes, they should ask their Federal colleagues to work constructively with the Federal Government and deal with the issues that are relevant to this State. They should lobby the Minister for Transport Services about trains, the Minister for Health about hospital waiting lists and the Treasurer about the record taxation levels in this State.

Mr Thomas George: What about the club tax?

Ms GLADYS BEREJIKLIAN: The honourable member for Lismore rightly interjects by asking, "What about club tax?" In my electorate many people on low incomes who rely on subsidised meals and entertainment will have those services cut.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Willoughby is outside the leave of the motion. I remind her that the House made a decision about which urgent motion would be debated, and I ask her to address her comments to that motion.

Ms GLADYS BEREJIKLIAN: I accept the ruling, of course, but I reiterate that this issue is important and the honourable member for Wollongong should lobby her Federal colleagues to work constructively with the Federal Government rather than politicising the issue. [*Time expired.*]

Mr PETER BLACK (Murray-Darling) [4.27 p.m.]: Yet again I inform the House that we in western New South Wales do not have any metropolitan trains. We have one train that goes to Broken Hill on a Monday and comes back on a Tuesday—it works like clockwork. But some of us have telephones. What a disgraceful performance we have seen this afternoon! I will sum up the situation. First of all, we had Bow-wow Brogden, the Pittwater Poodle, wanting us to debate the subject of trains and essential services at the time of the Dubbo by-election.

Mr Andrew Stoner: Point of order—

Mr ACTING-SPEAKER (Mr John Mills): Order! I find it difficult to understand how the Leader of The Nationals can take a point of order within one second of walking into the Chamber. There have been rulings on that matter, but I will allow him some latitude. What is the point of order?

Mr Andrew Stoner: My point of order is relevance. The honourable member for Murray-Darling is ranting about trains and various other matters that have nothing to do with the motion.

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

Mr PETER BLACK: I refer directly to the Leader of The Nationals, who sought to move a motion concerning Dubbo. Dubbo has no trains but it certainly has phones. The Leader of The Nationals has completely ignored what we did with the good Independent of Dubbo, such as investing \$5.3 million in the Tottenham railway line. Members opposite heard the statement yesterday. The Leader of The Nationals does not want to talk about Telstra. The bottom line is that The Nationals in this Chamber today voted against discussing Telstra and in favour of discussing metropolitan trains.

Mr Thomas George: Point of order—

Mr ACTING-SPEAKER (Mr John Mills): Order! If the point of order relates to relevance I rule against it. The remarks of the honourable member for Murray-Darling are relevant.

Mr Thomas George: My point of order is one of relevance.

Mr ACTING-SPEAKER (Mr John Mills): Order! There is no point of order. The honourable member for Murray-Darling may continue.

Mr PETER BLACK: I have not finished with the Leader of The Nationals—or the notionals, or whatever they are called these days—because tomorrow we will debate his motion. And I look forward to debating it. But after the Leader of The Nationals comes in, who do we find? We find the shadow Minister for Education and Training, the honourable member for North Shore, who wants to talk about education in Dubbo. Despite repeated interjections, she could not name the river or a football club in Dubbo.

Mr Brad Hazzard: Point of order: Earlier the honourable member for Willoughby was directed to confine her remarks to the terms of the motion. The honourable member for Murray-Darling has been speaking for three minutes and 50 seconds but he has not mentioned Telstra.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! The honourable member for Murray-Darling may continue.

Mr PETER BLACK: Is it any wonder that The Nationals are looking forward to the arrival of Larry Anthony? They have no leadership whatsoever. Larry Anthony would want to debate Telstra, he would not want to talk about trains, and he would not vote against debating Telstra or the upcoming Dubbo by-election. The people who work for Telstra—those who are left—are doing a very good job in western New South Wales. Last Wednesday night I had dinner in the back garden of the Royal Hotel in Bourke with people trying to raise money for the back of Bourke project and trying to get on with a quality life in western New South Wales.

Guess what? One of those people is one of the greatest leaders of western New South Wales and a former candidate for what was a great party, the Country Party—Wally Mitchell from Louth. He told me that his faxes are mangled because they are sent out at great speed, but they receive them only at a certain speed. The standard of service delivered by Telstra in western New South Wales is unsatisfactory. I tell The Nationals to forget about municipal trains and get back to debating the issues in the bush. [*Time expired.*]

Mr MATTHEW MORRIS (Charlestown) [4.32 p.m.], in reply: I acknowledge the contributions of the honourable member for Wollongong and the honourable member for Murray-Darling, and I congratulate them on pursuing the interests of their electorates. The comments from members opposite on this issue were interesting. Initially they did not want to debate this motion. But rather than speak in support of the motion they rattled off all sorts of issues, clutching at straws to deviate from the issue before the House today. They were all over the place. What is the message that comes out of that? What is the message for their constituents? The message is that they do not know anything about the issue. They have not done any research. Or are they simply not interested in representing their communities in terms of Telstra and the cost of local calls? I ask members opposite: What is your position? Will you look after the interests of your community?

Mr Thomas George: Point of order: My point of order relates to relevance.

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

Mr MATTHEW MORRIS: The Leader of The Nationals—or should I say the notionals—had the hide to come into the Chamber and raise a point of order on relevance. How hypocritical is that, considering the contributions of the honourable member for Murrumbidgee and the honourable member for Willoughby? They did everything but say that they supported calling on the Federal Government to ensure that a cap is placed on local call charges. Not once did they say that. Those words did not pass their lips. They gave no indication to their electorates or to the broader community that they support low-income earners in their electorates who are struggling financially to cover the escalating Telstra-related charges. I proudly support the motion on the basis that I represent my community and I am concerned about Telstra fees and charges.

Mr DEPUTY-SPEAKER: Order! The honourable member for Lismore will come to order or leave the Chamber.

Mr MATTHEW MORRIS: I want to ensure that our community gets a fair go.

Mr DEPUTY-SPEAKER: Order! The honourable member for Willoughby has already made a contribution to the debate. I suggest that she remain quiet.

Mr MATTHEW MORRIS: Telstra is a big organisation. Clearly, that corporate body will be sold off. I do not want to see that happen. In the interests of my community—as opposed to members opposite—I want to ensure that it gets a fair deal out of the wash-up and that a cap is placed on local call costs. Those calls are critical to families for all sorts of reasons. Surely members opposite cannot deny that, considering their family obligations and commitments when they access a phone. Why should we not argue and lobby and call on the Federal Government—the colleagues of members opposite—to ensure that local call charges are capped? That is fair and reasonable.

This House has a crucial role in being used by elected representatives to call on whatever tier of government necessary to ensure that our constituencies are heard and represented, and that we are seen to actively support the interests of our communities. For whatever reason, members opposite do not want to do that. The Opposition does not want to support a call for a cap on local call charges. Why? I am not sure. Obviously they are not prepared to share their view with us because they did not even stick to the issue.

Mr Brad Hazzard: Point of order: I simply point out that the Opposition is not opposing this motion and, therefore, everything the honourable member for Charlestown is putting is hypothetical rubbish.

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

Mr MATTHEW MORRIS: Members opposite say that they are not opposing the motion. Some 20 minutes ago they opposed this motion being debated. They wanted to debate the motion of the Leader of the Opposition relating to rail. They have conveniently forgotten that there was a division only a short time ago. Not once during this debate have they acknowledged, on behalf of their communities, that they support a cap on local call charges. Not once! They should be embarrassed about that, and I hope the message gets back to their constituents.

Motion agreed to.

LOCAL GOVERNMENT REFORM

Matter of Public Importance

Mr DAVID BARR (Manly) [4.38 p.m.]: I am sure this debate will be sensible and amicable, and without points of order. This matter of public importance relates to my belief that significant reforms still need to be made in local government in terms of transparency, probity, efficiency and sustainability issues. The Government had a bill that passed a short time ago, that is, the Local Government Amendment (Discipline) Bill. What will be forthcoming from that legislation is a code of conduct, which we have yet to see. Basically, the essence of the legislation was the notion of a sin-bin, whereby councillors could be banned from council meetings for a period of one month, or sometimes six months, depending on whether they have committed an act of disorder.

The issue I have is: What is an act of disorder and who is to determine that a councillor has been guilty of such an act? When debating that issue, I said I thought there was a risk that a majority faction could intimidate a minority faction and find a minority councillor guilty of an act of disorder. Therefore, I do not know how the Act will pan out. I do not think it goes anywhere near far enough to improve the accountability of local government.

Local government is an extremely important area of government. It is the font of democracy. It is where most people have interaction with their elected representatives and it is where they have the most say. There is nothing more democratic than the local town hall public meeting on local issues, where people can express their views. Much of local government is virtuous and noble. I was a member of local government for 8½ years, as were many members of this Chamber. For all of us it was a period of personal growth, maturing in the political process and learning the needs of people and our community. It is a terrific away of getting a grip on what is going on in one's community.

There are serious issues in local government. At the recent Local Government Association meeting, Manly Council put up a charter of political reform. I understand that was howled down. That charter proposed a

number of things. I am not going to go through them all, but one was that candidates be asked to make a commitment not to accept any direct or indirect donations from property developers immediately upon announcing their candidature, and that those aspiring to public office be asked to sign a statutory declaration committing themselves to such a principle.

A further provision in the charter was that all candidates be asked to voluntarily declare their business and property interests before the election and that those declarations be made available for public scrutiny within seven days of formal candidature, and that the candidates be asked to declare current and previous membership of any political parties within the past four years. That is because candidates often run as independents when in fact they are not. Speaking as a true independent, I take offence at that. That was howled down. A North Sydney amendment suggested it be referred to the association for further work.

If we are serious about reform of local government we have to start looking in particular at the issue of contributions and the impact that can have on councillors. Local government is the area most prone to corruption and undue influence. I do not believe the Local Government Act and the recent amendments address that issue. A large grey area in the Local Government Act does not cover the behaviour of councillors who may be sailing close to the wind. We need to tidy that up. It is imperative that councillors, as far as practicable, be removed from decision-making processes on development applications, except those development applications that are of local significance and involve policy.

As I said, I was a council member for 8½ years and I used to go on site inspections on Monday mornings, and look at carports, first-storey extensions, heights of walls and so on. I believe that is not appropriate for councillors. Councillors are put at moral risk because a friend of a friend, or a friend or relative, or a person who worked on their campaign may want a particular development application approved or may be opposed to it, or perhaps there may be strong local opposition to it that has to be weighed up against a greater community benefit or disadvantage. Councillors are sometimes caught between a rock and a hard place on these issues and may make decisions based not on the best public interest but on those immediate pressures. They should not be put in that position.

Before Warringah Council was sacked, it was the most complained of council in the State. One of the recommendations that came from the investigation into the council was that there be an independent hearing and assessment panel in cases involving more contentious development applications. That is a positive step. Manly Council recently rejected the notion of an independent assessment panel. There is a rescission motion on that issue, which I believe the council should seriously consider because councillors should be at arm's length from the mundane, run-of-the-mill development decisions because they take up time and because of this moral risk problem.

When development applications come before council, local people who view the proceedings are sometimes astonished at what they see. Debates often become political and there are attempts at point scoring. Debates can go on interminably over what may be simple matters. This does not make people respect councils, and it is not a fair way to treat those who lodge development applications or those who object to the applications. Councillors should be kept at arm's length by using assessment panels.

Another point I have raised in this Chamber—and it came out also during the Warringah investigation—is that following all the complaints about Warringah Council and the criticism that it did not have a proper complaints process in place, an ombudsman was appointed. However, that ombudsman really is just a complaints officer. I have met with the Minister and suggested to him that where councils or groups of councils decide that they want an ombudsman, the ombudsman should have greater statutory protection. The position is not envisaged in any legislation at the moment, it is just a local creation, so there needs to be protection in relation to litigation, defamation, the Privacy Act and the Freedom of Information Act. There needs to be a guarantee of greater tenure, otherwise the ombudsman is at the mercy of the people who control the council.

The advantage of having an ombudsman is that he or she can hear complaints from the public about the conduct of council staff or councillors from a distance, giving the public greater confidence in dealing with the council when they have a complaint. When people approach me to complain about the two councils in my electorate all I can say to them is that if they have had an unsatisfactory experience they should go to the New South Wales Ombudsman. It would be much better if there were a local outreach, so to speak, of the Ombudsman's office that could deal with council issues, and an Ombudsman who deals with a cluster of councils rather than a single council.

I have said previously in this House that councillors should be restricted to two consecutive terms, otherwise they become entrenched, and that can lead to cronyism, entrenched interests, and so on, behind the scenes. That would be a simple reform. On both occasions I raised this matter in the House it was totally opposed, but I believe it is a good measure. It is good enough for the United States presidency. There are some people who would note with relief that the current incumbent has only has two terms and this is his second term. The last point I refer to is sustainability, another issue I have raised in the House previously. Local government area boundaries should reflect catchments. We have to get serious about sustainability and water quality, and therefore we need to have council boundaries taking in catchments to import water bodies. [*Time expired.*]

Mr STEVE WHAN (Monaro) [4.48 p.m.]: I thank the honourable member for Manly for the opportunity to discuss this issue. I congratulate him on his well thought out contribution. He has obviously put a lot of thought into the important issues that continue to challenge local government. I am sure the Minister will be interested to read his comments about a potential ombudsman for local government and also the balance in planning in regard to arm's length decision making in councils. It is always going to be difficult to find a balance between democracy and electing a government to look after policy and make arm's-length decisions, and how far each of those should go. It is always going to be a difficult issue.

The New South Wales Government is reforming local government so that councils are able to provide better services to their residents and ratepayers. The Government has achieved a great deal through its reforms. We had several options for local government. We could have allowed local government to continue on the same path. Rather, we chose to consult with local communities about ways to make local government stronger. We consulted widely in that process, well beyond the requirements set down in the legislation. We believed that broad consultation was required to ensure the involvement of communities in the process. The results have been very encouraging. Local councils are now talking to each other and their communities about ways in which they can provide better services.

To date, five regional reviews have been held involving 49 councils. The purpose of the reviews was to ensure that the community was involved in every step of the reform process. After all, that is what it is all about. Coonabarabran and Coolah councils approached the Minister for Local Government with a voluntary amalgamation proposal, and following a review by the Boundaries Commission the new, stronger Warrumbungle Council was established. At least 70 other councils are now part of various strategic alliances or resource-sharing arrangements. I am sure the honourable member for Tamworth will speak in this debate about those arrangements because councils in his electorate have entered into them. Armidale, Dumaresq, Guyra, Uralla and Walcha councils have formed the New England Councils Strategic Alliance.

Through this alliance the councils are undertaking joint tendering and sharing core support functions and plant utilisation. We should encourage them to share their resources. I have encouraged several councils in my electorate to do so, in particular Bomballa, Cooma and Snowy River councils. Through alliances, core support functions are shared. Many small councils have difficulty recruiting senior staff in areas such as planning, and councils in my electorate are already sharing planning resources. Other successful partnerships have been developed for the sharing of information technology, waste collection and disposal, libraries—a resource shared by the three local councils I referred to—staffing arrangements, human resource services, roads maintenance and catchment management.

We need to encourage councillors to keep talking to their neighbours. The aim of any alliance should be to deliver better services to the community. There are now 152 councils in New South Wales. Reform has never been about finding a magic number of councils. It is about trying to put local government in a stronger position than it was 18 months ago. The Government's reforms have led to one-off savings of more than \$11 million and annual savings of almost \$12 million. This money is going straight back into providing better services for the community. The administrator of the new Glen Innes Council estimates that the new council will achieve savings of more than \$555,000 by December. He expects over \$1 million in savings in its first year of operation. That amount is above and beyond original expectations. The savings are there to be found.

In the long term, local communities will see the benefit of the personal sacrifices councils throughout regional New South Wales have made. This is more important than numbers. We want councils to focus on affordable and improved services for their communities. This has been one of the most significant periods of local government reform in this State. The amalgamation and expansion of councils will strengthen the foundations of local government in New South Wales. The honourable member for Manly spoke about water catchments. As a representative of regional New South Wales, I believe that is an important issue for the future management of local government areas.

The Government has referred to the catchment management authorities to help simplify land management issues. Obviously, some councils are involved in this strategy. A notice of motion has been given relating to the frequent water supply problems in the Yass shire, which seem to occur year after year. One of the changes made to the local government boundaries in the region I represent was designed, in part, to provide Yass shire with greater control over its water catchment area. It was recognised that the shire could not properly control its catchment when another council was responsible for approving residential subdivision in the area. The council, which was faced with that difficult issue, was extremely pleased with the boundary change.

As we undertook this reform process the Government made a number of commitments in regard to employment protection. We said at the beginning that there would be no job losses as a result of amalgamations. In small towns councils are often the biggest employer. Earlier this year the Local Government Act was amended to protect non-senior council employees where councils were undergoing reform. The amendments prevent staff-shedding in anticipation of reforms, quarantine employment conditions of non-senior staff, require all job vacancies to be advertised internally in the first instance, prevent the relocation of staff outside a former council's boundaries without their consent, require that minimum staff numbers be maintained in rural centres—that is, centres with 5,000 people or less—and extend core employment protection provisions to all regular staff, both permanent and casual.

The protections the Government has put in place have guaranteed ongoing employment in places such as Braidwood. The new council in that area is grappling with some of the problems left by the old council structure and its inability to finance projects. Some serious problems are now emerging. Although the new council is grappling with those problems it has guaranteed employment. The measures the Government has put in place have assisted people to keep their jobs, while providing the area with a more viable council.

I will speak briefly about the sin-binning provisions that were introduced in Parliament recently. The honourable member for Manly referred to those provisions. With the introduction of the reforms, disruptive councillors now face tough penalties. They will not be allowed to stop councils from functioning. Until recently, when a council was not functioning because of a few disruptive councillors the only action the Minister could take was to sack the entire council. Obviously, that was not a fair action to take when only one or two councillors were preventing the council from performing its duties. This situation has occurred in my electorate. The Government will not allow the poor behaviour of individual councillors to tarnish the reputation of local government. We have provided the Pecuniary Interest Tribunal with the ability to suspend councillors for serious misbehaviour for up to six months.

During debate on this bill the honourable member for Manly raised the issue of protecting individuals from persecution by majorities on council. The Minister for Local Government dealt with that issue and in the legislation put in place safeguards to ensure that proposals for suspension were able to be vetted and appealed. Under the Government's proposal the director-general of the Department of Local Government has the ability to suspend councillors for up to one month. By doing so the council can get on with its business. In 2003-04 the department received 1,082 complaints about councils, an increase of 22 per cent on the previous year. Clearly, poor behaviour damages the reputation of councils and local government in general.

Local communities do not want to see their councillors bickering or people pulling stunts and stalling the work of council. They want their local government to get on with the job. By all means, councillors can express a different opinion or show vigorous support for a different policy, but not to the detriment of the functions of council. The Government continues to work with councils on the code of conduct and councillor training. It is expected that the code of conduct will guide councillors in their decisions. We want them to act honestly, ethically and responsibly when making decisions on behalf of their community. I am pleased to say that the vast majority of local government representatives work very hard, and the Government supports them in their important job.

Mr PETER DRAPER (Tamworth) [4.58 p.m.]: I am pleased to be able to make a contribution to this debate because it is a very important topic. Those of us who live in the north-west of the State have experienced a little bit of everything in terms of reform. As mentioned by the honourable member for Monaro, a strategic alliance has been formed between the Walcha, Uralla, Guyra and Armidale-Dumaresq councils. That alliance has had a positive impact on the local area. The mayors of the councils met with the Minister to present a progress report. I was pleased to attend that meeting with my colleague the honourable member for Northern Tablelands. The mayors focused on the positive outcomes of the arrangement. It was inspirational to watch four councils that have traditionally not been the best of friends pulling together and working co-operatively.

Many good examples were cited at that meeting. The mayor of Uralla said that on the day of the meeting there were three road gangs working on projects in the shire of Uralla but none was from Uralla. That illustrates an effective utilisation of resources. Different areas of expertise were highlighted as a result of the strategic alliance. Uralla is particularly strong in the information technology and computer fields and those skills are being shared with the other councils. Programs are also being developed to increase efficiencies in all partner councils. The councils discussed how they could rationalise the disposal of garbage because that is an important issue. The mayors were very positive in their message to the Minister. They said that they would not simply meet his expectations; they would exceed them. That message was well received by the Minister.

The strategic alliance does not sacrifice stability, representation or local service delivery. People can still walk down the streets of their towns and run into their local councillors. Immediate gains include getting rid of duplication, increasing productivity and streamlining many of the councils' functions to allow the delivery of a more diverse range of services, and that will lead to more employment in the communities involved. That is a great positive. The councils have received \$100,000 from the Government to develop a local environmental plan. This is an excellent example of good solutions identified by local people and implemented for the benefit of the community.

The councils of Tamworth, Parry, Nundle, Manilla and Barraba were amalgamated and that process went relatively smoothly. However, the community still has concerns—rightly so—that the number of councillors has been cut far too savagely, from 42 to 9. Given the size of the electorate the nine councillors are already struggling to travel to far-flung places. I was at Barraba on the weekend for the launch of the new multipurpose service. Thankfully, we were represented by the former mayor of Barraba, Shirley Close, who is now a councillor. The councillors elected represent the various communities of interest. Of the nine councillors, six came from outside the city, and one each came from Nundle in the east, Barraba in the west, Dungowan, Kootingal, Bendemeer and Winton. All the rural areas have strong representation, with the exception, unfortunately, of Manilla. Many candidates put up their hands in that area and as a result they did not get a representative.

The amalgamated council will work well and it will offer a great deal to the community. The amalgamation of other councils as part of the local government reform process has resulted in some controversy. The process carried out by Chris Vardon was viewed very cynically by the community, because people believed that the decision had been made prior to the consultation. Werris Creek and Currububula residents were forced into Liverpool Plains and people are now asking how long Liverpool Plains will last before it is forced to merge with Gunnedah. That is a considerable concern to many people in the community. Happily, very good local people represent all the council areas, be they part of an amalgamation or a strategic alliance. This process will take our area strongly and effectively into the future. The reform process was necessary, although I may not agree with some of the methods used to accomplish it.

Mr DAVID BARR (Manly) [5.03 p.m.], in reply: The community wants transparency, probity, efficiency and sustainability from local government. By and large, councils muddle along and do those things reasonably well, but there is certainly scope for further tightening. It is evident from the miscreant councils that have been sacked just how off the rails local government authorities can go. We must address a reform charter and donations to councillors and the way that donations may motivate them. We should also consider the difficult positions in which councillors can be placed in development matters. As I said, local government is the area most prone to corruption. However, one need only look at what the difference in the value of a five-storey and a six-storey building can mean to a developer—it may be a matter of millions of dollars. It may take only one good lunch to persuade a councillor to support the construction of a six-storey rather than a five-storey development. Councillors often face that type of decision. It is a dangerous area and we should be more vigilant.

One of the ways to achieve that is to keep councillors away from routine development application [DA] processes as much as possible. Their job is to shape the direction in which the council should go rather than to deal with individual DA issues. The more they are bogged down in that area the more they are pressured by individuals, groups, friends, relatives and so on to vote in a particular way. We should remove them from that situation so they are not exposed to moral risk. An ombudsman dealing with councils or groups of councils could be considered. Such a position should be statutorily recognised and afforded appropriate protection. It could well be an outreach of the Office of the Ombudsman. That would give people confidence that when dealing with a council, if they have a problem, they have a body to whom they can go to have the matter investigated at arm's length and get a response. Even if they do not get the response they want, at least they will know that the issue has been properly investigated and everything has been done above board.

Transparency and probity are very important in all decision-making processes. Councils are involved in making decisions that directly affect lives and amenity. It is critical that these decision-making processes are implemented. I have spoken previously about a two-term limit, but I was in a minority of one when I called for a division on both occasions. However, many honourable members have said that they agree with me. Members of the general public certainly agree with that idea. Independent panels are also important in taking councillors out of the loop as much as possible with regard to mundane DA decision making. They should be involved in decision making that involves changes to local environmental plans and development control plans and large-scale developments that will have a major impact on the entire area rather than just one street. It is fair enough that they be involved in those decisions.

Councillors work much harder than the general public recognises and they often face very difficult situations. They front up to council meetings each week and make decisions on a broad range of issues, many of which are very difficult and can go either way. They are under a great deal of pressure and they do a difficult job. We should respect and recognise that and take them out of the DA process as much as possible. We should also examine councillors' declarations of pecuniary interests and whether they have been funded by developers. That is a touchy issue as far as the public is concerned. People do not like the idea of elected officials being funded by developers and we should clamp down on it. There is scope for much more reform of the Local Government Act and related Acts; we have not gone nearly far enough down that path. I hope that in the near future the Government seriously considers making more progressive changes to legislation to make local government more accountable and transparent and to make the lot of councillors easier in the process.

Discussion concluded.

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

PRIVATE MEMBERS' STATEMENTS

ST IVES PROPERTIES HERITAGE LISTING

Mr ANDREW HUMPHERSON (Davidson) [5.09 p.m.]: I wish to raise a matter that I have dealt with on and off as both a councillor and a member of Parliament over the past 17 years or so. I refer to heritage listing. I raise the matter on behalf of constituents of my electorate who live at 17, 19, 21, 23, 25 and 27 Richmond Avenue, St Ives, and 400 Mona Vale Road, St Ives. Over the past 10 months the constituents have had imposed upon them the distress and stress of a proposed heritage listing by Ku-ring-gai Council and, for a portion of that time, the State Heritage Office. I acknowledge that in respect of some properties an effort should be made to preserve their heritage, but by all measure this should be the exception and not the general rule. I believe it is much more preferable to preserve quality, rather than quantity.

The problem is that heritage listing a property often punishes the owner of the property. In the case of the properties in St Ives to which I have referred, their value has been diminished. With regard to another property, I have received a statutory declaration from a real estate agent indicating that a property sale has not been accomplished because of a proposed heritage listing. I believe the practice of heritage listing should be regarded as immoral. There is a need for a complete and utter overhaul of the heritage listing process. If a property owner is to have what is in effect a burden placed on their property, the agency or body that places the heritage listing should be obliged to compensate the owner for their financial loss, or, alternatively, to purchase the property from them.

If heritage listing is so important to the community, or to the agency or body that represents the community on heritage listing, that body or agency should provide the money for such heritage listing and not penalise those who have invested their life savings in their home. I wish to cite a couple of examples as referred to in correspondence I have received from affected residents in my electorate. Over the past 10 months the residents have experienced distress, uncertainty and frustration over the State Heritage Council's intention to list Pettit and Sevitt homes in St Ives on the State Heritage Register. I understand that some months ago the State Heritage Council withdrew its proposal. However, such withdrawal of heritage listing has occurred before, and it is likely to occur again in the future. I understand that Ku-ring-gai Council intends to go ahead with its proposed heritage listing.

I have received correspondence on the issue from Mrs Galina Shein. I have also received correspondence from the Boyd family of 400 Mona Vale Road, who have experienced similar problems with regard to the heritage listing process. The Boyd family wish to have the option of selling or renovating their property. The family had two valuations carried out on the property. With heritage listing it was valued at \$600,000, and without heritage listing it was valued at \$720,000. If the heritage listing proceeds, and if the family wishes to sell immediately, they will be punished to the tune of \$120,000, which I believe is totally immoral.

I have also received correspondence from Saman Rahmani, who informed me that he purchased his home about five years ago with the intention of saving some money and eventually rebuilding on the site. Mr Rahmani incurred the cost of obtaining development approval, but he has now been told that the development application will not proceed. He attempted to sell the house, but the sale fell through because of the prospective heritage listing. Mr Rahmani provided me with a statutory declaration from a real estate agent in St Ives that says that the "threat of such [heritage listing] has been a major deterrent to prospective purchasers". The sale of that property has fallen through as a direct result of the proposed heritage listing.

I have received a fax from the Hubbard family of 23 Richmond Avenue, St Ives, expressing similar concerns. Their home has been substantially renovated and the family is also faced with the loss in value of their property. The family points out that the owners of homes in the area have also suffered the loss of flexibility in renovating their homes, which have small bedrooms and are not suited to the current lifestyles of most people or any prospective purchaser. I call on the Government to review heritage listing laws, and I call on Ku-ring-gai Council to back down on its plans to heritage list these properties. [*Time expired.*]

TOONGABBIE PUBLIC SCHOOL TOILET FACILITIES UPGRADE

Ms PAM ALLAN (Wentworthville) [5.14 p.m.]: I raise an issue of great concern to the parents and citizens association, staff and principal, Mr Ric Riddle, of Toongabbie Public School, and to the local community. That issue is the state of the school's student toilet block. There is no doubt that the student toilet facilities at the school are woeful, and that they are in dire need of either demolition and rebuilding or at least substantial reconstruction.

I will not offend members' sensibilities by showing some of the photographs that have been provided to me by the parents and citizens association of Toongabbie Public School. However, the toilets are in an atrocious condition. They have aged poorly over many decades, and no works of any significance have been carried out on the toilets in the 13 years that the current principal has been at the school. Prior to that, there is little memory amongst those currently associated with the school of any work being carried out there. Toongabbie Public School has kept its teachers for long periods of time, and I have spoken to them during my visits to the school. The fact that not one teacher or ancillary staff member can remember work being done on the toilets confirms that no significant works have been carried out on them for many decades.

On Monday 13 September this year I attended the parents and citizens association meeting at Toongabbie Public School as a guest of the president of the parents and citizens association, Mr Len Cuthbert, and the secretary, Ms Sue Bolton. Both members of the parents and citizens association executive had advertised my presence at the meeting, which was attended by a large gathering of parents and teachers, and members of the association executive. These people are angry about the state of the school's toilets. At this stage they are not directing their anger at any particular individual or agency. They acknowledge that even though work on the toilets is overdue, a concerted campaign has not previously been mounted to make the toilets a priority for refurbishment.

Since 13 September officers from Progroup Management, the body responsible for such maintenance works in schools, have visited the school to assess the state of the toilets and have added the project to the list of works due for attention. Also since 13 September the Deputy Premier, and Minister for Education and Training has written to the school, and also to Mr S. Smith of 1 Bethel Street, Toongabbie, who has visited me to raise his concerns as a parent of students at the school. The Minister has noted the need to upgrade the student toilet facilities at Toongabbie Public School, and he has asked me to advise Mr Smith that funding for the provision of an upgrade of the school's student toilet facilities will be considered in the context of future statewide capital works priorities.

I appreciate this initial response from the Minister for Education and Training because I believe it is appropriate. However, it is also appropriate that I place on record that the school is very anxious about the

deplorable state of the toilet block. Many of the parents believe that the years 3 to 6 boys and girls toilet facilities are an absolute disgrace, with leaking cisterns and flooring that is in a deplorable condition. I urge the Department of Education and Training to hasten its assessment of the need for works to be carried out on the school's toilets. Today the principal told me that he would even be satisfied with some major works taking place. He does not believe that the entire building needs to be demolished, because that would involve tremendous expense on the part of the department and the school. However, it is essential that departmental officers perform the assessment as soon as possible. [*Time expired.*]

FARMLAND PROTECTION PROJECT

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [5.19 p.m.]: An issue of great concern to the residents of the Ballina electorate and to me is the protection of prime agricultural land. The far North Coast has some of the best agricultural land in Australia. It also has a growing population and, as a result, there are increasing pressures on available land. I support the protection of prime agricultural lands both to ensure the viability of agricultural industries, and hence our food supply, and also to protect the rural character and charm of the far North Coast region. Whilst I support policies that protect prime agricultural land, I have a number of concerns about the Government's Farmland Protection Project [FPP] in its current form.

The first of these concerns is that the farmland classification mapping is broadscale—based on a scale of 1:100,000 soil landscape mapping—and it contains inaccuracies because of the broad brush approach. NSW Agriculture's document entitled "Agricultural Land Classification (2002)" states that small-scale maps are inappropriate for making land use decisions relating to individual properties. Furthermore, that publication includes an established classification method incorporating the full range of factors affecting agricultural suitability and viability, not just soil types. Why the departure from NSW Agriculture's recommendations? I also ask: is mapping based on soil types alone appropriate for determining prime agricultural land?

Secondly, no recourse for merit-based assessment of actual agricultural suitability or viability of given properties is incorporated into the FPP. A local landowner whose property has rural 1(a), rural 1(b) and wetlands zoning over it has been told his property is to become regionally significant agricultural land. His adjacent block, which consists of one hectare cut off by the Pacific Highway and surrounded by industrial zonings, is also to become regionally significant agricultural land. The owner will be left with a small parcel of land deemed prime agricultural, yet too small for viable agricultural use. Furthermore, no provision is made for the correction of demonstrated mapping errors and no right of appeal is included in the FPP. No periodic review process is incorporated into the FPP. This is inconsistent with strategic urban land release reviews, which typically occur at five-yearly intervals. The FPP in its current form will potentially affect co-ordinated and planned urban growth, sustainability and housing affordability.

In essence, there is insufficient flexibility to deal with changing circumstances over time. I have received representations from a number of constituents, landowners and local businesses regarding their concerns about the FPP. For example, land fronting Byron Street at East Wardell is a small—approximately five hectares—infill site located between an existing residential area and the Richmond River. Furthermore, the site contains council's water and sewerage infrastructure and road reserves. This site, however, is mapped as "regionally significant farmland" under the FPP.

An agricultural assessment prepared for this site by Wilkie Flemming and Associates concluded that the agricultural viability of the site is severely restricted, and serious land use conflicts would result if the site was cultivated. The central point is that there needs to be some mechanism to allow correction or amendment to the FPP where the facts do not support such a zoning. Currently this is not the case. This is especially relevant because Department of Infrastructure, Planning and Natural Resources [DIPNR] acknowledges its mapping is not accurate because of its broadscale nature. In my view, where site-specific investigation information is provided by way of submissions to this policy, mapping should be amended, as appropriate, prior to adoption of the FPP.

Additionally, the FPP should include a review process, say every five years, as with urban land release strategies. It should also provide a mechanism to challenge incorrect mapping by individual property owners. The FPP should also incorporate a full range of assessment principles in determining what constitutes State or regional agricultural land, as previously developed by NSW Agriculture. Where there is land currently subject to rezoning applications, it could be given "under investigation status" until the application is dealt with.

This modified policy should be exhibited for public consultation and comment before adoption. Ironically, just this week I have been informed that another State government agency, the Roads and Traffic

Authority [RTA], has identified a huge corridor through some of the most prime agricultural land in the country for the upgrade of the Pacific Highway between Ewingsdale and Tintenbar. Does the left hand of this Government know what the right hand is doing? The protection of prime agricultural land is vital to maintaining the rural amenity of the far North Coast region and our agricultural and horticultural industries. However, in my view the FPP, because of its inaccuracies and its lack of any appeal process, lack of flexibility, absence of merit-based assessment and lack of any review provision, falls far short of meeting the expectations of the community both now and into the future. The FPP needs to be reviewed prior to its implementation, and I call on the Minister for Planning, Infrastructure and Natural Resources to do that now that the public submissions stage has finished and before the FPP policy is finalised. [*Time expired.*]

CANTERBURY BOYS HIGH SCHOOL PREFECTS INVESTITURE

Ms LINDA BURNEY (Canterbury) [5.24 p.m.]: Tonight I am going to talk about the annual prefect investiture at Canterbury Boys High School, as I did last year. Last year was the first year I attended the investiture and I was quite overwhelmed by how wonderful it was and how proud I felt looking at these wonderful young men. This year was no different and it was a great occasion. The ceremony was addressed by the principal, Mrs Ann Martin, the prefects co-ordinator, Ms Brewster, and Ken Olah, the superintendent of the St George School Education Area. Mr Olah gave a fabulous speech and used the Sydney Swans scarf as part of his lesson about loyalty. He also talked about how relationships were really important to the boys. Martin Ting, the school captain for 2004, gave a handover address. He was wonderful last year and he was just as wonderful, and even more grown-up, this year.

Rhys Burgess and Samin Raihan, school captains for 2005, and Arun Chowdhury, the outgoing 2004 vice-captain, also spoke. Mr Heron, of the Old Canterburians Union, pinned the badges on the boys. It was extremely moving to see a man who was probably in his sixties or seventies, who used to be a Canterbury Boys High School student, pinning the badges on these these young men. One of the speeches that made an enormous impression, not just on me and the adults there but also on the young men, was made by Mrs Pilgrim, the president of the Canterbury Boys High School Parent Committee. She spoke about driving and young people getting their licences. She did not shake her finger and say, "Just remember, cars can be lethal weapons." She did it in a way that embraced the young people there, and I am sure she gave them something extremely important to speak about.

Jofiliti Vuli, one of the outgoing prefects, and a young man, Johnson Zhang, performed musical items. It was very moving to see the cultural diversity and pride in these young men. New school captains Rhys Burgess and Samin Raihan, whom I mentioned before, led the procession of new students to be pinned on the day. But there was one famous old boy from Canterbury Boys High School who did not rate a mention either this year or last year.

Raymond Padora and Michael Zhang received their vice-captain badges and Billy Kwan and Steven Spiliotopoulos were officially named and accepted their roles as senior prefects. The prefects, some of whom I have already mentioned, were Tanmoy Adhikari, Milad Ahmadzai, William Chan, Christopher Coglitore, George Fifita, Scott Gallagher, Gino Gunardi, Justin Hartany, Chris Lee, Luke Malik, Miko Naguit, Craig Nolan, Peter Terzis, Mohamad Trad, Darren Wang and Michael Wu. Just listening to those names tells a little bit about the wonderful place that is the Canterbury electorate.

In their speeches the prefects spoke about no place for racism and bullying in the school, a chance to make a difference, not abusing the position, how they want to make things better, and how they know that the positions are about honour and dignity. They also spoke about custodianship. My message to the boys that night was just to do their best. People cannot expect any more, but they do not expect any less, and doing their best is what being a school captain or any sort of leader should be about. As I said earlier, it was an inspiring day, and all these young men from the senior years at the high school left me feeling confident that we have a bright future. They are a credit to the school, their families, and the people of Canterbury. The parents should be proud of these wonderful young men.

THORNLEIGH PEDESTRIAN BRIDGE ADVERTISING

Mr ANDREW TINK (Epping) [5.29 p.m.]: I again raise a matter that I brought before the House on 24 September relating to advertising on a pedestrian overbridge across Pennant Hills Road at Thornleigh. I have now received a response to that private member's statement in the form of a letter dated 19 October from the office of the Minister for Roads, which states in part:

The advertising revenue generated from commercial advertising displayed on Roads And Traffic Authority (RTA) pedestrian bridges is currently not sufficient to pay for the full capital costs of each new structure. The revenue is currently used to part subsidise the construction and ongoing maintenance of the pedestrian bridges installed as part of the RTA's Pedestrian Facilities Program. The revenue generated from this new Development Application (DA) would contribute to this program.

In short, that means the advertising on the pedestrian bridge at Thornleigh will be used to cross-subsidise the building of pedestrian bridges in other parts of Sydney. This pedestrian bridge was constructed following an agreement with the Thornleigh community and Hornsby council just over 10 years ago. The clear understanding and arrangement was that the advertising revenue would be used to build that bridge and no other. The rules have now been changed to provide this cross-subsidy. I place on record my strong opposition to that process.

When the construction of bridges is required in busy traffic thoroughfares, the level of traffic available should be sufficient to warrant advertising revenue on the particular bridge that is to be built. Bridges in my electorate should not remain aesthetically displeasing to provide for aesthetically pleasing bridges in other areas. If a bridge requires advertising revenue in order to be built, the advertising should hang off that bridge until it is paid for. It is as simple as that. Under this policy advertising on the pedestrian bridge at Thornleigh will continue indefinitely. That is unacceptable to Hornsby council and to the local community. Indeed, it is contrary to the agreement entered into with the community, and it is certainly unacceptable to me. I made a freedom of information application to the Roads and Traffic Authority about this matter and was supplied with a letter dated 27 October 2003 from the RTA to Mr Ray Wood, Civilbuild Constructions Pty Ltd, indicating the longstanding nature of the plan for the cross-subsidy. The letter states:

As you are aware your advertising rights under ... Pedestrian Bridge Construction and Maintenance Agreement between the RTA and Civilbuild Constructions Pty Ltd, dated 23 January 1992, expires on 25 November 2003 and under ... the Agreement you are required to remove, at your cost, the advertising signs within 28 days from the expiration of the advertising rights.

I interpose to state that that was the point at which the community, council and I thought that the advertising would come to a satisfactory conclusion, with money from advertising to build the bridge and improve pedestrian safety in the area. The letter continues:

However, to facilitate a smooth changeover to the new advertising company, Cody Outdoor Advertising Pty Ltd, please contact with Matthew Tripolone ... to negotiate the transfer or coordinate the removal of the signs with the installation of any new installation they may propose to install.

In other words, the ball had been passed to a new company, and this was all organised in secret back in October 2003 without council knowledge. The RTA must, of course, seek permission from council, as the development consent authority. I suspect that even now Hornsby council still does not know anything about this secret arrangement to flick the advertising to a new company and to keep it going past the period of the agreement. That is totally unsatisfactory and wrong. The original agreement has expired. The development application was refused, quite rightly, by Hornsby council, but because it involves a State government instrumentality the Minister for Infrastructure and Planning must confirm the decision of council. I hope and trust that the Minister will confirm that refusal, abide by the original agreement, uphold the agreement with residents and tell the RTA that it cannot cross-subsidise in secret behind their backs. [*Time expired.*]

GEORGES RIVER ELECTORATE COMMUNITY AWARDS

Mr KEVIN GREENE (Georges River) [5.34 p.m.]: On Thursday 28 October I had the great pleasure and privilege of hosting my annual community awards night, which recognises organisations and individuals within the Georges River electorate and the contributions they make to the community. This year 15 organisations participated and I congratulate them on the standard of nominations they again put forward for awards. The Oatley Flora and Fauna Society nominated Dr Fred Bell, the newsletter editor, who has been heavily involved also in submissions to the Port Botany inquiry. The Pole Depot Neighbourhood Centre at Penshurst nominated Iva Pulyic, who is involved with the seniors group and assisting people with disabilities. Iva was very touched to win this year's award.

The Rotary Club of Georges River-Riverwood nominated long-term member John Wrigley, who is a butcher at Lugarno and has been heavily involved in Rotary activities for many years. It was pleasing to see him recognised in this way. Mrs Diane Whittaker was the recipient of an award on behalf of the Georges River Lioness Club. Margaret Glanville gave a speech about Diane, and commented on her ability to inspire people to participate in fundraising, which is obviously an important part of community organisations and service clubs. The representative of the Oatley Lions Club was Lynda Robinson, who has been heavily involved with organising a seniors Christmas function for the people of Oatley. In her acceptance speech Lynda related how she became involved in community service when she helped a young woman in desperate circumstances. Her story was inspiring and illustrated why people participate in community service.

The recipient this year for Georges River community services was June Bullock, who voluntarily assists in teaching English to adults. All recipients expressed humility in receiving awards but June was quite shocked to be considered for such an award. I have known June and her husband, Alan, for many years. In the 1980s he was the secretary of the Georges River-Penshurst Junior Cricket Association. The Learning Links organisation nominated its chairman, Mr Simon Osborn, a successful local businessman who has shared his business expertise with that organisation. That is greatly appreciated. The winner representing St George Community Services was Mervyn Lynch, whose contribution as a councillor and involvement with St George Community Services I mentioned earlier this year. Merv was surprised because he did not realise he had been nominated.

Oatley Caring Centre nominated Helen Lewington, who for more than 20 years has worked as a volunteer, preparing meals for seniors at the centre. Kingsgrove Community Aid winner was Paddy Butler, a long-time member of the committee. Lugarno Progress Association honoured Helen Campbell, former secretary, an extremely organised person who has since moved out of the area. Lugarno Lions Club nominated one of its foundation members, Bob Dylan. This year the club is celebrating 30 years of service to the community. Bob is well known for his participation over those 30 years. St George Family Network recipient was Dick Goodfellow, a member of the executive committee and also a member of Lugarno Lions Club. Dick was recognised for his contribution and many great ideas to assist that network.

The Rotary Club of St George Central chose to nominate Mr Ian Leach, Chairman of Meals on Wheels, a worthy recipient. The winner representing St George-Hurstville Lions Club was Dixie Lee Woller, who is a bus driver for Punchbowl Bus Company, a great local organisation run by Steve Scott. Dixie was recognised for her generous work, over and above her duties as a bus driver, in looking after the elderly in the community. The Illawarra Catholic Club generously made its auditorium available and I thank the club for its support. In particular, I thank Marcello, the operations manager, and Adrian, the chef, for preparing a beautiful meal for the evening. [*Time expired.*]

HORNSBY KU-RING-GAI COMMUNITY COLLEGE

Mrs JUDY HOPWOOD (Hornsby) [5.39 p.m.]: Tonight I refer to the Hornsby Ku-ring-gai Community College, which is in my electorate, and the actions and words of the college principal, Elaine Harris. On behalf of the students and staff, Ms Harris has expressed alarm about the severe funding cuts that have befallen the college and many other colleges in the area at the hand of the Carr Government. I thank the shadow Minister for Education and Training for her great interest in community colleges and for visiting the college on 4 November to talk to the principal, as well as other principals and the many concerned staff and students who attended for that particular issue. The Hornsby Ku-ring-gai Community College is a well-loved and important part of our community. I shall inform the House of the funding cut. Some \$312,369 was allocated in 2004, compared to \$219,669 in 2005, which is a cut of \$92,700 or 29 to 30 per cent. That is viewed as extremely serious. In a recent message to colleagues the principal, Elaine Harris, said:

In [Hornsby Ku-ring-gai Community College] we have only 20% of our student population in VET classes. That leaves 80% of our students that have made the decision to learn, just for the love of learning, not necessarily to get a job or entry into higher education. VET is not only what Community Colleges are about. Cutting us off at the knees in our general ACE provision is social engineering at its worst.

At the community college meeting held last week many people expressed concerns. One was a married man with children who had brain damage following a car accident. He was unable to work, and the provision of courses that he could do not only kept him occupied and stimulated during the day but also provided him with a social aspect of life which he would not otherwise have. The English as a second language courses that are offered at the community college attract students who want not only to learn English but also to meet other Australians. Those students go on to do other courses, which result in them making friends and integrating much more effectively. The courses that are offered by the college that are not vocational education and training [VET] courses still provide opportunities and enhance work skills. These courses include photography and cake decorating. After undertaking these courses, people could set themselves up in small businesses.

Victims of cancer, or cancer survivors, gained a lot of benefit from the relaxation courses, some dance courses, and the pilates and yoga courses. Many elderly people were provided with courses that kept their minds active. With our increasingly elderly population and future problems of dealing with dementia, an active mind is most important. Until now the college has provided concessions for pensioners, but it may not be able to do so in the future. So the principal, Elaine Harris, and all the people who support lifelong learning were wondering what on earth the Government was about if on one hand it was saying that it supported lifelong learning and on the other hand it was cutting the budget for community colleges. A communiqué from the principal stated:

I wonder if the Director-General of Education and Training has perhaps not been briefed fully on his portfolio. Perhaps no one informed him that there is indeed a fourth sector of education under his area of responsibility. The "Excellence and Innovation" Consultation Paper which arrived on my publicly funded desk this morning, proved to be interesting reading indeed. Unless I missed something, there was not one mention of Adult Community Education, the apparently 'forgotten sector' under the umbrella of the Department of Education and Training.

I have a lot more information but time is short. The Government should know better than to make cuts to this valuable education sector. I have done courses at the community college and I will do more courses in the future. The funding cut is an absolute tragedy. [*Time expired.*]

ST PAUL'S GRAMMAR SCHOOL, PENRITH

Mr ALLAN SHEARAN (Londonderry) [5.44 p.m.]: Last Wednesday I attended the St Paul's Grammar School, Penrith, Annual Exhibition of the International Baccalaureate [IB] Primary Years Program. The International Baccalaureate Organisation has the following admirable statement of aims:

The IBO aims to develop inquiring, knowledgeable and caring young people who help to create a better and more peaceful world through intercultural understanding and respect.

To this end the IBO works with schools, governments and international organisations to develop challenging programmes of international education and rigorous assessment.

These programmes encourage students across the world to become active, compassionate and lifelong learners who understand that other people, with their differences, can also be right.

In 1990 St Paul's successfully introduced the IB Diploma as an alternative for year 11 and year 12 students alongside the New South Wales Higher School certificate. The success of St Paul's in the program is illustrated by one of its students who in 1996 gained the second highest IB mark in the world. The school's ongoing success is reflected more recently with 54 IB Diploma students receiving a university admission index score above 90 in 2000, 2001 and 2002. In 2002 St Paul's decided to expand the program to include all classes from kindergarten through to year 12. St Paul's is now the biggest IB school in Australasia, and it is the only school in New South Wales to have the Primary Years Program.

As part of this program, the school aims to develop students who are informed, tolerant and flexible, able to communicate and work with others of like and differing cultures. The Primary Years Program exhibition enables the students to showcase the skills, knowledge and attitudes they have developed. Upon arrival at the school, Mrs Christine Roberts, head of the Junior School, introduced me to the Acting Principal, Mrs Ruby Holland, and school council members Kim Hellyer, Steve Goode, Margaret Wright and Geoff Hiatt. Mrs Roberts then invited the guests to attend the opening ceremony, where she welcomed all and explained the evening's activities and how they related to the Primary Years Program. Following an opening prayer by Rossie Gribble, the students responded and introduced a Christian perspective.

Ms Harriet Lorrimer from World Vision was then introduced. She commented on some of the work of World Vision and the role of St Paul's and the students in assisting with its objectives. She then presented a certificate to the head prefects. A performance was then presented by the choir, which sang two songs. Its performance was truly delightful and of such a high standard that it was hard to realise that they were primary school students. Each singer was totally committed to the performance and I do not recall even one of them missing a key note or lacking in concentration on the conductor. Next on the agenda was a world street theatre where groups of students presented a viewpoint from different countries around the world. The opening ceremony finished with a performance of Irish dancing by students Remy Mahoney and Eilish Palacios, who I understand were successful in the recent Australian Competition for Irish Dancers. Their fitness levels in what is a particularly physical form of dancing were clearly evident, and it was easy to see how their skills were nationally recognised as being first class.

After the opening ceremony we had the opportunity to view the various exhibits presented by the students. Each item on display was able to distinguish an appreciation for what we have in our country as against that in other parts of the world. Amongst the many very good displays was a price comparison of what every child seems to desire in our affluent society, a Big Mac. If parents are anything like me they probably get a bit queasy every time those huge yellow arches loom and the chorus commences "Can we go to McDonalds, Dad?" Nevertheless, to be fair, I suppose they satisfy a certain demand. What intrigued me was that the students were able to show that the most expensive Big Mac was in Kuwait, priced in Australian currency at \$9.79; the cheapest was in Morocco at a mere 35¢, with the average being \$2.96. When I asked how the information was obtained one of the students informed me they had researched the information on the net—a great demonstration of how the Primary Years Program develops and encourages research.

One of the final performances of the evening was a debate with the subject being "The United Nations is irrelevant". Students from both sides of the debate were quite strong in their views, which at times belied their ages. While it was found that the United Nations remains relevant, I am sure that the adjudicator had a hard task in making that decision. The school captains, Julia King and Luke Raams, and all the students should be deservedly pleased with their efforts in presenting the Junior School's annual exhibition of the IB Primary Years Program. I am sure their parents, along with the year 6 teachers Chris Wyatt, co-ordinator, Kerry McCaffery and Ruth Adams, the Primary Years Program co-ordinator, would have all been proud of the students. In closing I record my congratulations to all on a job well done.

KEMPSEY POLICE OFFICER MONIQUE BUGDEN

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.49 p.m.]: I was contacted recently by a constituent via a letter, the contents of which I wish to place on the parliamentary record. The letter reads:

I am a serving NSW Police Officer attached to Kempsey Police Station. I require assistance in relation to the mistreatment and persecution I have received from senior police officers over the past four and a half years. I have exhausted all other internal and external agencies and believe it is necessary to raise my concerns as a matter of urgency with you, being my Local Member of Parliament ...

In January 2000 I was sexually assaulted by a serving police officer. I reported the offence and the matter was investigated. The officer was charged with a number of offences. He was unfortunately acquitted after three trials at the Sydney District Court in May 2002. He continues to work as a police officer, despite the overwhelming evidence against him and his prior convictions for serious offences.

In December 2002 I was charged with a number of offences relating to evidence I provided in the three trials. The charges did not in any way relate to the allegation of sexual and indecent assault. The allegations against me related to ancillary matters. Most of the charges were dismissed at a Committal hearing, where a prima facie case was not established. The remaining charges were No billed by the DPP on the 28th of May 2004, on the basis that there was insufficient evidence to convict me. I maintain my innocence in relation to all of those matters.

Once I reported the sexual assault upon me, I have continuously been persecuted by senior police officers within the Mid North Coast Local Area Command and the Northern Region. I have been charged with offences I have not committed; had an Interim AVO taken out against me; been harassed by police officers who supported the officer who assaulted me and threatened with suspension for things I have not done and not had any knowledge of.

The senior police investigating matters against me have been severely condemned by magistrates and legal professionals for the malicious nature in which they have dealt with me and the way in which they have conducted their investigations and management of evidence.

I have continued to make justified complaints about the ongoing actions of these police officers, however the response I receive is further attacks on my credibility as a police officer. The Ombudsman and Police Integrity Commission have refused to intervene on any occasion.

At the present time I am suspended with pay, despite there being no outstanding charges against me. I have been informed that a 181D Notice is to be issued, which is a Commissioner's loss of confidence in me. This is based on the false allegations which have been made against me. My Local Area Commander ... stated that I have been nominated for dismissal because of the content of the brief of "evidence." The DPP could not establish a case against me. My legal representative Mr Roland Day (ex-police officer and Magistrate) is appalled at the way in which the matter was investigated and that I have continued to be attacked since reporting the sexual assault.

My comments are not merely speculation. I have received a legal advising in relation to the continual attempts to discredit me through prosecution. I have been informed that I have a "very strong case" against the NSW Police for malicious prosecution; Abuse of process; and Neglect. The hierarchy are obviously well aware of this and attempt to substantiate their actions in attempting to discredit me.

Prior to the sexual assault I was enjoying my career as a police officer, particularly having transferred from Western Sydney to Port Macquarie. I always had a good rapport with my colleagues and police hierarchy. I am now facing dismissal because I have continued to stand up to the corrupt actions of senior police officers. The malicious nature of their actions and the mistreatment I have received causes me great concern for other officers who may be confronted with a situation where the serious and criminal conduct of a serving police officer has to be reported. This situation has continued for a very long period. I have suffered emotionally and financially. I want to continue my career as a police officer, however that appears unlikely due to the level of corruption within the hierarchy.

The honourable member for Port Macquarie laughs. The letter goes on:

I hope you can assist me with the issues I have raised. I am willing to provide you with the volumes of material which relate to the abovementioned matters and more.

I believe this is a very serious issue and would be of great concern to members of the community and other serving police officers. I am not the only officer who has suffered this form of harassment and persecution from the same senior police officers.

Yours sincerely,

Monique Bugden

I am not commenting on the rights or wrongs of these allegations. I would normally refer these matters to the Police Integrity Commission [PIC]. However, Ms Bugden has already been to the PIC and the Ombudsman. I now ask the Minister to personally examine this case, and I will send a copy of Ms Bugden's letter to him.

F6 TOLL

Mr PAUL McLEAY (Heathcote) [5.54 p.m.]: I start my comments by reading from a press release dated Friday 30 June 1995 issued by Michael Knight, then Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads. The press release is headed "Savings for Illawarra Families and Business" and reads:

The State Government today lifted the toll on the F6 Freeway in a move that will save Illawarra families and business hundreds, and in some cases, thousands of dollars each year.

In a ceremony to commemorate the removal of the 20 year old toll, the Minister the Roads, Michael Knight, and the member for Bulli, Ian McManus, accepted the last toll from a motorist and then removed a banner to unveil a sign saying "NO TOLL—PROCEED WITH CAUTION".

...

"The removal of the toll brings to an end discrimination against Illawarra and South Coast road users who had been paying toll when at the same time there was no toll on the Sydney to Newcastle Freeway," Mr Knight said.

At the time the new driver aid system was fully operational, something that freeway users, the NRMA and local members of Parliament had consistently called for. That was in June 1995. Last week a forum for local government representatives was held by the NRMA. One of the proposals that came out of this forum was that a toll be placed on the F6 freeway. My predecessor, Mr Ian McManus, and many other constituents were shocked to hear that the Wollongong lord mayor, Councillor Alex Darling, supported the reintroduction of the toll on the F6 freeway. That would be a shock to most residents of the Illawarra, particularly those in my electorate, and it came as a shock to the former member for Heathcote.

The headline in the *Illawarra Mercury* on Friday 5 November was "F6 Toll: Not Again." The former member of Parliament, Mr McManus, returned from his holidays to talk about why he was so opposed to the toll. In this place on 17 November 1992, he talked about the death of some young university students who died when they avoided the F6 tollway and used the old Princes Highway. He called for the government of the day to remove the toll, and finally in 1995 Labor did so. I am shocked to hear that Wollongong council supports the move to reintroduce the toll.

Other local issues complicate the matter. The Helensburgh interchange has been built by Labor, so it would be easy to go around the toll gates at Waterfall. The closure of Lawrence Hargrave Drive until early 2006 will have a further impact on residents. We do not want a toll on the F6. This afternoon I again spoke with the Minister the Roads. He has reconfirmed that the Government has no intention of putting a toll on the F6, and that is good news for people in my electorate.

The State Government has committed \$380 million over 12 years to upgrade the Princes Highway. We have called on the Federal Government to come to the party. The F6 toll was removed in the first place to lessen the burden on workers and students in the Illawarra. However, 25 per cent of the students at Wollongong university come from the Sutherland shire. If a toll is reimposed it will be an additional burden on those students as well as on the workers who are forced to commute between Sydney and the Illawarra every day. Although the editorial of the *Illawarra Mercury* of 6 November had mixed feelings, it finished by saying:

The introduction of a toll would be an additional burden on an already over-taxed community but it might just be the only answer.

I believe that in this instance the editor is wrong. A toll on the F6 is not appropriate for Waterfall or the surrounding areas. The Government is committed to its 12-year \$380 million plan for the road, which is about halfway completed. All we need is the Federal Government to come on board. The people of Heathcote do not need a toll at Waterfall.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.59 p.m.]: The honourable member for Heathcote raised a valid issue in the Chamber tonight. In his contribution he referred to the ceremony that took place in 1995 when the toll on the F6 was removed. In my former role as Lord Mayor of Wollongong I attended that ceremony and joined with the

community in its celebration of the removal of the toll by a Labor Government. Ian McManus, a former member for Heathcote, Bulli and Burragorang—who was present in the gallery at question time today—has been very vocal in his opposition to the reintroduction of the toll. I spoke to him today and he reaffirmed that opposition.

Unfortunately, the present Lord Mayor of Wollongong, councillor Alex Darling, seems to have given legs to the NRMA report, raising community concerns. The honourable member for Heathcote, who is attuned to the local community's wants and desires, knows full well that the broader community of the Heathcote electorate, Wollongong, the Illawarra and the South Coast will not accept the toll. I have spoken to the Minister for Roads about this matter. He told me that a Labor Government took away this toll and this Labor Government has no plan to reintroduce it.

It was suggested that the toll be reintroduced because the Federal Government refuses to offer financial support for the major upgrade that is under way on the Princes Highway. The work on the Princes Highway would be completed more quickly if the \$380 million that the Carr Labor Government has committed to the project were matched dollar for dollar by the Federal Government, as it has done for other roads project throughout the State. I renew the call on the Federal Government to come good with the money and support the upgrade of the Princes Highway south of the city of Wollongong. With Federal funding there would be no need for a toll on the F6, which this State Government has no intention of reintroducing.

PORT MACQUARIE INDUSTRIAL LAND STRATEGY AND AIRPORT MASTER PLAN

Mr ROBERT OAKESHOTT (Port Macquarie) [6.01 p.m.]: I call on the Premier and the Minister for Infrastructure and Planning to consider forming a Port Macquarie advancement group to deal with two important issues in my local area. The first issue relates to industrial land and the future of the industrial land strategy. Recently Multi-Nail, a company which provided 69 jobs, relocated from our area to Brisbane. The loss of the company has placed a great deal of pressure on local employment. The local community is disappointed to have lost such a major company, and its departure has raised concerns about the future provision of industrial services and industrial jobs in our area.

Several years ago Hastings Council prepared an industrial land strategy. However, because of significant growth in the Port Macquarie area, the planning department of the council has had other priorities. The industrial area in Port Macquarie has rapidly become a retail-wholesale area. We need to examine the future strategy for industrial land and the provision of industrial employment in our area. I encourage the Premier and the Minister to set up a task force to assist planning processes and support the work that has been undertaken by Hastings Council with the hope of getting the council to prioritise the industrial land strategy. With the rapid residential growth in the area, we desperately need a strong employment base by providing a backbone for jobs in the industrial sector.

The task force would also need to address the progress of the airport master plan. Again, Hastings Council prepared a master plan on the future direction of airport services. There are two prevailing views, and they are contrary to one another. One view is that the current air wars and cheap airfares are unsustainable. Therefore, the expenditure of more than \$10 million for a longer, harder runway and the development of jet-based facilities is a risky project. The view is that the future is more likely to be one of smaller, domestic-type shuttle services. Further, the upgrading of the highway will encourage more car-based travel to the Port Macquarie and Hastings areas.

I hope that Hastings Council and the State Government consider the alternate view, that is, that cheap air travel is here to stay. It may not be Jet Star or Virgin, but it will be available. The deregulated markets around the world offer many cheaper airfare options. To be able to sustain the cheap airfares the airlines need the numbers and the ability to move them. We will need to provide facilities that can handle jet-based services or larger type aircraft so that the cattle can be moved quickly and cheaply. Port Macquarie will miss this opportunity unless we invest in a longer, harder runway, and we invest now. I strongly encourage the Minister and the Department of Infrastructure, Planning and Natural Resources to address these two important issues.

Alarm bells should be ringing in our tourism sector. Cheap flights can be obtained from major capital cities and from our friends up the road at Coffs Harbour for \$50 or \$100 to almost anywhere in Australia. But Port Macquarie will miss the action unless we plan for the future through the provision of infrastructure services. The two key strategies necessary for the next stage of growth in Port Macquarie and the Hastings areas are: first, the progression of the industrial land strategy and the implementation of measures to attract major employers to our local area; and, secondly, the progression of the airport master plan and major expenditure on infrastructure that is vital for the future of our local area.

WATER SUPPLY

Mr PETER DRAPER (Tamworth) [6.06 p.m.]: Today I refer to water reform yet again. It seems our city cousins are only now beginning to appreciate that their demand on water supplies cannot be sustained. Dam storage levels across the State remain critical, and water shortages in some rural areas are even more severe than in Sydney. Before recent rains the seasonal conditions map posted by the New South Wales Department of Primary Industries showed 78 per cent of the State still in drought for the month of October. Being subject to the more immediate effects of drought, country people have long respected and valued water as a finite resource and know how critical it is to have a reliable, quality supply. Water conservation is a way of life because rural communities depend on water for survival and prosperity and to sustain the natural environment upon which livelihoods are based. I have listened with interest to details of a \$780 million funding strategy to conserve Sydney's water supply over the next 25 years.

The Government must also focus on supporting regional and rural water supplies by progressing water-sharing plans and investing in water supply infrastructure west of the Great Dividing Range. The ongoing supply of water is currently one of the biggest issues facing irrigators in my electorate in light of the new water management framework. In 2000-01 the Australian Bureau of Statistics valued New South Wales irrigated agriculture at more than \$2.7 billion, which is more than 30 per cent of the total agricultural value of New South Wales. Irrigation is a key component of farming in my electorate, but the Namoi ground water source is one of the most stressed in New South Wales. It has been recognised that a reduction in access through a Namoi water-sharing plan is necessary to ensure sustainability. As I speak, water users subject to this plan are trying to secure adequate compensation for water allocations, which they will lose when the plans come into force on 1 July 2005.

Unfortunately, despite much work by water user associations to ensure the best outcome for communities and the resource, there is currently no definite pathway for the water-sharing plan. The ground water system cannot afford this delay, nor can irrigators who need investment certainty. The upper and lower Namoi ground water user associations are attempting to ensure as much productivity as possible is maintained for the region and the asset values of water licence holders are protected. Progress is being hampered by a stand-off between the State and Federal governments over the compensation funding agreement. The State Government announced in the May budget an extra \$38.4 million for New South Wales ground water assistance to the existing Namoi structural adjustment package of \$20 million, bringing compensation to a total of \$58.4 million. The State Government has asked the Federal Government to match this assistance with \$55 million.

In response to a question I asked in this House recently, Premier Carr assured country communities that his offer to implement the six current ground water sharing plans remained on the table waiting to be matched by Commonwealth funds. He said that without those matching funds the water-sharing plans were useless. It is my understanding that the Deputy Prime Minister, the Hon. John Anderson, has reconfirmed his support for Federal funding of New South Wales ground water reform. It is incumbent upon the New South Wales Government to work with the Federal Government to address the outstanding issues being raised by water users and to enable the water-sharing plan process to be finalised. Another major water-related issue is continuing in the town of Barraba, where residents have been subjected to severe and ongoing water restrictions over many years. There are no known adequate sources of good quality water that Barraba can use cost effectively within its immediate vicinity.

The town of 1,230 citizens sources water from a river, a small dam and a creek. These sources continue to be inadequate with harvesting becoming difficult around four months after decent run-off generating rainfall. At present the water supply is variable but generally very poor with the dam highly susceptible to the toxic blue-green algae. The former Barraba Shire Council embarked on a bid to secure a supply from Split Rock Dam some 25 kilometres away. Council has investigated long-term water supply options over many years, but each has proved flawed. The community believes the solution is a pipeline to Split Rock Dam delivering a highly secure supply of quality water at an estimated cost of \$3.5 million. However, it has come to my attention that despite a recent injection of \$25 million in extra funding to the country town water supply and sewerage program, the Department of Energy, Utilities and Sustainability has given Barraba a low ranking of 8 on a scale of 1 to 10 on the list of priority projects under this program. I find this situation ridiculous and quite discriminatory. Access to a quality water supply is a basic right for the people of Barraba and is as urgent for them as it is for Sydneysiders.

Another regional water issue in need of immediate Government attention is the Tamworth Regional Council's effluent re-use scheme, which I am told is in danger of collapse due to cuts in Government funding to its establishment costs. Under the scheme semi-treated effluent water would no longer be discharged back into

the Peel River system. In addition, 5,000 millilitres of effluent water would be purified and used to irrigate 800 hectares of agricultural land west of the city. This project could be a showpiece for water conservation and deserves the same support this Government gave Sydney in regard to water conservation and recycling practices. The Government should take a good hard look at regional water issues and realise it has an obligation to invest in water supply infrastructure across the State and not only in areas of greatest population.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Paul Lynch) left the chair at 6.11 p.m. The House resumed at 6.30 p.m.*]

HEALTH SERVICES AMENDMENT BILL

Second Reading

Debate resumed from 28 October.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [6.30 p.m.]: The Health Services Amendment Bill and the second reading speech of the Minister for Health are explicit acknowledgement of the waste, duplication, inefficiency, and cost to taxpayers of the New South Wales health system, which the Carr Labor Government has presided over for almost 10 years. In March this year the *Sydney Morning Herald* quoted the Minister in a way that gives some evidence of the size of that waste, duplication and inefficiency on the part of the Carr Labor Government at a time when there have been greater stresses, strains and demands upon our health system.

The Minister said that up to \$150 million could be saved each year—not through wholesale reform of area health services but, in his words, "by combining the corporate services of the State's 17 area health services". Extrapolating that over the time Labor has been in office, what is clear, what this bill explicitly acknowledges, and what the Minister in his Orwellian language in the second reading speech embraces, is that the Government has wasted almost \$1 billion over its life—money that could, and should, have been better used to support doctors and nurses to improve the quality of care in our hospitals and provide patients with the timely access to care they deserve.

Money has never been an issue for the Carr Labor Government, because money is not at the root of its failures in relation to health. The Government has presided over a period in which State revenues have increased by 80 per cent. In 1995 they were \$20 billion a year, whereas last financial year they were \$40 billion a year. Thanks to the Federal Government and its impact upon the property market, particularly in Sydney, the Carr Labor Government has presided over an unprecedented amount of stamp duty revenue, to the tune of \$7 billion over and above what was anticipated.

The Carr Labor Government has never had a shortage of money to direct into the health system. Perhaps it is for that reason that, as the bill and the second reading speech acknowledge, the Government has managed to preside over such waste, inefficiency and duplication in the health system—\$1 billion in retrospect, and up to \$150 million a year as referred to by the Minister. The reality is that from day one in office the Government failed to ensure that our health system's focus was firmly and squarely on patients. The Government has put bureaucrats ahead of our health professionals and others who work in our hospital system. It has always enjoyed putting bureaucratic structures before the interests of the patients who seek to use our hospitals and health clinics—which is, after all, the basic service that NSW Health is meant to provide.

Under this Government we have seen the bureaucracy grow and grow and grow and grow. I acknowledge that the Government has directed additional funds into health—though the health funding growth rate has not matched the 80 per cent rate of growth of overall revenue during the term of this Government—but it has not ensured that that money has found its target at what we all seem these days to call the front line of our health system. Funds have not been directed to ensuring support for doctors and nurses in our hospitals along with allied health professionals, or to providing patients with the care they need.

What we have seen since Labor has been in office, at least up until the end of 2003—I wait with great interest for the next round of annual reports to be issued—has been a 91 per cent increase in the administrative costs of bureaucrats within the health system. And that is something like double the increase in the costs of those who actually provide medical services within our hospitals. So again we see this Government's priorities: grow bureaucracy before growing the medical profession; put bureaucratic costs up ahead of increasing medical and associated costs for those who staff our hospital system.

I suspect most members of Parliament have a story about their own area health service, but I was a regular visitor to what was then the Northern Sydney Area Health Service, which was housed in Royal North Shore Hospital. What would strike me on my annual visit was that I was inevitably climbing more stairs to see the chief executive officer because more and more floors were being occupied by public servants who were shuffling papers and who were taking money that clearly should have been directed to support doctors and nurses at the front line to provide the care required.

Since becoming the shadow Minister for Health, whenever I visit a hospital, whenever I talk to those involved in the delivery of medical services in hospitals, they all tell the same story: that it has always been easier to create a new area health service position than to appoint a new emergency nurse, to put in place a new triage position, or to appoint an allied health professional at the front end of our hospital system. I challenge the Minister—it may well be his own experience and he may say in his defence that that is what this bill is about—but what we are talking about upfront is this Government's neglect over nine years to ensure that valuable taxpayer dollars were directed to where they were most needed.

This scandal has left our hospitals under-resourced, our health professionals and others at work in hospitals under enormous pressure, and the public enduring less than acceptable delays in accessing treatment, whether emergency or otherwise. This is a government that seems obsessed by structures; this is a government that seems obsessed by the bureaucracy. It is not the approach that the Liberal and National parties endorse or that the Liberal and National parties will embrace when next in office. The Liberal and National parties when elected will be firmly focused on patients, on the quality of care offered by our hospitals and clinics, and on supporting those doctors, nurses and allied health professionals and others at work within those facilities. To achieve that we have made clear our intention to reintroduce local hospital boards.

We believe that that initiative would ensure that health services are delivered where they are needed in a way that gives local communities a real say in what services and resources are available at their local hospitals. It is an approach that is a long way from that of the Carr Government historically, whose approach was about decisions being made by bureaucrats in air-conditioned offices well away from local facilities and well away from local communities. That situation is going to be exacerbated by the structures and approaches outlined and set up by this legislation. We fundamentally reject them.

This morning I was in Dubbo, which will be part of a greater Western area health service of enormous size, and yet we are expected to believe that the myriad local communities that make up that greater Western area health service will all have local input into decision-making. It is simply not real life. It is the sort of Orwellian language that we are starting to hear come through the Minister's speeches as he tries to breach the enormous gulf between his and the Premier's rhetoric, the legacy left to him by Craig Knowles, and the reality that is known to people who work in or who have dealings with the hospital system. As I travel the State, people complain that they feel disconnected from local hospitals, even though it is clear that the Government is happy to accept funds raised by local committees and to use help provided by volunteers. I acknowledge the honourable member for Wagga Wagga, who is in the Chamber. We all know about the sort of community effort supported by the former member for Wagga Wagga which has delivered real benefits to cancer patients in that part of the world.

That is happening across the State. But when it comes to the Government listening to and consulting with local communities, it is all about lip service and keeping people in the dark about how their hospitals are run and about the future of local services. Whether it is in Western Sydney, in the electorate of the honourable member for Mount Druitt, on the North Coast or the South Coast, or in other parts of the State, that repeated criticism is heard from people working within the hospital system, including the pink ladies who work hard to raise the money to buy equipment, who suddenly discover that the equipment has been moved without consultation, without reference to the very people who have provided the funds for it.

The New South Wales Coalition is committed to giving hospitals back to local communities by appointing boards, which will have real clout. We believe that those communities can make intelligent contributions to planning for future services and that under our proposals resource distribution funds would be provided to hospital boards which would allow them to determine the services to be provided and how the monies would be spent. A Coalition government would require hospital boards and district boards to establish strong relationships within the communities to genuinely represent the community's best interests and to link with other health services, including projects which actively promote good health. Hospitals which admit more than 4,500 patients a year would have their own board, except where such a hospital is operated under a single management structure, and district hospital boards would comprise representatives of hospitals which admit fewer than 4,500 patient admissions per year, but which share a community of interest.

Hospital boards and district boards would be structured to ensure that at least half of the representatives were clinicians and others—the very people who provide the services—the other half being members of the community. The health bureaucracy, the general manager and others within our hospital system would be ex officio members. Unlike the current Government, the Coalition believes local communities are best placed to know what services are needed in their regions, and we are prepared to trust those local communities with the important task of planning and decision making in relation to our hospital system.

Trust of individuals and of communities is one of those benchmark differences between the Labor Party and the Liberal Party. That was best epitomised in the Federal campaign where the Federal Leader of the Opposition was obsessed with telling people how they ought to live their lives whereas, clearly, people want to be empowered, want to make decisions about themselves and, in this situation, want to be able to have input into, and control over, how their local hospital is going to operate. The furphy that is often presented by members opposite when we raise this issue is the cost. Given the Minister's admissions in the second reading speech on 6 March, the Government is in no position to criticise anybody for waste, duplication and inefficiency.

These new hospital boards that would be established by a Liberal Government would not be inefficient or costly, or a duplication. In the strong tradition of the volunteering spirit that we see throughout all of New South Wales, participation on boards would be voluntary, although minimum expense allowance would be available to cover the costs associated with board membership. We are not talking about the sort of exercise that we saw occur across the State where three people engaged in a consultative process. I look forward to freedom of information documents, which will reveal precisely how much those individuals were paid for that exercise. We are talking about empowering local communities to make decisions in a way that is both sensible and will deliver better benefits.

As the Minister himself knows, those who operate schools, hospitals or any other enterprise—those who are at the coal-face—know best where inefficiencies and waste exist, know best where needs exist, and are best able to balance those requirements. That is the fundamental difference between our approach to managing health and this Government's approach. Our approach seeks to empower local communities to ensure that hospitals are at the forefront of every person's mind when it comes to delivering health services, in the same way that schools are—there is no area education service or education executive service when it comes to schools—as opposed to the approach of this Government, which, even in this legislation, continues to be about putting this area service monolith between head office, the community and the hospitals but also, and more important, between the source of funding and the application of that funding to vital services within local communities.

The sort of Orwellian language that I have referred to is very striking in the second sentence of the Minister's second reading speech where he talks about the legislation being central to "the Government's planning better health reforms". This is a Government that is always planning for things. This is a Government that is always going to do something. This is a Government that, to some extent, can be characterised by the old nickname "mirror" because they are going to look into it. The Leader of the House has basically traduced, surely, the use of the forward promise or the forward plan. This is a Government that continually talks about planning for better services—not just in health but elsewhere—but has no record of actually delivering those services. That is a real problem, a problem that this side of politics simply will not accept.

The bill seeks to amend two pieces of legislation, the Health Services Act and the Public Sector Employment and Management Act, to give effect to consequential changes arising from the Minister's decision to collapse 17 area health services into eight area health services. Colleagues who follow me will talk in more detail about the implications of those larger area health services. They will highlight the sense of powerlessness that communities feel. They will highlight the gap between the delivery of services on the one hand and the larger area health services on the other, with head office at the further extreme.

The bill seeks to make consequential changes that flow from the Minister's decision on 27 July, principally in three areas. The first is by abolishing the existing area health service boards, which too often seem to become remunerative posts for former Labor Party members of Parliament—and, in the case of one, a former Federal member of Parliament who sat on an area health service board even though he is now a resident of Queensland. That is surely stretching the nose-in-the-trough aspect of Labor politics extremely, even for the Carr Government or those who follow in the footsteps of Graham Richardson, or his mates. I note that the honourable member for Bega has a strong view about the make-up of the former area health service board in his area. We all have a view about the role of the area health service board in relation to Camden and Campbelltown. I will never understand how a board can react to revelations and concerns about the quality of

care by picking up the phone and abusing the shadow Minister rather than actually doing its job and trying to find out what was going on. That is precisely what happened to the honourable member for North Shore when she sought to raise concerns about the Camden and Campbelltown situation in the lead-up to Christmas 2002.

This bill seeks to abolish those area health service boards and in effect makes a change to allow what were the chief executive officers of those area health services to report directly to the Director-General of Health. I say again that the focus ought to be upon those who are actually running the facilities or providing the care for people in New South Wales—those who run our clinics, hospitals and services that actually deliver to the people of New South Wales. Second, the bill establishes area health advisory councils. I notice that the latest Star Wars movie is called *The Revenge of the Sith*, so I should be careful about what I say. I notice that the Minister's release, no doubt written for him by the dark lord, states:

The new Area Health Councils will strengthen the voices of communities in health planning by giving participants direct access to the Area Chief Executive.

Under the old structure—a flawed structured nevertheless—the area health service boards were not advisory and actually had a statutory role to make decisions. Perhaps if they had been better structured they may well have been able to give greater community input, not at the level that the Coalition seeks, but what was the old area health service level. However, the Minister expects us to believe that health councils that are advisory have more power than boards that previously had decision-making roles. It is Orwellian; it is a nonsense; it is the type of spin that this Government is well known for, and it is simply not being bought in the communities any more than the sort of lip-service consultation process that was engaged in.

To be personal again for a moment, as a member within the expanded Northern Sydney and Central Coast Area Health Service footprint, I received my invitation to the consultation that was to occur at Royal North Shore Hospital precisely seven days before it was to take place. I received that by email. I know that one of my colleagues received, if not no notice, less notice. Others are impressed that I actually received an invitation at all. I think that because I am the shadow Minister I at least received seven days notice. The reality is that an advertisement did not appear in the *North Shore Times*, which is not published as often as newspapers such as the *St George and Sutherland Shire Leader* and the like in other parts of Sydney. There was no genuine attempt to attract consultation from the community on how these health councils will work because there is no intention that these health councils will have any sort of input. The words are there. They are not backed up by the way in which these health councils will operate, and there is nothing in the legislation to suggest they will.

Thirdly, my favourite part of this legislation—it seems to be a feature of legislation being brought forward by the Government—is where money is saved by establishing another structure. I do not know whether this is a historic feature of the health system, and I do not know whether to blame the Minister for it being a more latter-day announcement. But when we last debated the bill relating to corporate services we saw that an entity would be established before any savings were to be made. So first establish another bureaucratic enterprise to try to cut back on the \$150 million a year that we are already wasting in duplication, inefficiency and overlaps! This bill established a health executive service, under which area health service chief executive officers and health service executives will be employed on non-award term contract.

Why is it that, of all the portfolios and administrations, there must be a health executive service? Why can they not be part of the chief executive service, as are so many departmental heads, particularly those revolving departmental heads such as the poor unfortunate Bill Healy, who headed up the small business and tourism portfolio? Or why can they not be members of the senior executive service? There is no education executive service. There is no executive service that applies solely to the transport portfolio. Why do we have to have a health executive service? The reality is that this legislation again demonstrates the Government's obsession with bureaucratic structures and bureaucrats, and its failure to focus our health system fairly and squarely on the need for our hospitals and clinics to deliver services of a high quality in a timely fashion to those who need them.

This evening I do not intend to reprise the failings of the health system. They are well known to those who have access to them and to those who read newspapers and see the news. As I said in another debate last night and earlier this evening, there is an enormous gulf between what the Government claims our health system is like and the reality. There is enormous churn going on. There is enormous disquiet within the system. There are morale problems for which the Government tries to blame the Opposition, but at the end of the day the morale problems relate to the enormous pressure and stress that our doctors, nurses and others who work in our hospital system are under, which is so often related to the lack of resources that are provided. That includes the closure of almost 5,000 hospital beds over nine years.

Too often it relates to what people working in our hospitals and clinics see as their differing treatment compared to that experienced by those who work at the area level and the ease with which they are able to either get a new desk, a new chair or a new position, compared to what happens in our hospital system. But it all comes down to the Government's failure over nine years, admitted by this legislation, to ensure that every dollar allocated to the health portfolio is spent wisely. The Minister said that this bill is an attempt to embrace the principle that we want to stop waste, duplication and inefficiency. We have no problem with that principle, but this legislation simply seeks to repeat the patterns of the past and not put patients first. Again, the Government is obsessed with bureaucrats. When we get to the third reading of the bill I intend to move an amendment relating to the re-establishment of local hospital boards, which Parliamentary Counsel has been able to draft at short notice and for which I am eternally grateful. I indicate to the Minister that we intend to divide on that amendment.

Ms ANGELA D'AMORE (Drummoyne) [7.04 p.m.]: I have great pleasure in speaking in support of the Health Services Amendment Bill, and I congratulate the Government on initiating the reform process that will deliver a better health system. The bill is an important step that will continue to build on the achievements of this Government. The Government has announced a major reform package that will reduce the number of area health services from 17 to eight. As the Minister mentioned in his second reading address, times have changed, and thus the health system must also change. Area health service boundaries were drawn up some 20 years ago, and since then there have been significant changes in the way services are delivered. Changes to population, demographics, technology and transport have all contributed to a fundamental rethink of how our health system is structured. This bill is an historic opportunity for the Parliament to ensure that our health legislation reflects these changes.

The new area health service structure will ensure that our health work force is better distributed—an important component, given the failure of the Federal Government to address medical work force shortages. I note that the Federal Government has shut two faculties of nursing, one at the University of Sydney and one at Orange. I have yet to hear any comment from the Opposition in relation to those cuts. Larger, more integrated area health services will benefit all communities in New South Wales, in particular rural and regional communities. Larger area health services will link areas well served by a specialist medical work force with areas of work force shortage to enhance community access to medical services. This will result in more medical services being provided locally, with a greater pool of specialist resources for patients to tap into. For some time now there has been significant community concern about the operation of area health service boards—real concerns relating to performance as well as the structure of these boards in a rapidly changing health system.

The Government does not believe that the existing board structure is working effectively. In addition, it does not believe that the board structure can adequately carry the New South Wales health system into the future. This outdated structure has generally struggled to successfully engage clinicians, and particularly the community, in health planning and delivery. These problems were identified by the New South Wales Independent Pricing and Regulatory Tribunal in the 2003 report known as "New South Wales Health—Focusing on Patient Care". That is why this bill will abolish area health boards. A new, better structure called area health advisory councils will be established in their place—a new initiative designed to bring together the community and clinicians. The new area health advisory councils are the result of extensive consultation with the community and clinicians by this Government. I am proud of the consultative approach the Government has taken to develop the best model for the advisory councils.

The Clinical and Community Advisory Group established by the Minister for Health has been the strong vehicle for this extensive public consultation. Chaired by the Hon. Ian Sinclair and Ms Wendy McCarthy, the committee has recommended an appropriate model for area health advisory councils. I draw the attention of the House to the extent of such valuable consultation—60 meetings and 160 written submissions, involving 2,300 people in 35 locations across New South Wales. The new area health advisory councils will provide a strong voice for local communities and clinicians in the delivery of health services. Under the new model, area health advisory councils will comprise up to 13 clinicians and community-based consumer representatives. That shows that there will be local input. I understand that the application form for area health advisory councils is currently available on the New South Wales Health web site, and I encourage people to get that application. The Clinical and Community Advisory Group recommends that the Minister for Health be responsible for appointments under the skills-based model. Under this model, the Minister is responsible for appointing clinicians and community representatives with the necessary skills to perform their duties.

The advisory group recommends against the area chief executive being responsible for appointments, and has concluded that this representational model is currently unworkable. Area health advisory councils will

be entirely focused on bringing consumer, community and clinician input to the attention of the highest level of area health service management and reporting back to clinicians and the community. The councils will form strong partnerships across the entire area health service. The area health advisory councils will also have strong links with other bodies, such as the new Health Care Advisory Council and the Clinical Excellence Commission. The bill also proposes improved accountability by ensuring that the chief executive is accountable to the director-general, who is accountable to the Minister.

The new structure will see health services managed by the chief executive and supported by an executive management team. I also put on record that it is absolutely important that we continue to engage health staff in our hospitals about these changes to ensure they are part of the process and are comfortable with it. I will continue to consult with the New South Wales Nurses Association and the Health Services Union, which cover the majority of staff in our public hospitals, to ensure I have a direct link with the two unions that cover almost 100 per cent of the work force in hospitals.

I note some comments put forward by the shadow Minister. He continuously plucks out figures suggesting that the Government has shut 5,000 beds. I would like to see the evidence or documentation that proves that. One thing reflected in the statistics is that when the Coalition was in government between 1988 and 1995 it closed 7,000 beds and privatised some hospitals and downscaled other hospitals. I would like to hear the shadow Minister's comments in relation to that. Again, I challenge him to show us the statistics proving that the Government closed 5,000 beds.

This bill is a significant part of the Government's commitment to deliver better health services for the people of New South Wales. It complements the area health service changes that will be effective from 1 January 2005. I am sure all honourable members are aware that this is one of the most significant reforms to health care in New South Wales in the past 20 years. The Government's plan will carry our health system into the future, equipping it for the challenges that lie ahead. I will be discussing these matters with my local nurses, clinicians and senior doctors at Concord Hospital, as I meet with them regularly, as well as our chief executive officer Danny O'Connor. I commend the bill to the House.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [7.11 p.m.]: For many years The Nationals have raised concerns about the quality of public health services and hospitals in regional and rural New South Wales. We have raised the issue of the amount of the health dollar that has gone into bureaucracy as opposed to front-line services. We have suggested restructuring the area health services. However, The Nationals do not agree with the Government's response announced by the Minister earlier this year to effectively centralise a number of area health services out of regional and rural New South Wales, to make area health services much larger and to effectively disenfranchise a number of regional and rural communities. We were arguing for a review of the structure of health in regional and rural New South Wales, our view being that any reduction in the health bureaucracy ought to be diverted to a program of decentralisation, returning some control and decision making to local communities, the way it was under the former Coalition Government.

The Nationals and Liberals have long argued that local hospital boards ought to be restored. That was the way to encourage community input, community pride, community ownership of hospitals, and to ensure that public hospitals throughout regional and rural New South Wales met the needs of the communities they serviced. Sadly, it seems that Labor got only part of the message. It has chosen to centralise. While it has chosen to restructure bureaucracy, with which we do not have a problem, instead of decentralising and establishing local hospital boards, at least for base hospitals and probably a cluster of district hospitals, it has chosen instead to centralise to either major regional centres or city centres.

An example is the amalgamation of the Hunter and New England area health services, which has disenfranchised communities, particularly in the north-west of the State. It has its headquarters in Newcastle, which is remote. The people in Newcastle will not know the local factors that prevail in New England and the north-west. Communities are rightly concerned. They cannot see how they will get the efficiencies, resulting in the management of their area health service becoming remote from them and their communities. They rightly question whether any significant savings will be produced by this restructure. They question whether those savings will go back into front-line health services as promised by the Government.

We have seen nothing to this point to indicate that that is the case. The Minister made a promise that he would reopen a number of beds that have been closed by this Labor Government—nearly 5,000 beds over the past nine years in public hospitals. Earlier this year the Minister promised to reopen 900 beds, and we have seen no evidence of that, certainly not in regional or rural New South Wales. The Nationals have grave concerns with

the direction the Government is going with this bill. It is the direction of centralisation, of economic rationalisation, certainly not encompassing local communities in the management and direction of their local hospitals, as was the case in the past. The Nationals have concerns that as a result of this program of centralisation of the management of health services we will see significant job losses in towns like Broken Hill and Tamworth. We are concerned that the promised savings that should go to front-line health services have not been realised.

I will now deal with the three major sections of the Health Services Amendment Bill. The first is to abolish area health service boards. On the surface, The Nationals have no problems with the abolition of the existing area health boards, because they contain a number of party political appointments. That was particularly the case on the mid North Coast where my electorate is located. A number of Labor Party hacks are on that board. They did not fully represent the community, and there were concerns about that. As I said, rather than just abolish area health service boards, local hospital boards should be restored so we get the benefit of the ownership and pride they take in their local hospitals.

Other instances are the hospital auxiliaries, the pink ladies, and the many service clubs in country towns that have always supported their local hospitals. They have raised funds and bought beds and medical equipment, and they have been depressed by the direction taken by the area health services by accepting that money but perhaps spending it on equipment in another hospital in the area covered by that board. We would say yes to abolishing the area health service boards provided the Government restores local hospital boards. This Government is not proposing to do that. It leaves a huge gap in community input.

The second major provision of the bill is to establish area health service advisory councils. Presumably this replaces the area health boards, but they are no replacement for local hospital boards. They are not even an adequate replacement for area health service boards because they are simply advisory councils. They would have no input into decisions per se. It would be a claytons form of consultation where they would feel they are being listened to but they would have no guarantee that the advice of the people on those boards will be accepted, because they simply do not have a direct role in decision making. The Nationals are also concerned about nurses being excluded from having a say on the health advisory councils.

The third provision of the bill is to establish a health executive service, which provides for senior executive service [SES] look-alike health executives. This executive service will provide a way to escape the normal scrutiny of SES positions that are located in other government departments. The provision establishes another form of bureaucracy. As I said earlier, we have no guarantee that savings are going into front-line services. We have not seen that happening. In fact, this bill creates yet another bureaucracy at the senior level which escapes the normal standard of scrutiny that is expected in New South Wales. The Nationals join with the Liberal Party in opposing the bill. The Coalition will seek to have the Government consider an amendment to introduce local hospital boards because we firmly believe that is what communities want. The local hospital boards worked in the past but, sadly, the Labor Government dismantled them. They provided a valuable contribution to our public health system in New South Wales.

Mrs BARBARA PERRY (Auburn) [7.21 p.m.]: I have great pleasure in supporting the Health Services Amendment Bill. I commend the Minister for Health for this significant reform within the health system. Before I delve into the content of the bill, I want to reply to a couple of matters raised by speakers on the other side. The shadow Minister for Health, the Deputy Leader of the Opposition, spoke about the closure of beds. Between 1988 and 1995 the Coalition closed 7,000 beds, and it closed, privatised and downgraded 30 hospitals, one of which was Lidcombe hospital. That was a sad day for my local community, which fought very hard to keep its beautiful hospital open.

Further, the Leader of The Nationals said that nurses would be excluded from having a say on the area health advisory councils. That is incorrect. He is under some misunderstanding in that regard. The Minister specifically said that clinicians would be involved, which includes doctors, nurses and allied health professionals. Nurses will not be excluded from having a say or being part of the process. Clearly, one of the features of the bill is directed at giving health professionals—including nurses and clinicians—and health consumers and other members of the community a greater say in how the State's public health care system delivers health services at both the State and local level. Therefore, this bill is an integral part of the Government's reforms to the New South Wales public health system.

The Planning Better Health reforms will deliver a more efficient health system. As we know through other legislation in this Parliament, 17 area health services will be amalgamated into eight larger areas to reduce

administrative duplication and direct more resources to front-line clinical care. The reforms will also enhance the building of better clinical networks and academic and teaching links, and improve the distribution of the work force. The latter part of the reforms is of great importance to the district hospitals in my electorate—Bankstown, Lidcombe and Auburn. Such a measure will increase the expertise of the district hospitals and, ultimately, benefit the community.

One of the key changes made in the bill is the abolition of area boards and their replacement by a chief executive with the support of an executive management team. There will be clear lines of accountability from the chief executive to the director-general, and in the process accountability through proper governance processes. The other key changes include the implementation of area health advisory councils made up of clinicians and community-based consumer representatives and the establishment of a health executive service. The key change I wish to focus on is the implementation of the area health advisory councils, which is relevant to my local area. The advisory councils will be established to give doctors, nurses, allied health workers and the local community more say in the provision of local health services. The councils will advise the area chief executive officer and are intended to strengthen clinical and community involvement in the planning and delivery of health services.

The establishment of the area health advisory councils is intended to build on existing consumer and community participation structures at a local level, not to replace them. That is a key feature and intention in the whole process. This reform is most relevant to my electorate because of a significant group in my local area called the Auburn District Community Health Advisory Council [ADCHAC]. ADCHAC, which was established 20 years ago in the Auburn area, is probably the pre-eminent community participation group and consumer advocate body. It works to promote community health in the Auburn local government area. The group is currently made up of extremely committed people. President Barbara Curtin has been a tireless worker on health issues in the Auburn area. Eva Cardwell and Lee Rossi are two formidable women who have lived locally virtually all their lives and have been with ADCHAC from its formation 20 years ago. They are the longest-serving members of the group.

The committee members come from various walks of life and their experience is invaluable. I would like to place their names on the record: Maureen Threlko, Doreen Stanmore, Jaya Balendra, John Geoghan and Kim Appleby. The health workers in my local area regularly provide reports on the progress of health services to the committee. But the committee does not just receive reports about the health services in the area; it is proactive. Over the past five years it has had some outstanding achievements, two of which I will refer to.

ADCHAC is well recognised for the immunisation campaign and kit it produced a few years ago, which was used to promote immunisation in the local area. The kit was distributed through mothers groups, early childhood groups, playgroups and doctors offices, and various community health nurses used it in their programs. To my knowledge the kit is the only one produced for local needs in any local area. Another wonderful achievement of ADCHAC in the past five years is the adolescent asthma program. The program was instigated by ADCHAC, together with Dr Smita Shah. Dr Shah was also integral to the immunisation campaign. Because Auburn is a diverse cultural community, it is important that local health groups run these important health-specific campaigns, such as immunisation and asthma awareness, in various languages to educate the community.

The adolescent asthma program commenced in Auburn in the local high schools and primary schools. This well-recognised program was then used in rural areas and has now gone national and international. Again, I do not know of any other program that has been undertaken on a local basis in this way. ADCHAC is an example of effective consumer and community participation. The new area health advisory council will no doubt benefit from the experience of ADCHAC, which has been servicing the Auburn health community for 20 years. It is encouraging to note that the establishment of area health advisory councils will seek the view of bodies such as ADCHAC and build on their experience. I am sure there are similar bodies of significance in other local areas.

Further, the area health advisory councils will advise the chief executive officer on how best to support, encourage and facilitate the organisation's community health service consumer and clinician involvement in the planning of health services in local areas. This great reform will continue to build on and enhance our health system. A comment was made earlier that this is a government that always has the concept of forward planning, but it is important that changes are brought about to evolve with the community generally. That is what the reform package is all about. I am proud to commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [7.30 p.m.]: I have been watching the progress of the bill with interest and waiting for it to arrive in the House for debate on behalf of my community in the electorate of Wagga Wagga. The bill amends the Health Services Act to provide that area health services are to be governed by the chief executives, and consequentially to abolish the existing area health boards; to provide for the establishment of area health advisory councils to give advice with respect to certain matters affecting the operations of area health services; to provide that statutory health corporations may be governed by their chief executives as an alternative to their being governed by health corporation boards and to enable the Governor, by order published in the *Government Gazette*, to change a statutory health corporation's governance from one form to another; to provide for the establishment of advisory councils to give advice with respect to matters affecting the operations of statutory health corporations that are governed by their chief executives; to provide for the establishment of a Health Executive Service, similar to the Senior Executive Service under the Public Sector Employment and Management Act; to enact savings and transitional provisions consequent on the other amendments made by the bill; and to make other minor, consequential and ancillary amendments.

The Deputy Leader of the Opposition, the shadow Minister for Health, indicated that we would move amendments to the bill. From the time the amalgamation was announced on 27 July the community I represent in the electorate of Wagga Wagga and those around my electorate—Murrumbidgee, Burrinjuck and Albury—have been concerned about the process. Wagga Wagga City Council convened a meeting with representatives from Albury City Council, the Riverina Regional Development Board, the Riverina Division of General Practice, the Riverina Eastern Regional Organisation of Councils, which includes 13 local councils, and the Riverina Institute of TAFE to discuss the implications of the proposal. In a press release the group unanimously opposed the amalgamation proposals and agreed to develop a proposal for the establishment of a ninth Riverina Area Health Service to provide health services to the Wagga Wagga, Albury and Griffith communities. The spokesperson for the group, Nancy Piercy from the Riverina Division of General Practice, said:

The Riverina-Murray region is a dynamic region with a creative health plan that has just been finalised (by the GMAHS). The region is one of the few across the state that has managed to develop a plan that has been endorsed by the community, health professionals and has been submitted to the health department. We have an obvious community of interest between the three major centres in the Riverina-Murray and the surrounding communities, and we believe a better proposition for improved delivery of health care to our communities is to establish a 9th area health service.

The Premier came to Griffith and categorically ruled out the establishment of a ninth area health service. The task force response is, "We can live with that. We can live with eight, so long as it is based on the Riverina-Murray." The press release states:

We fail to understand how services will be improved in our region by the proposed merger and are surprised that the Government is amalgamating areas when the Independent Pricing and Regulatory Tribunal (IPART) recommended against mergers.

Our proposal will support the IPART findings, will deliver improved financial performance and will generate better health outcomes for our communities.

Doctors from the south of the area met and issued a press release, which states:

The Wagga Wagga Base Hospital Medical Staff Council met Southern health administrator Stuart Schneider last week and said it feels obliged to warn the community about its concerns.

In a statement, the doctors said they have been given no guarantee there will be no loss of clinical services in the city as they currently stand.

The doctors have urged community members to attend meetings to discuss the changes and the implications for health service provision.

Clearly our community is concerned about the amalgamation of the Greater Murray Area Health Service and the Southern Area Health Service, which, when combined, will create a land mass the size of Victoria. When the Minister announced amalgamations he also forecast a consultative process that would include Wendy McCarthy and Ian Sinclair, who is no stranger to this place and who is well regarded in country circles. The process was put in place, but before we had an opportunity to have a meeting I note a newspaper article on 26 August in which the honourable member for Monaro stated:

I lobbied the Minister hard for this outcome, and this will ensure Queanbeyan retains the State Government jobs that are obviously economic contributors for the region.

Mr Sinclair and Ms McCarthy convened our meeting, which I attended together with about 150 others. An article in the *Daily Advertiser* under the headline "Anger over health services merger" states:

A FIERCE rejection of the state government's planned restructurings of health administration at a public meeting in Wagga on Saturday may influence health minister Morris Iemma to rethink his plans.

About 150 people attended the meeting, and of 25 speakers, 20 either flatly rejected the model or included criticism of it in the submissions.

Co-chairman of the meeting Wendy McCarthy later described the meeting as the most aggressive held so far and said she was disappointed in the approach of some people.

"We have a politicised, bastardised system being foisted on us," said Wagga general surgeon, Henry Hicks.

"The worst thing for your community is not to have a voice in the future," Mr Sinclair said.

But the chief executive officer of the Riverina Regional Development Board, Peter Dale, said the consultation meeting was putting the "cart before the horse".

"How can we come here to assist you move down a path none of us accept as legitimate?" he asked.

The process was nothing short of an absolute disgrace. It was by invitation only. It was not advertised in the local *Daily Advertiser* or on the television. Invitations were sent to people the department felt should be invited. It was only after I found out about it that I encouraged the community to attend. The Division of General Practice was not informed that the meeting was to be held. I label that an absolute disgrace. When people got to the meeting they found a document on their chairs, which asked for input into how the structure would work and how the information flow would come back to the chief executive officer and the Minister. They were asked to give an opinion within one hour. It was a keystone cops mentality and operation. The clear message from the meeting to the Minister was: "We do not agree with what you're trying to do. We agree that you need to save money. We agree that you need to cut waste and get rid of mismanagement. No-one could disagree with that. We must put resources at the coalface: we all want that. But the clinicians and the health specialists disagree with the way you have gone down this path because it does not reflect the IPART findings." I will come back to that point.

It was suggested at the health advisory council meeting that the honourable member for Monaro had indicated by his comments that he had influenced the Minister's decision to relocate the Greater Southern Area Health Service headquarters to Queanbeyan. My community, which had not had the opportunity of discussing the issue with the Minister, was very concerned about those comments—and rightly so, if they are true. The comments were made by the honourable member for Monaro on 26 August 2004. On 29 July the *Daily Advertiser* reported that a spokesman for the Minister rejected any suggestion that politics had played a role in placing the Greater Southern Area Health Service in Queanbeyan. In an estimates committee hearing the Minister was questioned about the restructuring by a member of the Legislative Council as follows:

The Hon. ROBYN PARKER: Returning to an earlier question, we were talking about the new area health services and the composition of those. You outlined some principles in which you established those areas. I wonder if you could give us an assurance that those new structures were made on the basis of those principles and not on the basis of politics?

Mr IEMMA: They were made on those principles, including existing area health service boundaries, the need to remove some artificial barriers that boundaries had created to clinical services. That was also part of the consideration.

The Hon. ROBYN PARKER: So politics did not come into it at all?

Mr IEMMA: No.

[*Interruption*]

I acknowledge the presence in the Chamber of the honourable member for Monaro. I hope that during his contribution to this debate he will either confirm or deny that he influenced the Minister. The Minister says he did not, the Minister's spokesman said he did not, but the honourable member for Monaro says he did. I think the honourable member for Monaro should explain. The Wagga Wagga community compiled a submission which basically acknowledged the reasonableness of the need for efficiencies so that resources can be directed to the coalface of the provision of health services, where they will do the most good. The Independent Pricing and Regulatory Tribunal [IPART] undertook a review and its recommendations contained many initiatives. As the Wagga Wagga community's submission points out, the message being sent by the IPART was that health outcomes may be improved without the need to amalgamate area health services. The review referred to better performance through clearer roles and accountability, and all those factors are important. [*Extension of time agreed to.*]

The IPART review and its recommendations are generally endorsed by communities across the Riverina-Murray region. The outcomes that have been identified by the IPART to deliver improved health services are planning that is focused on patient needs, better quality care and patient safety, more integrated service delivery, stronger structures for clinician and community participation, more equitable health outcomes and more effective funding arrangements, better performance through clearer roles and accountabilities, more efficient support services, a more integrated performance measurement system, and a more sustainable health work force.

The submission from the Wagga Wagga community made some observations which contradict the IPART recommendations. One of the IPART's recommendations was for stronger structures for commission and community participation. The strong message from the IPART is that improved health outcomes will be achieved when clinicians, the community and the department participate and act co-operatively. The submission points out that a fundamental requirement for implementing this recommendation is effective consultation between all parties.

Clinicians and community participation, as recommended by the IPART, needs to occur at all stages of the delivery of health services, including the determination of an appropriate administrative structure for the health service. In that context, reference has been made to the re-establishment of hospital boards—something my community wants. The people of Wagga Wagga want to be involved with its local hospital, as they used to be. They want to take part in its activities, support the hospital, and raise funds for its services. The people of my community are passionate about the delivery of health services within their region, but the restructured and relocated area health service will dissipate support for the very outcome that is sought to be achieved.

The IPART also recommended better performance through clearer roles and accountabilities. It focused extensively on the need for clarity of roles between the department and the area health services, and on the need to make sensible recommendations regarding mechanisms and structures to ensure accountability at the department level and the area health service level. The IPART did not, however, recommend that the amalgamation of area health services be implemented. In fact, the tribunal went to some lengths to recommend against boundary changes and area amalgamations. It stated:

The health system has already undergone significant change since 2000, and the reforms recommended by this review will result in further substantial change. Adding an extensive review of Area boundaries and program of Area amalgamations to the reform agenda is likely to be disruptive, and negate some of the gains to be made in other parts of the system. Indeed, a degree of certainty in the overall framework for the next five years is highly desirable.

That is not happening. The IPART went on to state:

IPART believes that the [Health] Department, in consultation with the new Health Care Advisory Council, should review the number and boundaries of the AHS's in the medium term. The Tribunal considers that there is not a strong case for a system-wide boundary review at present. However, this does not preclude it considering any "one-off" amalgamations, such as Western Sydney and Wentworth ...

The submission concurred entirely with the tribunal's view that the proposed amalgamation will be disruptive and will negate gains. Moreover, the community argued that gains were already being made in the region. My community had already implemented a plan that was delivering outcomes for the Greater Murray Area Health Service. Reference has been made to corporatisation, and the Greater Murray Area Health Service has already done that. Corporatisation of our area health service was already delivering savings.

The restructuring and relocation is expected to save \$3 million, but at no time has the Minister or any of his bureaucrats told my community how many hospital beds will be reopened, how many nurses and clinicians will be employed, and how the infrastructure will be improved. There has not been a word from the Minister other than claims of good planning. While this Government is good at planning, it is very slack at delivering. Clinicians are concerned that the Greater Southern Area Health Service is another Campbelltown and Camden situation in the making.

Although I wish to make other points based on the submission, sadly I am limited by time. I have already been granted an extension of time, and if the House would be kind enough to grant me a further extension I would gladly accept it. I have numerous documents that have been produced by people who have been involved in community health services for many years and who are committed to the delivery of high standards of health services in the southern New South Wales region. Their expertise is second to none. Wagga Wagga has built up a clinicians base that needs the enhancement of a regional referral centre as well as infrastructure in Griffith, and I acknowledge the presence in the Chamber of the honourable member for Murrumbidgee.

The people of Wagga Wagga want the Government to put its money where its mouth is and build a Wagga Wagga base hospital, but not one word has been said about the improvements that will be effected by the so-called savings that are expected to be made as a result of the relocation and restructuring of the southern region's area health service. Sadly there is not sufficient time for me to complete my speech and discuss in full the community's submission to the IPART. However, for the edification of honourable members, I will table the submission.

Mr Tony Stewart: How much time do you need?

Mr DARYL MAGUIRE: I need more time to concentrate on this important issue. The Wagga Wagga community wants local hospital boards to be re-established but, more importantly, everybody wants to see an improvement in the delivery of health services in the southern region. The bill will never achieve that. The Government has never bothered to allay community fears about a loss of health services. I do not blame clinicians or people in my community for being upset about the way the bill has been managed.

Mr STEVE WHAN (Monaro) [7.48 p.m.]: It is with pleasure that I support the Health Services Amendment Bill. Already, positive outcomes are emerging from the new area health service structures that have been announced. In the Monaro electorate, perhaps the most positive outcome has been the permanent appointment of Stuart Schneider as the Chief Executive Officer of the Greater Southern Area Health Service. That is a very good outcome for the whole southern region of New South Wales. Fundamentally, this bill is about whether people want desks or beds in their hospitals. When the restructuring was announced, the Australian Medical Association stated that, basically, restructuring is either about the provision of services or money being spent on administration. The Opposition's proposal to re-establish hospital boards is nothing more than a populist stunt. It is a con that is being perpetrated upon the people of New South Wales—a back to the future joke that will do nothing to improve the delivery of health services in New South Wales.

Imagine hospital boards in regional New South Wales setting out to compete against each other, to recruit very limited available specialist services, instead of working together to obtain better specialist services and share services in the region. That is an inevitable result of putting in place smaller boards, because they would have to use their limited resources to compete for specialists to work for them. Hospital boards have no place in 2004; they simply do not represent good management of the health system. The Opposition's proposal would cost millions of dollars to implement; that is millions of dollars in increased bureaucracy rather than in savings. In 1988 hospital boards existed, including at Queanbeyan hospital.

The Coalition then came to office and did what we knew it would do: it sacked all the hospital board members it believed were sympathetic to the Labor Party and appointed National Party stooges in their place. It then went about tearing the boards apart and reducing their work. We have heard amazing hypocrisy by the Opposition about hospital boards, nothing more than a populist stunt in an attempt to con people in Queanbeyan, Dubbo, and other rural areas into thinking that it is interested in delivering health services; quite clearly it is not. Tonight the Opposition revealed that it had lied during the last election campaign when it promised to give Queanbeyan a hospital board. Tonight the Opposition spokesman said that a Coalition government would appoint boards to hospitals that handled more than 4,500 admissions each year.

Under the Opposition's proposal Queanbeyan would not get a hospital board; it would be part of a regional proposal—a totally undefined regional proposal. What would that be? How big would it be? Where would it be located? No-one knows, because the Opposition has not given those details; it is more interested in a populist stunt. Currently there are two hospitals in the Bega electorate that service the Monaro area: Bega District Hospital and Pambula District Hospital

Mr Andrew Constance: Both in my electorate.

Mr STEVE WHAN: I said they were located in Bega. The honourable member for Bega should listen for a change. The medical fraternities at those two hospitals are leading a very sensible debate about the future of the hospitals. They have put forward the idea of building a single new hospital in the long term—a very sensible idea in my view. That new hospital would service a lot of people in the Monaro. The resource initiatives introduced by the Minister for Health has delivered further orthopaedic services to Monaro residents. Imagine if we suddenly went back to the future and had two communities competing against each other to defend their existing hospital services. Instead of getting a new service that delivers more, we would be stuck in the past of defending an old hospital with outdated limited services.

The Opposition talks about hospital boards as if each hospital has its own board. People are interested in hearing about better hospital services; they are not interested in hearing the Opposition talk about the politicisation of hospitals. Tonight we heard the oft-repeated claim by the Opposition of 5,500 beds being lost. Recently the Auditor-General released a report on bed blockage that showed that figure to be an absolute lie. Tonight the honourable member for Wagga Wagga fundamentally disagreed with the Opposition spokesman about hospital policy. The shadow Minister said the area health services set-up prior to amalgamation was a waste of money, and he accused the Government of wasting money for many years.

The honourable member for Wagga Wagga said he wanted to see the two area health services remain as they currently are; that is, the Greater Murray in Wagga Wagga and the southern in Queanbeyan. He said the Opposition wanted to establish a ninth health service and maybe the Opposition would accept that that will not occur and that they would be happy with the current area health service as long as the headquarters was in Wagga Wagga. I wonder what the Batemans Bay constituents of the honourable member for Bega would think of that. I wonder what the people of Bega would think about that—something the honourable member for Bega has been silent on. Queanbeyan is the logical place for the headquarters of the health service because it is the biggest city in the area and has the best communications links. Each day there are in excess of 30 return flights to Sydney, as well as flights to Albury from Canberra airport..

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I call the honourable member for Wagga Wagga to order.

Mr STEVE WHAN: Queanbeyan is an excellent location for a health service headquarters, because it has access to the services and facilities needed to run a decent administration. In southern New South Wales a massive scare campaign, an incredibly dishonest scare campaign, has been run about the lie of the loss of clinical services. It is an absolute disgrace to hear the honourable member for Wagga Wagga telling his community that there could be "a loss of clinical services in Wagga Wagga". That is a disgraceful misrepresentation of what this is all about. Clearly this is all about taking money out of administration and putting it into front-line delivery of health services. That is what people in regional New South Wales want.

Mr Daryl Maguire: The CEO said that.

Mr STEVE WHAN: The chief executive officer of the Southern Area Health Service has spoken to the people of Wagga Wagga and told them how good the services will be, and I am very confident he can deliver. Over the next months the community will be involved in the development of the clinical services plan. That is a terrific opportunity for communities to contribute. Again, I return to the populist stunt about hospital boards. The Opposition wants to pour millions and millions of dollars in extra administrative money into hospital boards; that is part of the voodoo economics of the Opposition. I keep a tally of the commitments by Opposition members, and it is up to \$8 billion in tax cuts already. I have heard the honourable member for Lismore say the Opposition would abolish payroll tax. I have heard the honourable member for Bega say the Opposition will abolish land tax.

Yet tonight the Opposition has said it will spend even more. Will it be \$20 million or \$40 million extra just on administration so it can pull this populist stunt by saying, "Remember the nostalgia of hospital boards?" But hospital boards have nothing to do with the delivery of good health services. People in regional New South Wales want good health services, not the populist stunts that the Opposition continually drags up in this place in an attempt to con the electorate. The bill deserves Parliament's absolute support, because it is about delivering better clinical services, and I urge the House to support it.

Mr ANDREW CONSTANCE (Bega) [7.57 p.m.]: There is a stark contrast between the Government's highly concentrated and centralised bureaucratic approach to public health management in New South Wales and the community-engaged process heralded by the Opposition. While the Labor Party continues its ideological clandestine approach to public hospital management, communities continue to suffer badly. People are entitled to know that they can walk into a hospital and get treatment. People want health surety and health security. The health care policy legacy of the Carr Government is lost opportunity. Only two weeks ago the Premier waved the white flag and called for Canberra to take over public hospitals.

If the Labor Party has no ideas, no plans, no initiative to salvage this crisis, we do! Area health services are in debt, and we hear stories of neglect, poor service delivery, abuse of nurses, code red, code black, ambulances being redirected, hospitals without bandages and incontinence pads, mismanagement of nurse rosters, specialists being refused access to public hospitals—need I say more? That is the state of the health

system in New South Wales in 2004. Tonight we are debating a bill that lacks any policy merit and will add to the systemic failures within health administration in New South Wales. Where is the policy leadership from the Labor Government on front-line service delivery? Where is the community engagement from bureaucracy that is needed to provide greater security and surety to local communities?

The bill amends the Health Services Act and the Public Sector Management Act to amalgamate 17 area health services into eight from 1 January 2005. Earlier this year I set about exposing the systemic failures of the Labor Party's Southern Area Health Service: its management and its financial inadequacies. The management and board structure of that area health service, which was \$7 million in the red, were comprised of Labor Party hacks, with nepotism running rife in the culture of that organisation. At that time the Southern Area Health Service was a complete mess. A memorandum from Robert Arthurson, Director of Clinical Services, states that one hospital in the region ran out of basic clinical stock. He went on to state:

... there is the potential for clinical disasters or calamities if essential stock is suddenly found to be unavailable just when it is needed.

Area health service executives issued a memorandum in which they asked staff to take unpaid leave during December and January. Such a request by management was absolutely ludicrous, given that December-January is the busiest time for emergency departments, particularly on the South Coast. The reason for the action taken by those executives was to save on wage costs. The health service union met and backed my calls for an administrator to be appointed to the Southern Area Health Service. In its letter to members the union stated that members had no confidence in the ability of Southern Area Health Service executives to implement the management changes necessary to get the organisation back on its feet.

The Government then appointed Professor Stuart Schneider as administrator and only recently it announced his appointment as Chief Executive Officer of the merged Greater Murray and Southern Area Health Service. Ten months later nothing has changed in our public hospitals or in our health system. In the weeks to come I am sure that more will come to light. However, I inform the House that nurses continue to be bullied, patients are being turned away from local hospitals, ambulances are being diverted, and basic clinical stocks are not available in public hospitals on the coast. The Health Services Amendment Bill will do nothing to address that crisis.

The bill abolishes area health service boards, establishes area health advisory councils and establishes instead a health executive service. But that will be of no benefit to health professionals and to local communities who have been the victims of the Labor Government's incompetent management of health administration in New South Wales. The Coalition opposes the Government's amendments and instead seeks to institute a policy decision to reinstate hospital boards. The plan is to direct the health care decision-making process back to the community. This is all about giving people in the community control and a say.

The public are frustrated with the way in which the State Government has managed the health system. They deserve some input in the way in which their hospitals are run, instead of having to put up with decisions made by bureaucrats behind closed doors hundreds of kilometres away. Front-line service delivery should be the major focus of the health system. This legislation does not achieve that in any way. It puts the interests of bureaucrats ahead of the interests of patients. It directs the health system focus onto bureaucratic structures and not patient services and health outcomes. The Government has been trying to sell the idea that these measures will result in savings of \$100 million, which will be ploughed back into front-line hospital services.

Clinicians and local communities, unlike the honourable member for Monaro, are best placed to determine what services are needed in their regions. That has never been more apparent in regional and rural areas, where service accessibility and availability are already compromised. There are real concerns about Labor's amalgamation policy relating to the Greater Murray and Southern Area Health services. The size of the new area, the diminution of local input in decision making, greater centralisation and worsening local services are issues of concern. The Southern Area Health Service, which covers one-third of the area of New South Wales, is expected to service 47 hospitals and health care facilities throughout the region.

As a result of the proposed amalgamation, coastal and other local communities will be more disfranchised. From a work force perspective, the access of workers to decision makers in the Southern Area Health Service will be further limited. Access to payroll officers, human resources and other clinical services will be further away, both logistically and geographically. From the time of this announcement my office has been inundated with calls from constituents and health professionals who have expressed frustration, apprehension and anger about the Government's decision to amalgamate services.

Terms such as "amalgamation" and "centralisation" in regional and rural New South Wales cause alarm bells to ring. Health advisory councils, which will comprise ministerially appointed clinicians and community-based consumer representatives, are intended to have an advisory, consultative, and liaison role in the operation of the area health service. How does that differ from the area health service boards that we previously had? There will be 13 members on the Southern Area Health Service Advisory Council, which covers one-third of New South Wales and will be responsible for 47 hospitals and health facilities. It just will not work. The Government is paying lip-service to the community if it pretends that there will be community consultation and input in the decision-making process.

Coalition members believe in hospital boards. We believe that hospital boards should work in conjunction with local bureaucracies to ensure that clinical service plans are mapped out, if need be, in regional areas. This is about ensuring that communities have a say in their local hospitals. The honourable member for Monaro is against this proposal. He is against the views of people in his community. They have no say in the decisions that will affect the future direction of their local hospitals, which I find incredibly disappointing. Only recently I attended a rally in Batemans Bay that was attended by more than 450 people. They all voted unanimously for the reinstatement of hospital boards. We want to ensure that this system works. Clinical service plans must not take away anything from competing interests in the regions.

People must have someone to whom they can go, someone who will make decisions about their local communities. There is nothing like a hospital board member at the local shops on a Sunday morning being kicked in the shins by someone who is unhappy about a failing in the hospital system. The Government believes in a highly bureaucratic and centralised approach. People on the ground want to be able to access bureaucracy, they want to be able to register complaints, and they want to be able to raise matters of importance. They are completely disfranchised. Too often they are being turned away by bureaucrats who do not know or understand hospitals in their local area.

In the past 18 months I have heard many stories—sometimes shocking—about the treatment of patients and the intimidation of health professionals in the Southern Area Health Service. I am concerned about what will happen when this health service expands. The Batemans Bay community was put through the wringer this year, with the closure of the maternity unit, extensive delays in the construction of the emergency department, and the threat of bed closures. No wonder that community is up in arms. It is sceptical about the Government's proposals. Earlier this year the Southern Area Health Service reduced the number of nurses on the roster at Batemans Bay hospital during the evening shift. As a result, and through no fault of their own, staff have been run off their feet and patients are not being seen to as quickly as they and their families would like them to be.

Because of recent occurrences I asked myself how this new structure would resolve those problems. It is a pity that the honourable member for Monaro is not in the Chamber, as I am sure he would not like what I am about to say. Last week a constituent from Eden—a constituent of the honourable member for Monaro—contacted my office. That same week the honourable member for Monaro appeared on the ABC in Bega and spoke about Bega hospital. Staff in the honourable member's office turned away that constituent as it concerned a matter to do with Bega hospital. The constituent wanted help to secure the services of a haematologist in Bega.

How can we retain services such as this when the Southern Area Health Service has to manage 47 hospitals that are experiencing the same problems? I have been in discussions with the haematologist and I secured an agreement with him. He is willing to charter a flight from Canberra to Merimbula to service 30 patients in the Bega Valley. Some patients in that area are critically ill and frail and some of them are undergoing chemotherapy. There is nothing worse than having to travel from Bega to Canberra in a car every fortnight simply because this Government cannot secure the services of a haematologist in the Bega Valley. The doctor is willing to continue the service. The challenge is for the Government and the health service to charter the flight for \$1,500 instead of having to reimburse patients under the Isolated Patients Travel and Assistance Scheme. That would be a sensible outcome, but it would be a locally driven outcome. That is the point of the boards. If they were in place these types of situations could be easily resolved. Instead, the Department of Health and the Minister sat around for months waiting until the eleventh hour before a solution was found.

I am also disappointed that the doctor providing orthopaedic services at Bega District Hospital is leaving in a month. What is being done to resolve that issue? The emergency department at Bateman's Bay District Hospital was not built on time or in line with the Government's commitment. These problems are in the back of my mind. How will they be resolved by this new structure? The area that the advisory councils are required to oversee is far too big. I also have grave concerns about how the local health councils will operate in the new system, how they will report to the advisory council and what their relationship will be with the chief executive officer.

We have not had a response from the honourable member for Monaro about the issues raised by the honourable member for Wagga Wagga. It concerns me that the honourable member for Monaro has been quoted as saying that he lobbied the Minister hard to ensure that Queanbeyan would be the site of the headquarters of the new area health service, which would ensure that the town retained State Government jobs and the obvious economic contribution that they would make to the area. That suggests political interference. The honourable member went to his local community and claimed that he achieved that outcome. It is particularly interesting to note that on 14 September during the estimates committee hearing the Hon. Robyn Parker asked a question of the Minister about political interference in relation to the establishment of the new health services and their headquarters, and the Minister denied it. Someone is lying. It is more likely than not that the honourable member for Monaro is lauding his achievements in the local community. Having a Queanbeyan bureaucracy serving the coast does not work, and the local community knows that. I call on the Government to reinstate local hospital boards.

Mr JOHN MILLS (Wallsend) [8.12 p.m.]: It was not my intention to speak in this debate until about an hour ago when I heard the Opposition spokesperson for health, the Deputy Leader of the Opposition, refer to area health service boards. He said that they were loaded with Labor mates. Unfortunately, he named no-one. I felt sad that the honourable member would so belittle the enormous contribution made by many people in the community that I represent, namely, the Hunter. I have had a long association with health services in the Hunter, so I know that that attempt to belittle people was extraordinarily undeserved.

During the generation since area health service legislation was introduced in about 1986, and continued under the Greiner and Fahey governments, an enormous number of people, who until recently were generally unpaid, voluntarily took part in the governance of our health system. They did so to ensure that their local communities had input into the health services provided by the public sector in that region. Locals in the Hunter Valley identified strongly with that process. Unfortunately, what the Deputy Leader of the Opposition said belittled their contributions so much that I felt compelled to thank that generation of volunteers who took part in the governance of the health system across New South Wales. I know the volunteers of the Hunter best, of course, and there was one Labor mate in their ranks.

John Varnum, Deputy Commissioner of the New South Wales Industrial Relations Commission, formerly an organiser with the Transport Workers Union, was appointed as Chairman of the Hunter Health Board by none other than Peter Collins, the Liberal Minister for Health. Yet Deputy Leader of the Opposition has belittled Mr Varnum's enormous contribution to this State, and that is most unbecoming. I want to thank the many people who have for many years given their time to the health sector. Carol Abela is a former chairperson of Hunter Health. Dr Annette Carruthers, a general practitioner, was a member of boards over a number of years. Early in her career she took an active part in the Hunter Urban Division of General Practice and she has been a driving force behind the GP Access After Hours program, which is funded jointly by the New South Wales Government through Hunter Health and by the Federal Government. Annette has worked hard, hands on, not only as a doctor in the system but also in organising the system through the Hunter Urban Division of General Practice. These people are so far from being party hacks that it is not funny, but that was the belittling accusation made by the Deputy Leader of the Opposition.

The Hunter Health board members have included Brian Cogan, the managing director of a New South Wales based consultancy. Until recently, Professor Roger Holmes, the Vice-Chancellor of the University of Newcastle, also served on the board. Alison Howlett, a councillor on Singleton Council, and Michael Johns, a businessman, director of Newcastle Grammar School, member of the local show society committee and a prominent local identity have also served on the board. I encouraged Irina Lupish, a Russian woman, to apply for a position on the board because of her expertise in the non-English speaking background community and her position as a health worker at the Migrant Resource Centre in the Hunter. I have known Irina well for many years and I worked with her husband at BHP.

Barbara Oliver, a retired schoolteacher, Craig Ritchie, an Aboriginal chaplain and Ray Kelly, another Aboriginal person, have also been board members. For many years Ray was the Chief Executive Officer of the Awabakal Aboriginal Co-operative in Newcastle. Several people have also served as staff-elected representatives, including nurse Lyn Shepherd. Sister Margaret Sinclair, who signed the 2000-01 annual report with Carol Abela, the chairperson, represented the Sisters of Mercy, Singleton, and has been a wonderful contributor to Hunter Health. She is a close relative of the former Federal Leader of the National Party, but the Deputy Leader of the Opposition also belittled her contribution.

More recent members of the board have included Chairman David Evans, who was the manager of Hunter Water. He is now the manager of Sydney Water. John Fitzgerald is the former general manager of

Goninans and a prominent businessman in Newcastle. Ken Moss, the managing director of Howard Smith Ltd and Chairman of Boral, was also a board member. Pauline Tregenza, a solicitor and barrister working in the Hunter, has also been a member. Others who have contributed to the Hunter Area Health Service include Phil Gardner, who has been the general manager of Western Suburbs Leagues Club for a few years and is also prominent in local business through Hunter Region Tourism; Violetta Walsh, the Director of the Migrant Resource Centre; and Henry Wilson from the Upper Hunter, who has been involved in so many public sector areas as a volunteer.

My thanks go to the people from the Hunter I have named, to those I have not named and to all the volunteers who for generations contributed so well to the governance of our public health system during the time that hospital boards existed. They did a great job, and it is much appreciated. Times move on, and we now have a new approach by way of the new legislation. But many people have made a great contribution to the Hunter Area Health Service over many years, and that contribution is much appreciated in the Hunter and in the wider community.

Mrs JUDY HOPWOOD (Hornsby) [8.20 p.m.]: The Health Services Amendment Bill amends the Health Services Act 1997 with respect to the control and management of area health services and statutory health corporations. I express a little concern about the word "control" in that description. The bill also amends the Public Sector Employment and Management Act 2002. In making these changes, the bill amalgamates the current 17 area health services into eight from January 2005. The bill also abolishes area health service boards and establishes area health advisory councils and a health executive service.

I join with my colleagues on this side of the House in expressing concern about the intent of the legislation. I believe it is a smokescreen and pipedream. It is yet to be explained exactly how the \$100 million in savings is to be achieved. With regard to the allocation of the savings to hospitals, we are yet to hear what funding will be provided to Hornsby Hospital, which is now part of an area health service that has doubled in size, incorporating the Northern Sydney Area Health Service and the Central Coast Area Health Service. It is an extremely large area. The Northern Sydney Area Health Service chief executive officer, who previously had a heavy workload, will now manage a health service double the size of the Northern Sydney Area Health Service. I wish him good luck.

I am aware that the chief executive officer has been involved in meetings with clinicians who have expressed a great deal of concern about the lack of maintenance of Hornsby Hospital, the non-replacement of equipment, and extensive delays in the construction of the new accident and emergency department, the maternity unit and the paediatric unit, which is obviously a money-saving exercise. The clinicians have also expressed concern about the Hornsby Hospital waiting list. In response the chief executive officer has said that that is not a problem because the people are going to the Sydney Adventist Hospital. Given that the Sydney Adventist Hospital is a private hospital and Hornsby Hospital is a public hospital, I cannot understand how this could be so for everybody. There is a substantial cost to be a patient in the Sydney Adventist Hospital. I believe that is a furphy.

Hornsby Hospital services 250,000 people, although the chief executive officer tends to underestimate that number. That statement is of great concern. During other debates in this House I have said that the delivery of food services to Hornsby Hospital is at great risk because of the centralisation of the service in Gosford. The amalgamation of the two area health services is to be questioned. The Coalition wants to re-establish local hospital boards. The people of my electorate believe they do not have adequate input into what happens in the hospital, particularly in relation to the provision of services, maintenance work and upgrades. They are not happy about the current situation.

My office receives significant concerns about Hornsby Hospital's accident and emergency department, which is not allowed to go into code red but must sit on code amber despite the fact that it is full to the brim. A couple of extra beds in the hospital may be available, but the patients in the accident and emergency department are not able to use those beds. Therefore, the accident and emergency department staff continue to suffer the stress associated with continually receiving ambulance admissions. Recently I had occasion to visit Royal Prince Alfred Hospital, where a friend had given birth to a baby. I was informed that beds had been removed from some of the rooms in the maternity unit of that hospital because there was not enough staff to service them. As I was walking out of the hospital I noticed a sign next to the linen trolley that read, "Shortage of linen this weekend. Be careful of the linen". That is the story of life in our hospitals, and it is extremely distressing.

The honourable member for Auburn referred to an allegation made years ago about Lidcombe Hospital. She expressed concern about what the then Coalition Government had allegedly been responsible for. However,

the present Government is doing exactly the same with regard to allowing hospitals to run down. I do not believe that Hornsby Hospital will receive any substantial funding out of the \$100 million in savings that will allegedly be achieved. That is of great concern to the people the hospital serves. The Coalition opposes the bill. We will seek to institute Coalition policy in relation to hospital boards. The proof of the pudding will be in the eating so far as the objectives of the bill are concerned.

Mr GREG APLIN (Albury) [8.27 p.m.]: The Health Services Amendment Bill was introduced on 28 October. However, the Premier wrote to the Prime Minister on Wednesday 20 October proposing that the control of health services be handed to the Commonwealth. It is an interesting juxtaposition. On the following day the Prime Minister replied:

As you are aware, I am not persuaded at this stage that the effectiveness or efficiency of health care would be improved by the Government assuming responsibility for public hospitals.

The gains to be achieved ... would be outweighed by the disadvantages for local hospitals and their communities of management by a distant and centralised health bureaucracy.

That is precisely what this bill is about. The amalgamated Greater Southern Area Health Service will be one-quarter the size of New South Wales, or the size of Victoria. That begs the question: Why not have only one area health service for New South Wales and centralise it in Sydney, Wagga Wagga, or perhaps Dubbo? That makes as much sense as having a single unit to service a quarter of the State centralised in Queanbeyan, which is in the shadow of Canberra. What does the Albury electorate think of the Government's plans to amend the Health Services Act? The *Border Mail* editorial of 11 September read:

Border residents appear to have every reason to be nervous about the new health structure being foisted on the region.

The new Greater Southern Area Health Service is a mega-administration already imposed on the people of Albury and every other centre it will be responsible for.

The strategy driving the new service has all the hallmarks of the failed One City bid.

It has, to all intents and purposes, been structured and imposed without consultation with those who matter most of all—the people who have an inalienable right to expect a health service that meets their needs efficiently and cost effectively.

Corowa Shire Council voiced similar concerns. The council also voiced its disgust at the reduction in local administration. An article in the *Corowa Free Press* of Wednesday 29 September read:

Corowa Shire Council is disgusted at the New South Wales Government's recent announcement to reduce the health regions from 17 to eight and consequential administration of Corowa from Queanbeyan.

Council will try to have the decision changed.

The creation of the super regions had been undertaken without any consultation with the Greater Murray Area Health Service. The formation of the Great Southern region has caused a great deal of concern due to the size and location of the administration centre at Queanbeyan. Further, the Murray Region Organisation of Councils considered the formation of the proposal to form the new health regions and objected to the proposal basically because the area is far too large and because there has been no consultation. The general manager stated:

The area is too large, it does not seem to take into account border issues which relate to the Murray area and to have the region administered from Queanbeyan which does not have any community interest with this area would seem most inappropriate.

AlburyCity wrote an open letter to the Minister for Health, which expressed its concern and disappointment at the proposal by the Minister to merge the Greater Murray Area Health Service and the Southern Area Health Service into the Greater Southern Area Health Service, to be based in Queanbeyan. The letter stated:

AlburyCity Council and its community believe that its health services declined when the Greater Murray Area Health Service was created and administered from Wagga Wagga. Doubling the size of the Health Service and further distancing its administration will only exacerbate this decline.

The ability to effectively manage an area health service relies heavily on accessible, available decision-making. We need a cohesive health service management structure, which incorporates the department, the clinicians and the community; not a large remote bureaucracy.

AlburyCity went on:

We understand the proposal of NSW Health to undertake this restructure is predicated in part on the recommendations of the Independent Pricing and Regulatory Tribunal [IPART] report into NSW Health - Focusing on Patient Care, which was published in August 2003.

It is worth noting that the tribunal did not recommend the amalgamation of area health services and goes to some length to recommend against boundary changes and area amalgamations.

AlburyCity Council concurs entirely with the tribunal's view that the proposed amalgamations will be disruptive and negate gains which we believe are already, and will continue to be made in our region.

Our specific concerns with this merger are:

- The new region is unlikely to be an autonomous decision-maker but rather subject to centralised, metropolitan-based decision making. This means that decisions that will impact on the effective and efficient delivery of health outcomes within the region are made without reference to rural, regional or even local issues.

AlburyCity Council can find no justification in the proposed merger of Greater Murray and Southern Area Health Service in terms of improved decision-making, consultation, accountability or service delivery. It simply makes no sense and is likely to undermine recent progress on forming an integrated Albury Wodonga Health Service.

Let us turn to that cross-border health agreement and what progress has been made to date. Last month I asked the Minister for Health about progress on the formation of this cross-border health agreement, to be known as Health Albury Wodonga. I received a response from the Minister in these terms:

I am advised by the Greater Area Health Service that the Cross-Border Health Agreement for health services in the Albury Wodonga region was signed on 25 July 2003. This agreement has enabled progression towards integrated management systems for elective and emergency services, which will improve access and efficiencies in terms of waiting lists. In addition, a joint Board Advisory Committee and a Joint Medical Consultative Committee have been established to progress joint medical appointments.

The Minister concluded:

All parties are committed to working together to progress this Agreement, which will continue under the Area Health Services' reform process.

But we need to expedite it. In the words of one of the senior specialists of the Albury Wodonga area, we need to make sure that the process is speeded up, by which Albury Base Hospital would become virtually a Victorian hospital. The alarm bells should ring loud and clear. On 14 October Dr Kevin Holwell was quoted as saying:

The board of Wodonga Regional Health Service and its chief executive, Dr Andrew Watson, were supposed to control the Albury hospital under the integration plan.

Dr Holwell said:

But Andrew has only nominal control and the Albury hospital is still run by Greater Murray Health Service because the States haven't changed the system.

A spokesman for the Minister said that border residents could look forward to integration being on track and fully implemented by July 2006. However, Dr Holwell said he saw progress as "frustratingly slow due to the differences in legislation in the two States", especially in regard to State awards. He said that 160 visiting medical officers were due to sign new contracts at Wodonga and Albury hospitals on January 31. Dr Holwell continued:

It would appear unreasonable to expect them to sign a contract with the Wodonga board to provide services at Albury Base when the Wodonga board and Dr Watson as manager do not have full control of the day-to-day affairs of the hospital.

I asked the Minister to commit to consult with the Victorian Minister for Health to ensure that the current three-year trial is given every chance of success. Unfortunately, the Minister failed to reply to that particular part of the question. Progress is being made, painfully slow as it is, and, of course, industrial relations are at the heart of it. When the Premier wrote to the Prime Minister indicating that health should perhaps be taken over by the Commonwealth he did not include industrial relations. And what is the major hurdle in achieving cross-border agreement? Nothing else but industrial relations issues. Let us look at what the Premier said in his letter to the Prime Minister. He said:

I think this should be done as quickly as possible, dealt with at a high level of principle, and not be allowed to bog down in detail and lengthy analysis.

I have news for the Premier. Only 10 days ago the nurses were extremely concerned at what skimming over the detail might mean for them. They wrote to me, and to many others, and said:

As nurses we are outraged at the possibility that nursing management may be excluded from the 2nd tier of the proposed new Area Health Service management structures.

As the majority of the health workforce at each facility it is absolutely vital that nursing is represented at the highest level of Area decision-making relating to nursing policy, practice, clinical activity and workforce.

Debate adjourned on motion, by leave, by Mr Greg Aplin.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended to provide for the resumption of the second reading debate at 10.00 a.m. on Thursday 11 November 2004 and to allow the conclusion of all stages of the Health Services Amendment Bill before proceeding to General Business as prescribed in the routine of business.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Motion by Mr Carl Scully agreed to:

- (1) That standing and sessional orders be suspended to provide at this sitting:
 - (a) until the rising of the House no divisions or quorums be called; and
 - (b) the House shall adjourn without motion at the conclusion of the motion of condolence.
- (2) That the House at its rising this day do adjourn until Thursday 11 November 2004 at 10.00 a.m.

DEATH OF DR ELIZABETH ANNE KERNOHAN, AM, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [8.38 p.m.]: I move:

That this House extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death of Elizabeth Anne Kernohan, AM, on 21 October 2004, a former member of the Legislative Assembly.

My first recollection, and the first of many fond recollections, of Liz Kernohan was when we were both mayors of adjoining councils, Liz at Camden and I at Liverpool. Back in those days when things were perhaps simpler, when one could get things done using the back channels and the informality of friendships, I received a telephone call out of the blue from this gravelly-voiced person whom I had never met who described herself over the telephone as the mayor of Camden. She told me we had a problem that we had to sort out. It was a minor matter, a matter of a joint funding of some local road upgrade on our municipal boundaries. People in the gallery who are from our part of the world would know Bringelly Road, the common council boundary. Liz phoned and said we had a problem there that we had to sort out.

Because back then I worked in her part of the world, south-western Sydney—that beautiful part of the world, Camden—as a member of the then Macarthur Development Board, I suggested that I meet her after work in her office and we would sort it out. I can still remember that meeting, somewhere around 1986. Anyone who has been to the council chambers at Camden knows what a wonderful old place it is, an old sandstone building. The mayor's office is way down the end of the building, and I entered that room to meet the mayor of Camden for the first time. As I suspect was the case for many other people meeting Liz Kernohan for the first time, she was in the room, behind a very dense cloud of cigarette smoke—I know she will be happy for me to say this—fag in one hand and a glass of her favourite drink in the other. She greeted me with, "G'day, Knowlesy. Good to meet you. Pour yourself a drink and let's sort this problem out."

I have to say that from that moment on, and all those years later, I realised that Liz Kernohan was my sort of gal—a person you could work with despite being on different sides of the political fence. Like every

other member of Parliament who has represented those great communities of south-western Sydney, we have always been on the same side: their side, the communities of south-western Sydney. I can assert accurately that over more than 20 years of public life Liz and I never had a cross word, either in public or in private. We shared common local government boundaries. For many years later in our careers we shared common electoral boundaries. We always shared those common aspirations that representatives of the south-west hold for their constituencies—those aspirations of opportunity and advancement.

It is fair to say that Liz championed those causes as well as, if not better than, most who have come into this place. But it is also important to record that it was not until I served with Liz and others on the Regulation Review Committee, one of the standing committees of this Parliament, that I came to understand Liz Kernohan's extraordinary mind. As many of us know, not only could she absorb information at a rate faster than most, there are not too many people who can take a brief as quickly as Liz and absorb that information. She had the very enviable capacity to analyse and interrogate in the most forensic detail the matters that would come before the Regulation Review Committee.

Many members opposite would remember the then chairman of the Regulation Review Committee, the member for Murrumbidgee, Adrian Cruickshank—no slouch in the intelligence stakes himself, a very smart man, a man from a diverse life and background. He used to be quite terrified of Liz when she walked into the room, armed with her briefs, having done her homework, to pull to pieces the work that was before us. She would take on that task like a terrier, the way she did with everything. The story of Liz Kernohan is not so much about a member of Parliament but about a woman who was passionate about her constituency and her community.

Not many people who come into the New South Wales Legislative Assembly can legitimately lay claim to the statement that they were universally well regarded; that no-one had a bad word to say about them. Liz Kernohan was one of those people who was universally well regarded. Not a bad word was said about her by either side of the political divide. Part of the reason for that was not only her innate human decency but also that she looked after her community well as their public representative. I know I can speak for every member of Cabinet in this place when I say that Liz was the sort of person who would not take no for an answer. She did not understand the word "no". But despite her sometimes gruff demeanour, the legendary gravelly voice, she was never bombastic or unreasonable in her demands.

It is fair to say that Ministers receive all sorts of representations from constituents, backbench members of Parliament and other colleagues, and frequently those requests seem totally unreasonable and unreasoned. But Liz's arguments on behalf of her constituents were always sound and reasonable, well thought through, and put together in fine detail. She argued the case on behalf of people as she saw her community progress from what was historically a relatively small part of the rural edge of Sydney to what has now become one of the fastest growing parts of our nation. In my particular case I suspect it was because of that longstanding relationship borne out of local government and over a glass of scotch in her office all those years ago. She would usually buttonhole me just outside these doors in the Speaker's Square and say, "Knowlesy, we've got a problem that only you can solve." I would know straight away, confronted with that approach, that resistance was futile. It was time to fix the problem, whatever it was, for her constituent.

Members of Parliament come to this place from all walks of life. They come in all shapes and sizes, and in that sense we are truly a representative democracy. The people in this Chamber reflect accurately and absolutely the continuum of quality and life skills that one finds throughout our community. Liz Kernohan came here with both professional and academic qualifications and a career in public service that is hard for many of us to match. Her curriculum vitae is too long to record but is known by many. It gave her the diversity of background both to bring her life experiences to the job as a parliamentarian but also to develop a network of friends and relationships in her local community that is unsurpassed by other members of Parliament. She was truly a community representative in so many ways and in so many facets of public life in the south-west.

From my conversations with her, usually in the corridors, I think it is fair to record that she did not place a high value on the pomp and circumstance of parliamentary life and perhaps the sometimes false bonhomie and mateship that passes for friendship in this building. Her domain was her constituency. She preferred the hustings; she preferred the stump; she preferred the public meetings and the public gatherings. She preferred to be in Camden, the place she loved, with the people she loved. She was approachable. She took on all comers no matter their political background or political views; she would assist them if they needed help. She was universally well regarded in return and her constituency rewarded her time and again, firstly by electing her and then by re-electing her, each time with an increased majority. The greatest tribute a constituency can pay a member of Parliament is a recognition, at every test, of a job well done.

Liz Kernohan was the sort of person we want as a public representative—someone who connects with their community, who puts their community first before political affiliation and political favouritism. Liz did that from the moment she walked in here until the moment she retired. Because we had known her for a long time and because of our local contacts with the south-west community, we knew that there were only two ways to prevent Liz Kernohan from remaining the member for Camden. One was for her to retire. The second option was dynamite. I am glad she chose the former option because I think she still would have found a way to resist the second option. We all respect those who entrench themselves in their electorate because of their hard work, their tenacity and their connection with the community. Without devaluing the present member for Camden, who is present in the Chamber, it is fair to say that Liz was one of the few people in this place who could reasonably be described as unbeatable.

Liz had the great luxury in public life of choosing her time, her way, her exit point, and she did it with grace. After a very fine public career, it was terrific that she chose to come back as a local elected representative on Camden Council, where she had started all those years ago. I am so pleased for her community and for her own spirit and desire to maintain public life and public involvement that she chose to come back, and was re-elected to the council. Like everyone else, I am sad that she is no longer around to continue the fine work she did as a public servant—no more and no less a public servant of the people of Camden for all those years in all the various facets and forms in which she undertook it. She will be remembered as a good woman who did good things for many, many years. May she rest in peace.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [8.50 p.m.]: No doubt when they made Liz Kernohan they broke the mould. She was in every sense an individual—an extraordinary individual, a colourful individual, an exciting individual and someone who I am pleased to say I had the opportunity to know. We are joined this evening by family, friends and fans of Liz Kernohan. The public gallery is full of her friends who have travelled this evening, mostly from Camden, to listen to debate on this condolence motion. In a formal sense, Liz Kernohan was a member of this Parliament for 12 years, but the contribution she made to public life spanned way beyond her 12 years in Parliament to her time on Camden Council and even before that.

Liz Kernohan was born in Glebe in 1939 and was educated at Sydney Church of England Grammar School in Darlinghurst. As we know, she moved to Camden in her professional life and had a stellar academic career. I was embarrassed to say that I did not know what kind of doctor she was, although I knew she had a PhD. One day I engaged her in conversation about that, and about two hours later I got the end of the story. She was enormously proud of that part of her life. To me that was a career that was far removed from this building. Members who come here meet in the parliamentary sense; we know our backgrounds and what seats we represent. But Liz was incredibly proud of the achievements she made in agricultural science. No doubt when that expertise and those qualifications were put to use in this Chamber, she outshone everyone.

Liz lectured and tutored in dairying and animal husbandry, and in a sense she was a star of that industry. She used to have hanging in her office on level 10 a cover of the dairy industry magazine from her younger days. I think she was the star on the cover of that magazine on many occasions. She began her public career in 1973 as an alderman on Camden Council. We all knew her to be a stickler for protocol, so it would be wrong for me to make the mistake of calling her a councillor. She started as an alderman on Camden Council and served there for nearly 20 years. In politics we like to joke that we get less for life than 20 years on a local council. She was mayor and deputy mayor on numerous occasions, and came to this Parliament with an awesome reputation as a champion for Camden and her local community.

Liz rang me just before she made the decision to publicly announce her retirement. I was keen for her to stay on, in my own interest and the interests of our party and the people of Camden. But I sensed that she had made up her mind. I knew that it would be a sad day for the Liberal Party and certainly for the Parliament, but I had a suspicion that it would not be a sad day for Camden. Therefore, it was no surprise to any of us when she decided to run for Camden Council at the recent local government elections. It is worth noting that those of us who are interested in politics spend a lot of time working out how to get people to vote for us. Liz had a unique style of getting herself re-elected to council. I do not mind telling the House that she was proud to tell us about that unique style.

There were no how-to-vote cards or brochures. I am told that Liz went on holiday during the election campaign, and she corralled a few friends to stand at the gate of the polling booth and say, "Vote for Liz". Because she did not hand out how-to-vote cards the preferences must have been a nightmare after the "1" for Liz Kernohan. I am sure that Fred Anderson, along with the rest of the council, had every expectation that she might like to reassume the mayoralty, but she did not want to be mayor or deputy mayor. When she was re-elected to

council she told Fred that as a councillor she would simply continue to contribute and add to the contribution she had already made to the people of Camden.

I often wonder what people think of members of Parliament and mayors when they refer to the area they represent as "my community". Sometimes I think it sounds a bit selfish. Liz Kernohan knew exactly what she meant. It was her community. She did not own it but she was one of the people of Camden. She loved Camden. She loved the old Camden; she loved the pastoral Camden, which linked her local government service, her parliamentary service and her agricultural career. She had a small but very close family, and when her father passed away it left an enormous hole in her life. Her loss was felt in this building when we heard the news.

We knew that Liz had many special friends, friends whom we never met but whom we have come to know after her death. We are pleased to know that she had friends and family who meant so much to her, centred almost entirely around her local community. But there was one exception. Liz Kernohan was a great traveller. One of her great passions in life was to undertake the annual adventure. One would wander past the parliamentary dining room and see Liz having lunch, usually with a man and a woman. Back in the Chamber we would ask her, "Who were you having lunch with today?" Almost without exception it would be someone she had met on the other side of the world who was travelling through Australia and had been invited to join her for lunch at Parliament House. Liz loved to travel, and she came back to Parliament re-energised. One of the great highlights of her life was to travel extensively around the world with her close friend.

Sometimes Liz must have thought we were a bit rude because we were not always brave enough to visit her in her office. It had nothing to do with her or the conversation, but it had everything to do with the cigarette smoke. We simply could not last long in her office with that smoke. The honourable member for Wakehurst will mention that he felt as though he was a 30 cigarettes a day man, because his office shared the same airconditioning system as Liz's office.

I do not believe Liz's opinions were sought often enough, a point that was touched on by her cousin, Ian, who spoke eloquently at her funeral. No doubt she left Parliament unfulfilled, not necessarily in the sense of being able to sit on the front bench but in the sense that it was not the great contribution she had hoped and expected it to be. On my own behalf and that of my predecessors I offer her friends and family an apology for that. We probably failed to talk to her enough, listen to her enough, absorb all of that experience, not simply in the agricultural science area but also in local government. I had a conversation with her when she left this place. She said, "You know, John, I wish I had had a go at a ministry. I wish I had got involved in local government or agriculture." She also mentioned community services, because she wanted to rip that department apart. She had a passion for getting that important part of government right, and she did not think that government got it right. So we should not ignore the fact that she left a little unfulfilled. When she returned to local government representing Camden I was very pleased that she had renewed that passion.

In the Chamber there are a number of people whom I want to mention in particular: her aunt, Lorna Truman, from Victoria; Nancy Cottle, her very good friend who spoke so beautifully at the funeral; Councillor Fred Anderson, the mayor of Camden; and three of her very loyal staff, Sandra Raine, Pat Grundy and Jan Stewart, whom I know Liz would want to be acknowledged in this debate. Also in the gallery is another group of people whom I thought, until tonight, were the Little Sisters—I assumed that was their title. I was shocked to find that they are the Evangelical Sisterhood of Mary. Why did I think they were the Little Sisters? Because that was what Liz Kernohan decided they should be called. They were part of her life. At Liz's funeral at St Johns church in Camden they sat behind the altar as honoured friends of Liz Kernohan.

The story goes that at a public event in Camden the group of sisters were handing out brochures in the hot midday sun. They looked as though they needed some refreshment, so Liz Kernohan took them some refreshment. From that point on they became the best of friends. The sisters used to house sit for Liz when she was away; look after her pets, look after her family, and became very close to her, particularly after the death of her father, who, they told me tonight, they had to call Dad Kernohan. The Kernohans obviously had a great capacity to tell you what you should call them and what you should be called.

I cannot go any further without mentioning how wonderful the funeral service was. I do not think there was a person who knew Liz or who had a role in the Camden community or a role in politics in that part of Sydney and beyond who was not present at the funeral. It was enormous. Community organisations were represented in uniform. The mayor wore his robes, and that is exactly what Liz Kernohan would have wanted. Members of the congregation were welcomed by the minister and then a tape recorder was turned on and we were shocked to hear Liz welcome us. She went on to deliver the first reading. She had the last word, I am happy to say, in every sense. That unmistakable voice, strong to the end, was there even at her own funeral.

Sad as we are at her passing and shocked that it was so soon in the next stage of her life— to which we all know she would have dedicated 1,000 per cent—there is so much to celebrate and so much to remember. She said that herself in her introduction: she told us not to be sad but to be happy, to celebrate and acknowledge the magnificent life she had. She did have an extraordinary life. She packed it full from beginning to end. She was an athlete in her younger years, and was absolutely devoted to her family, her community and her profession. Although I am genuinely saddened by her passing, I am pleased to have known her, to have worked with her, and to have shared the good times and laughs with her.

I remember one occasion when I was sitting in the members dining room around one of the large tables. It is a first in, best dressed arrangement, so you sit next to whoever is there before you. I was sitting next to Liz. I said, "Liz, have you still got that big old car that you used to have?" She had since moved to the grey Ford with the "LIZ MP" numberplate. She said, "Yes, John, I have it at home." I said, "How is it going; do you take it out every once in a while for a bit of a run?" She said, "I have a bit of a problem with it. Just the other weekend I took it out to give it a clean. I was taking it through the carwash and I pulled up next to the buttons and I couldn't reach them. So I opened the door and the car rolled forward." She told me that the car was damaged and was being repaired. But that car was there at the funeral. It was one of those great memories of Liz Kernohan. She had some tough times in Parliament, and they were mentioned by her cousin Ian at the funeral. I want to reflect on what she said in a debate in 1995, when she was under attack. She said:

I have lived in Camden for 35 years. It is a small town. The people know me ... I have a penholder on my desk inscribed with the words, "Tough times never last, but tough people do." To have embarked 35 years ago on a career in the traditional male field of agricultural science means that a woman has to be tough. To succeed in that profession and to become head of a department at the University of Sydney, and to remain mayor of a municipality for six years, a person has to be tough.

She was tough but she was also a very giving and caring person, a person I am pleased to have known and honoured to have served with. The loss of Liz Kernohan is a loss not just to this Parliament but to Camden. I saw her just a few weeks before she passed away. She was in Parliament House for a lunch. I was thrilled to see the little Order of Australia badge on her lapel. We talked about the ceremony that had taken place not long before. I was so pleased for her. She would have been very proud to have received that medal. It represented her service to the community, and she certainly earned it. I am so pleased she received it before she passed away. In one sense it was a great achievement that she was able to enjoy.

We miss her terribly. As somebody said when we met earlier to share a drink with her family and friends this evening, it is almost as if we do not believe she has gone. She has gone, and it is very sad. But we remember a woman who made a contribution to her family, to her community and to this State at a level that many could only hope to achieve. I am very proud to have known her. The Liberal Party was all the better for Liz's service, and I believe this Parliament was all the better for her service.

No doubt her friends and family will feel the loss much more as time passes and the events that Liz would have been involved in pass by without her, but just as she made sure she was present in one form at her own funeral, I am sure she will always be present as part of Camden, and I note the presence of the honourable member for Camden in the Chamber tonight. I finish by saying the one thing that can be said of Liz Kernohan, and it is probably the one thing that would matter most to her: Camden is a better place because of Liz Kernohan.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [9.08 p.m.]: On behalf of The Nationals I pay tribute to our former colleague Dr Liz Kernohan, member of the Order of Australia. I acknowledge the many friends and family of Liz Kernohan in the public gallery tonight. We pay tribute to a unique woman who will be remembered as a hard worker, a fierce campaigner and, most importantly, a loyal friend to many. Liz had many friends in The Nationals, amongst whom she was very highly regarded. At only 65 years of age, Liz's death on 21 October was sudden and untimely. She had so much more to offer the community she had represented so passionately for so many years. Liz held the Camden community in the highest regard, and the respect was mutual. She had a superb record of civic service, and her keen participation at both local and State government and in the Camden community will be sorely missed. Liz was first elected to Camden Council in 1973. She became the Deputy Mayor in 1974 and was elected to the top job in 1980. She then entered State Parliament in 1991 as the elected Liberal member for Camden and was returned by her constituents in 1995 and 1999.

Liz prioritised the interests of the Camden community ahead of all else during her time in Macquarie Street. That is why she had the trust of her community and always had no trouble in winning one of the most marginal seats in New South Wales. Liz had no time for the politics of politics and spent her time fighting

fervently for the many and varied social, economic and environmental issues affecting the community she represented. She was a breath of fresh air in this place because she was fair dinkum and down-to-earth. One of the first times I heard Liz speak in this place was during the Drug Summit in 1999 when she spoke in her inimitable style of her experiences as a smoker, lamenting the way in which modern society treated smokers like pariahs. I am sure that Liz would have great concern about the emerging State legislation, which places even more restrictions upon smokers.

Liz served as a member on a number of parliamentary committees during her time in Macquarie Street, including the Regulation Review Committee, the Committee on the Independent Commission Against Corruption, the Standing Ethics Committee, the Joint Select Committee Upon Waste Management, of which she was chair, and a number of other parliamentary select committees. Liz did not put up her hand for re-election in the 2003 State election, but clearly she still had the fire in the belly. She stood and was re-elected to Camden council in March this year, causing some degree of chaos in the process by choosing not to assign preferences. After more than 30 years of public service, clearly Liz's desire to serve her community was still burning strong.

Liz was held in particularly high regard by The Nationals in New South Wales. In many ways she was more country than city, perhaps reflecting the rural origins of the Camden area as well as her background. In fact, Liz is one of the very few members in this place to have received the title of honorary Nat for her down-to-earth approach to the job and her avid interest in rural issues. Liz was fond of a scotch and often joined the Nats in The Nationals party room for a drink. Many members will fondly recall Liz's hearty laugh, which invariably lit up the room.

Having grown up on her family's poultry farm and citrus orchard, Liz decided to take up a career as an agricultural scientist. Following university studies, she went on to specialise in dairying. She was awarded her PhD from the University of Sydney with her thesis on "Yellow Stain in Milk Sediment Test Disks". Coming from a dairy farming family I appreciate the importance of this work, even if many others do not. Among other things, Liz taught agriculture, headed the University of Sydney Farm Dairy Research Unit, lectured in animal husbandry and in 1983 was appointed Director of University of Sydney Farms at Camden, a position she held till 1991. She retained her great interest in agriculture in general and the dairy industry in particular, contributing very significantly to the debate on the deregulation of the dairy industry in 2001.

Liz was also an active participant of countless committees and a patron member and supporter of numerous societies and community groups. Somewhere in amongst her tireless work for the community, Liz found time to pursue other interests in life—travel, reading, theatre, art and, as she put it, a little golf. Liz was certainly a straight shooter and will always be remembered for her no-nonsense approach to her work. The Nationals will greatly miss Liz Kernohan, a unique identity in New South Wales politics, a tireless worker for her community and an honorary Nat. We will all miss her, all whose lives she crossed and particularly the Camden community she loved so much. Vale, Liz Kernohan.

Mr GEOFF CORRIGAN (Camden) [9.14 p.m.]: As I did at Liz's funeral, I start by once again thanking Nance Cottle and Sandra Raine for allowing me the great honour and privilege of speaking at the funeral of Dr Elizabeth Anne Kernohan, AM, hereinafter always referred to as Liz. I acknowledge the large Camden contingent in the gallery tonight. I am reminded of the comment by the then member for Georges River on the occasion of Liz's first speech on 16 October 1991. After she made her speech, Mr Terry Griffiths, then Minister for Justice, said:

I congratulate the honourable member for Camden on her maiden speech. I have seen the public gallery packed on only three occasions: first at question time, second when the Premier was speaking, and third when the honourable member for Camden made her maiden speech.

It is good to see the gallery packed again tonight. I will not talk for long tonight; I had a good opportunity at her funeral. I would like to relate a story about what happened when I heard that Liz had died. On a Thursday some Labor parliamentarians and I go to lunch at a place called the Noble House to get away from the hustle and bustle of Parliament. About three weeks ago as we were walking down to the restaurant I received about three phone calls—the first of which was from my local area commander, Pat Paroz—to tell me that Liz had died. Every one of the six of us who went to lunch was totally shocked. When we sat down for lunch the honourable member for Wallsend asked us to raise our glasses and have a drink to Liz. It is most appropriate that the honourable member for Wallsend is in the Chair tonight.

Liz's public service record is well documented and doubtless will be repeated tonight. She had a long and distinguished career in local government, being an alderman for 18 years and a councillor since March this

year. During that time she was mayor for seven years and deputy mayor for seven years. She was elected to State Parliament in 1991 as the member for Camden and remained the local member until her retirement in March 2003. As has already been pointed out, she increased her margin at every election she faced. Her professional career was just as distinguished as her political one and culminated with her appointment as Director of the University of Sydney Farms at Camden. The Leader of The Nationals has upstaged me. I remember asking Liz at a University of Western Sydney graduation ceremony at Bankstown about the work she had undertaken to achieve her doctorate. I did get the long story, but the short version is that she overcame the problem of "yellow stain" in milk, which was costing the dairy industry millions of dollars each year. That is why she got her doctorate, and she was very proud of that work.

Liz set an example for all of us who aim for political office. You work hard, very hard in fact, because, funnily enough, the harder you work the luckier you get. Liz turned up at every opening, every school presentation night and every service club changeover, and at the same time always represented her community without fear or favour. She spoke frankly. I will quote from her obituary in the *Sydney Morning Herald*, which was written by John Wrigley of the Camden Historical Society. I should say on John's behalf that the newspaper added a couple of parts that he certainly had not included. They wanted the controversial stuff as well as the good stuff. John said of Liz:

She was a straight talker and would leave you in no doubt about her opinion. She called a spade a spade and did not necessarily tell you what you wanted to hear.

That sentiment is very true. In our community Liz was actively involved in so many activities that it is near impossible to mention them all. I want to give a list for the parliamentary record, but I ask you to remember that it is not an all-inclusive list. She was involved in service clubs such as Quota, the RSL, Legacy, the CWA, Rotary and Probus, to name but a few. She was a Lioness and secretary of the parliamentary Lions. She was also involved in all the sporting clubs, particularly the swimming club, the performing arts, such as the Camden drama club, the Rural Fire Service, the State Emergency Service [SES], the Show Society, local schools and charity organisations. Indeed, only a month ago she told me that she was back with the SES. She had been a flood warden since she could not remember how long and she was doing a course to make sure she could remain a properly accredited flood warden. Greg Johnson, the controller of the SES, is still amazed that that wonderful woman, who worked so hard in the community, still found time to update her undoubted qualifications.

One of the most important of Liz's achievements did not occur to me until I attended the civic celebration of her life at the Camden Civic Centre following her funeral. As the Leader of the Opposition said, Liz's funeral was by far the most impressive civic funeral I have attended. The outpouring of respect and grief as the funeral procession passed through Camden had to be seen to be believed. People lined up five and six deep to say goodbye and the applause was fantastic. As the procession moved up Argyle Street it reached a crescendo at the Johns Street roundabout. Everyone was clapping. Even though I was in my car, I heard a fellow call out, "Let's give her a cheer!" Everyone started cheering as the cortege moved down the street. There were calls of, "Good on you, Liz!" It was a most appropriate and wonderful tribute from the people of Camden. As a singer and performer, a parliamentarian, a swimmer, an athlete and shooter, what more could one want than to get a round of applause and people cheering as one leaves the arena? It was a wonderful tribute.

When I got back to the civic centre I tried to count the number of people. There were still 300 or 400 people in the civic centre. I went to talk to Nance Cottle, who spoke so beautifully at the funeral, but someone shanghaied me as I walked towards her. I heard a woman from Quota say to Nance, "I am glad you spoke after all those men." Of course, the men were Liz's cousin Dr Ian Painter, Camden Mayor Fred Anderson, me and, finally, John Fahey. At the time I was taken aback because I thought I had done a good job. The people of Camden will know where this is leading. Having heard that comment and reflected upon it, I have decided to read out a list of people. If I have omitted someone, I apologise again. The list is: Audrey Palmer-Henderson, Pat McDonnell, Theresa Testoni, Shirley Gerrey, Di Missingham, Sylvia Fekete, Bev Batros, Shirley Winn, Eva Campbell, Cindy Cagney and Debby Dewbery. All of these women have been or are aldermen or councillors on Camden Council. Besides Liz Kernohan, Theresa Testoni and Eva Campbell have been the mayor. I have no doubt that Liz blazed the trail for those women. She was the first woman alderman on Camden Council and also the first woman mayor.

She showed by word and deed that in an essentially conservative and traditional local government area women could and should make a valuable contribution to civic affairs. Since I heard that comment about Nance Cottle I have spent some time contemplating it. When I was a councillor from 1995 to 1999 there were five female councillors and four male councillors, so it did not mean as much to me as it did to councillors in the 1970s and 1980s when women were in the minority. Liz showed the way. Over time the inspiration she provided to succeed and make a difference may be one of her greatest legacies.

My final conversation with Liz took place four weeks ago at the 60th anniversary of the Werombi/Silverdale Rural Fire Service. I spoke to Liz at some length because she had been mentioned in Kerry Chikarovski's book, which I had just read. As usual she gave me advice and reminded me that she was keeping an eye on me and that I should do the right thing by the community. She also told me why the Federal Government was returned and Mark Latham lost the Federal election. She even told me whom I should vote for if Bob Carr retires. During that conversation, much of which I will not repeat, Liz told me of her disappointment—which has been referred to by the Leader of the Opposition—that her talents were not utilised during her time as a parliamentarian. That was a theme in her cousin Dr Ian Painter's eulogy. She told me that no-one ever asked her to advise candidates on how to contest elections. She said, "I thought that having won three elections in a row and increasing my margin each time would have been of some benefit!" I believe that Liz's contribution to our community cannot be measured.

Liz provided me with a role model of what a good local politician should be: I should be accessible; I should speak up for my community; I should try to attend as many functions as possible; I should put the needs of my community ahead of all else—whether that be personal ambition or party politics; and, finally and most importantly, I should drive a big red car that makes me instantly recognisable! Although I agreed with Liz on all these points—except for the big red car—I always disagreed with her about wearing the mayoral robes. She would often tell me at functions that I should be wearing the robes and I would politely tell her that the mayoral chain was sufficient. I would go home to my wife, Sue, and say, "That bloody Liz Kernohan is still telling me how to do my job!" That was a not infrequent occurrence, and it still happened after I joined the Labor Party in 1998. She still told me what I should be doing as mayor and she continued to give me advice when I became a member of this place. Her main advice was that if something did not feel right for my community I should not worry about what I was told by head office or my colleagues. That was very good advice.

As we saw at the funeral, Liz liked to have things organised her way. Before finishing my contribution I should comment on Liz's detailed knowledge of protocol. She would know who should be acknowledged first. It was always the mayor, even if the Prime Minister was present. She knew all the ranks of military officers and so on. I did not know what a catafalque party was until Liz raised the issue in Parliament—her comments were reported in the media when she asked why the cadets did not have rifles at the 1998 Anzac Day service. I note from Liz's valedictory speech that she counted as one of her achievements the restoration of the rifles to the cadets for catafalque duty. It is worth recalling her exact words:

Unknown publicly, my caustic letters to the Minister for Defence, Bronwyn Bishop, resulted in Army cadets once again using rifles for catafalque duty on Anzac Day.

I am glad it was Bronwyn Bishop she was giving a serve to. It would have been an interesting exchange of correspondence. Speaking of correspondence, I would like to give members an insight into Liz's unique style of communicating with constituents. Sandra Raine and staff would know this well, I imagine, but it was news to me. All electorate office files are destroyed when a new member takes over an electorate, particularly when a Labor Party member takes over a Liberal Party seat. After I was elected, a fellow came into my electorate office and said he was still waiting to be made a justice of the peace. He showed me a letter from Liz, which I copied because it was unique. I would have sent off a letter, which stated, "I have sent your application to be a justice of the peace to the Attorney General and I will contact you when I receive a reply." Liz's letter went something like, "I've sent your application to be a justice of the peace to the bowels of the bureaucracy, from where it will no doubt emerge one day and you will be a justice of the peace." Frankly, I had never before, nor have I since, seen a letter like it.

Liz's straight-talking style, hard work, and ability to get on with people at every level were greatly appreciated in Camden. I will miss her presence, as I am sure will everyone who has known her. All the local newspapers have run wonderful tributes to Liz, and we have all read those articles in detail to see why this wonderful woman has left us before her time. I would like to publicly thank the *Chronicle*, the *Advertiser* and the *District Reporter*, which delayed its publication by 12 hours in order to cover the funeral. Liz quoted *Hamlet* in her inaugural and valedictory speeches. However, in keeping with her love of musicals, I think there is a song that could equally be her epitaph, namely, *I Did It My Way*. Rest in peace Liz Kernohan.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [9.32 p.m.]: Liz Kernohan was a lawmaker, but I want to also acknowledge at the outset that she was a law breaker. Whenever I pass room 1001 on the Opposition's floor in this place I think of Liz Kernohan, because on many evenings I would go into that room to have a conversation with Liz. It is well known that smoking is banned in the Parliament. Inevitably, when one went into Liz's room to have a chat with her, she would be either behind her computer or sitting behind her desk in the inner office, she would rise, open the drawer, get out her cigarettes

and matches, move out onto the verandah and sit in her chair, with the door open, while you sat inside talking to her. They were terrific chats. Regrettably, that room is now occupied by a member of another party. I have not been in it since Liz left this place, but it is a memory that still lives with me.

I join with my colleagues in paying tribute to Liz Kernohan. Regrettably, I could not attend her funeral, but my colleagues have told me what an exceptional send-off she received. It befits somebody who, like the former member for Dubbo, about whom I spoke in this House only a month ago, had a record of 30 years contribution to her community and which culminated in service in this place. Like the service of the former member for Dubbo, Liz Kernohan's service in this place was characterised by care for her community, rather than the usual politics that, regrettably, airs its linen and preoccupies all of us in this Chamber.

I was State Director of the Liberal Party in the lead-up to the 1995 election, so I am to blame for all the Liberals in the Chamber. The two most critical seats we held in the lead-up to the election were the seats of Maitland and Camden, both of which had been won by the party in 1991, which, as all my colleagues know, was an election in which there were not enough seats retained to provide us with majority government, and yet we won two seats that had not been in the Liberal fold for some time, thanks to Peter Blackmore in Maitland and the inimitable Dr Liz Kernohan in Camden.

Four years later we were defending those seats. In both seats, we decided to take an approach that, as State Director of the Liberal Party, I would not normally have encouraged amongst other members of Parliament. We ran the member big, and we ran the party small, because in both of those seats—Peter Blackmore in Maitland and Liz Kernohan in Camden—they were larger-than-life personalities. They attracted votes to themselves more than the party attracted votes to itself. Surprisingly, in another election in which the result was not as we had hoped, we actually recorded swings to the Coalition in both Camden and Maitland, testimony to the work over those years of both Liz Kernohan and Peter Blackmore, but in this instance I want to pay tribute to Liz.

This evening I was reminded of Liz's unique style of campaigning. We know about the car. We know that the 1995 election was fought on a redistribution that was otherwise not regarded as favourable to the Liberal Party in Camden because of the move into the electorate of a large number of new housing estates where the house and land packages were in the order of \$100,000. People were moving from Liverpool and Campbelltown to these newer estates. They were not traditional, or in any sense perhaps even occasional, Liberal voters, so there was some nervousness about what was going to happen.

We said to Liz, "You must get out there and doorknock." As I read through some of Liz's speeches and comments I was reminded of her reticence to doorknock. It was not that she would not do it; she just needed a bit of winding up to get out there. She was easily distracted before the task was started, but she certainly went out and doorknocked those new estates, and it was from those newer areas that the swing was picked up. Quite frankly, it was the result of Liz's work there. I believe it was an analysis of those first-time Liberal voters, who had moved from what was until that stage solid Labor territory that set the foundation, in part, for Howard's victory in 1996 and his subsequent victories. What we identified in Camden in 1995 were the aspirational voters who are so central to politics today but whom you did not talk about 10 years ago; they were not identified in that sense 10 years ago. Liz Kernohan owed her second election victory to those people.

As I was packing up an electorate office last weekend I found one of Liz's original brochures from that 1995 campaign, authorised by Nance Cottle, printed by Bloxham and Chambers, at least one of whom is still around. Typically, it is about Camden; it is typically about the style of Camden that Liz wanted to preserve. It is the sort of brochure that characterised Liz's speeches when she started in this place and when she left it. It was all about Liz over the years that she represented Camden, about keeping Camden the way the people who live there wanted it kept—not in the past, but preserving its quality. I believe Liz's work, particularly in relation to the Cawdor Corridor, was a lasting legacy that she has provided to that part of the world.

The honourable member for Camden used a number of words to describe Liz, and one cannot but agree with him. She was honest to a fault. If she had a problem with you, she would tell you, and there was no doubting what she meant. She was straight and direct in her approach, and she was fair. But, above all, she was a compassionate individual. All of those traits meant that, on the one hand, she was a terrific representative for Camden. But, on the other hand, I am not sure that those traits suited her for the usual round of politics that occurs in this place, which was the sort of reflection she made in her farewell speech.

Liz was an unusual politician because she was the only politician I know to refuse a trip—and if I offend anyone present in the Chamber, put your hand up, but I am happy to test this. From time to time

politicians are criticised for their overseas trips. We know that Liz's passion and one of her pastimes was travel. During many of our chats she sat on her balcony with smoke rising—not from her ears but from her cigarette—and spoke about her trips, whether to Antarctica or other places. Liz Kernohan did not undertake the Commonwealth Parliamentary Association trip to which she was entitled; she handed that back before she retired. Many members on all sides of politics during the lead-up to an election, when they will retire, are entitled to one of those trips and they take it. But Liz was not one to do a lap of victory as she was about to leave this place. The Clerk, who is Secretary of the Commonwealth Parliamentary Association, is not present in the Chamber to confirm this, but to the best of my knowledge Liz is the only person who has handed one back. So in that sense she is also different and, no, the honourable member for Wyong cannot have it.

I want to touch on two issues. I understand from those who attended the funeral that at least one of them was touched on there, as Liz touched on it in her maiden speech. I was elected to this place in 1995—Liz's second term and my first term. I want to acknowledge, given that one of my constituents, Jane Oakeshott Renahan, is amongst them—and I will always bow down to constituents of mine—that we have the Sydney University Law Extension upstairs. I am pleased they are here this evening because last night I was not saying very nice things about lawyers. The good news is that Liz Kernohan was not a lawyer, she was an agricultural scientist. She was, in fact, a director of Sydney University Farms. The reason I acknowledge you, other than the fact that Jane Oakeshott is up there, is because, of course, you represent Sydney University. So we have up top in the gallery, perhaps appropriately above the good burghers of Camden, the representatives of Liz's profession before she came into this place. I am happy to acknowledge them and, without being thumped by the honourable member for Upper Hunter, I thank the honourable member for Port Macquarie for the prompt.

Clearly, one never forgets one's entry into this place and one never forgets the first few weeks of sitting here before delivering one's maiden speech. Preparing to give a maiden speech, as everyone in this Chamber has done, and watching the Chamber before one gives it is probably something that one does more closely than later on. Amongst the members elected that year was the honourable member for Liverpool and he delivered what will go down in the annals of this place as the most shameful maiden speech ever delivered. Following the 1995 election campaign Liz Kernohan was subject to the most horrendous smear campaign, which emanated from a dispute in her office with staff. I know this because as State director I was implicated. There were allegations that I had been approached by the staff with complaints and, in fact, I was alleged to have threatened to withdraw her preselection. Both claims were false.

But there was an industrial dispute within Liz's electorate office. In our electorate offices, as we all can attest, particularly in election campaigns and particularly in marginal seats—which, of course, are the focus of election campaigns—the heat rises. After the campaign complaints were lodged. But it was not just the complaints. The Public Service Association stepped in and made those complaints public, and that put an enormous amount of pressure upon Liz Kernohan, as it would do on any person. The office of the Premier and the office of the then Attorney General, currently a Supreme Court judge, who may have occasion now to reflect upon the treatment that Liz Kernohan went through, contributed to the adverse media that Liz suffered at that time. Both sought to whip the story up. When Liz Kernohan sought, as any member of Parliament is entitled to seek, support in this place, the then Speaker sought to whip the issue up. Liz was hung out to dry for months as this issue was milked by her opponents, including a former member of the upper House—

Ms Reba Meagher: Point of order—

Mr BARRY O'FARRELL: This is extraordinary.

Ms Reba Meagher: It is extraordinary, and it deeply saddens me to have to interrupt any kind of celebration of someone's contribution to this Chamber, but I find I am forced to do so this evening on the basis that the contribution of the Deputy Leader of the Opposition has strayed from an acknowledgement of the member's contribution into the launching of an attack. That exceeds what a condolence motion is all about and I would ask you to remind the member of his obligations in this debate.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I ask the Deputy Leader of the Opposition to confine his remarks to the condolence motion and to try to make his remarks as relevant as possible.

Mr BARRY O'FARRELL: Of course I will heed your remarks, but anybody who knew Liz Kernohan—and I am sure Nance Cottle is in the audience this evening—will agree that the experience that Liz Kernohan went through in 1995 and 1996 as a result of these allegations, of which she was ultimately cleared

and in relation to which even the *Daily Telegraph* demanded that she should receive an apology, which, of course, was never forthcoming from any of those people who sought to smear her name, notwithstanding 30 years—at that stage, I suppose it was 21 years—of service to the community, was a shameful episode. I encourage the honourable member for Cabramatta, the Minister, to go back and read the maiden speech of the honourable member for Liverpool. It is a disgrace. It stands as a disgrace and it stands as testimony to Liz Kernohan that she came through that time with such grace and style, despite what was flung at her. She continued into another term, but there is no doubt that that experience contributed ultimately to her dissatisfaction with this place.

The second issue that I want to touch on is that it is clear that Liz left this place disappointed. If we had remained in office in 1995 I have no doubt that, given her qualifications, Liz Kernohan would have received preferment and would have moved her way through the order. Anybody who has a PhD entitled "Yellow Stain on Milk Sediment Test Discs", anyone who can pursue that line of study in producing a PhD thesis and be awarded a PhD thesis to become director of Sydney University Farms, clearly, as we all know, had enormous talent. But Opposition demands and requires of people different skills and, as I said, Liz had very particular skills. But she was not someone who was prone to engage in politics for the sake of engaging in politics. And that is essentially what she said.

Regrettably, after 1995, and very early in that term, her disappointment began, because one of the first acts of the Government was in relation to veterinary laboratories. Here was a woman equipped with a PhD who had dealt with such issues all her life and, as she would tell you, she was never consulted and never asked her view on the issue. She made a great speech on the bill, but her skills were never tapped into. As a member of the Opposition for that period and as someone who subsequently became Deputy Leader of the Opposition, I share my role in her unfulfilled desire to make what she termed in her maiden speech a wider contribution beyond Camden for the good of society. I am pleased to stand here tonight to pay tribute to the memory of Liz Kernohan because with more members like Liz Kernohan not only would this place be a better place, this State would be a better place and the people who elect us to this place would have greater faith in the activities that we fulfil on their behalf.

Mr JOHN PRICE (Maitland) [9.48 p.m.]: Tonight I speak to the condolence motion in honour of Liz Kernohan. Her family used to call her Tiz. I do not know why; I did not know anything tizzy about Liz. She was a good operator and one whom I considered to be a friend. She and I were roughly the same age. She had inherited her parents' farm up Glendenbrook way, not too far from where I live. So we had a link in common. While she did not attend the farm very often—her neighbour used to open it up for her and turn on the hot water and those sorts of things once a year or so when she went up there—she was very much a country girl and one who had a deep appreciation of rural life and rural activity. She had a great passion for her profession. As other speakers have mentioned, Liz was highly qualified and had a Ph.D. She was in charge of the University of Sydney farms out at Camden. She was a woman who was known not only Australia-wide but also internationally for her skills in those parts of her profession in which she was so competent. I would like to think that she was taken before her time.

My closest experience with Liz came on a trip overseas when she was a member of the Ethics Committee, as it was called in those days. I was the chairman and Liz was the Opposition nominee to travel with us through the United States of America, Canada and Great Britain. My first stark memory of Liz was when we arrived at San Francisco. She almost leapt over the immigration and customs desks and was seen running from the terminal shouting to me, "Pick up my bags on the way through, John", which I did. By the time I got to the exit corridor she was just finishing her second cigarette with great relief. I had no idea she was that tense. We had received a phone call from Qantas 12 hours before we left on the trip saying, "I'm sorry, Mr Price and Miss Kernohan, but we have overbooked your flight. Would you accept an upgrade to first class on the next flight?" Liz beat me to the door on that one as well. She had the "Yes" out before the sentence was finished. There we sat in sartorial glory, all the way at somebody else's expense, and it was a wonderful way to do it.

Liz's contribution to that trip and her contribution to the report that followed were extremely valuable to me as chairman and to this Parliament as a body and maintained the very high standards that the community expects from us. Liz was a great traveller. She photographed almost everything that moved—indeed, everything that did not move. She showed me the video she took of the trip and I had no idea she was taking it. I found that I featured in quite a number of the still photographs. Earlier this year she took a trip on the *QEII* around part of Europe, after which she came back and complained to me about the quality of the food compared to the price she had to pay. That sounded just like Liz.

During the parliamentary trip we spent some time in Belgium talking to people from the European Union. At that time I met Dr Ian Paynter, her cousin and, I understand, her only living relative. Ian now resides at Morpeth in my electorate. He is a lovely guy who was extremely fond of Liz, and she reciprocated that affection. We were in Brussels on the Sunday and Ian graciously came across from Holland, where he was working, picked up Liz and took her to the killing fields of the Second World War in Northern France, where her father had fought so bravely. Liz placed great value on her parents, and particularly on her father's deep dedication to Australia and to the Crown. It was something on which Liz and I differed, but, nevertheless, she had strong convictions and was proud of her family lineage, which was great to see.

Liz was also deeply committed to the community. She was an alderman, deputy mayor, mayor and county councillor. She was involved in the repertory club and the Quota Club. In this Parliament she was the charter secretary of the New South Wales Parliamentary Lions Club when I was charter treasurer. We worked closely together during that first year until Liz decided not to stand again for Parliament. However, she still retained her membership and, in fact, it was my pleasure to have a meal with her at a Lions Club meeting about two months ago. I have to say that at that time she was looking fine, but things happen.

I have great respect for the woman. She was a role model for her era and a woman of principle. I valued her friendship then. I mourn her passing. I wish those members of her remote family and close friends comfort in their grief. She would not want you to grieve for too long. I do not recommend that you do, but think kindly of her for the good things she has done and for the way she has left the world a better place.

Ms PETA SEATON (Southern Highlands) [9.55 p.m.]: I am pleased to hear that I am not the only one who benefited from the unsolicited advice of Liz Kernohan. The sitting member for Camden has clearly had the same lectures that I received. On many occasions I was buttonholed and told that I had better look after the people of Wollondilly or else. I can just imagine what Liz would have said on many occasions to Geoff. I was always pleased to receive that advice because everything Liz said and did was completely honest, home grown and fundamental. If Liz thought it was important enough to buttonhole you and tell you something, you knew to listen because it was good advice.

I am honoured to have learned a good deal from Liz about the Wollondilly community and the area I am privileged to represent. I have been given an opportunity to serve and develop work for which she had already laid the foundation over many years. I have had the pleasure of witnessing the completion of many projects in the Wollondilly community that I know Liz, somewhere along the line, either began or helped to begin. That is one of the many things for which she will be remembered.

Last Sunday I attended the St Anthony's annual fete at Tahmoor and something was obviously missing. After greeting each other, we all said, "It's just not the same here today without Liz." We felt sad for a few minutes, but then reminded ourselves that Liz would not want us to be sad. Normally, we would arrive and ask, "Where's Liz?" We would listen and then hear her gravelly, booming voice and know that she was holding court with a group of people, usually with a cigarette in her hand. At a function such as the fete she might even have her beloved dog with her. She was very much the centre of activity at those functions.

Many people here would claim her as their own. However, the people of Wollondilly also knew and loved her. They, too, want to claim her as a Wollondillyite as much as a Camdenite. She was as loved in Wollondilly as she was in her beloved Camden. Obviously, I do not know the Camden area as well as I know the Wollondilly area, but I can say that she is a landmark in the villages, towns and streets of Wollondilly. With the redistribution two elections ago Wollondilly became part of the Southern Highlands electorate. At that time I sat down on the backbench with her one night and said, "Liz, can I just spend a bit of time with you to learn about the different towns and villages in Wollondilly. Can you give me your feelings and impressions about those places?"

Two hours later we were still sitting there, after going through every village and town. She knew everybody in the area and the family history of the leading families. She knew the history of every demountable building at the school, and everything to do with the hospital and local village hall. She knew who was who in the Rural Fire Service and everybody at the Country Women's Association. She even knew who had the key to places where meetings were held. She knew everything about those communities and I learned a great deal from her that night, as well as receiving a lot of good advice.

One of the loveliest things to happen after that election was when Liz rang me—I think it was before the first of the next round of weekends events—and said, "Peta, I hope you don't mind. Please don't think I'm

being pushy asking you this but I have gone to the show for the last however many years, do you mind if I come along? I'm not the member anymore, but do you mind if I come?" I said, "Liz, I'd love it, please come. I really want you to come." I suppose she wanted to observe protocols, which was her way. I said, "Liz, I would love you to come. I'd be devastated if you didn't come. Everybody expects you to come. Please come." Liz was always at a good many of the events I regularly attend in Wollondilly because she could never give up her Wollondilly family. That is how she felt about the people of Wollondilly.

Next year will be tough for the reasons I have just described in terms of the St Anthony's fete. The people in the gallery, the honourable member for Camden and I will find it difficult to get through the next year of events without Liz. It will be very tough for all of us. What frightens me the most is the prospect of the senior citizens Christmas luncheon at Picton. Liz used to organise all these events around her strengths, which were acting and singing. People normally pay me not to sing. At our first outing at the Picton senior citizens Christmas carol lunch Liz horrified me when she said, "Now we'll pass out the words to all the carols for the carol singing after the meal." I thought, "Gosh, this will be interesting." I can't sing to save myself. Luckily Liz could; she and I stood up there and I mouthed the words. She made up for everybody else because she had such a wonderful voice.

The idea of attending that event this year is daunting on many levels, not the least of which is that she will not be with us. As for school presentations, I remember wonderful times at Bargo, Picton, and all our local schools. If Liz could, she would rush in for 20 or 30 minutes before she went back to something in Camden. The honourable member for Camden mentioned the cadets. Liz described to me the conversation she had with the Minister and the bureaucrats; she used many colourful words in her description of negotiations on that point. Anyone who has attended the Australia Day celebrations or Anzac Day at Picton or Thirlmere will know how important it was to Liz and the cadets to have rifles for those particular occasions.

Liz was very close to all the farmers in the Wollondilly area. Of course, if one is close to the farmers one is also close to the Rural Fire Service and those who run the community and volunteer organisations. Liz was great for the small business person, and was concerned to speak up against what she saw as the engulfing of the cultures created by the nature and character of Australians in south-west Sydney when big supermarkets and big businesses came in and created a sameness. She was always keen to speak up on behalf of small family farmers. I am thinking of people such as the Silms and the Fergusons in Lakesland, who were founding families in those places and created amazing businesses with orchards, fruit processing, tourism, all those sorts of industries, which lead to an enormously rich cultural life. Many orchard families come from an Estonian background. They are well known for their music and singing skills, and they have added enormously to the cultural life of our area. Liz was always part of that, so I know the Estonian community will miss her greatly during the next round of annual musical events and celebrations in the Lakesland and Thirlmere area.

The Oaks Historical Centre, the Quota quilt fair in Camden and, in particular the Camden show, will miss Liz. She was perhaps one of the longest standing patrons of the Camden show—I am sure people will correct me on that point if I am wrong. Liz was the sort of patron who was not simply there with her name on the front page of the show program: she was in there, boots and all. The dairy show component of the Camden show will never be the same again without Liz acting as a steward, with her blue shirt with the cow insignia. She always rustled up everybody and ensured they were in the right place at the right time. No doubt she always offered advice to many people as they showed their animals. She was also a feature of the Picton show and helped out with the committee.

There were other things that Liz and I did together which I will never forget, including The Oaks billycart derby. Perhaps that is a treat in store for the honourable member for Camden; I do not know whether he has done that yet. It was amazing: although we were travelling at about only 20 kilometres an hour it felt like about 120 kilometres an hour. Liz and I were in our little billycarts being pushed down the road and hoping we would arrive in one piece at the other end. Liz was game to try anything, have a go, join in with the community in whatever was happening.

Queen Victoria Memorial Hospital always enjoyed Liz's singing and poetry. I can remember enjoying a number of visits there, where Liz joined with the great bush poet Michael Derby in renditions of some of the wonderful Australian poems she enjoyed so much, particularly as they had a link to her father and brother, and servicemen and women in Australia who are familiar with those wonderful poems.

Liz will be missed on Anzac Day at Picton, at the annual Thirlmere Anzac Day march organised by Aussie Beale, Graham Chalker and others, and at the annual Christmas get-together at Thirlmere. Liz had a

special experience when she visited Gallipoli in the past few years. She made great preparations for her trip because she was keen to honour the history and heritage of Australian servicemen and women. I know that the prospect of visiting Gallipoli meant a great deal to her. She did a lot of research for the trip. She spent a lot of time with my mother, who had been to Gallipoli the previous Anzac Day. Anything to do with veterans and servicemen and women, and the nursing and administrative staff who support veterans in our community, was close to her heart.

Liz was a part of so many local events, including the Steamfest at Thirlmere. At the Steamfest her advice to me was to ensure that I did not get asked to judge the floats. Of course, one is always asked to judge the floats, which is always a great exercise in diplomacy. When Liz and I attended school fetes I often would have my daughter with me. My daughter was about four years old when she first met Liz. I think Liz took some perverse pleasure at one school fete; she said hello and gathered up my daughter. She said, "We'll leave your mum to do something and we'll go and do something else." The something else was a trip to the toffee store. I watched in horror as she said, "Can I buy Unity something to eat, she looks a bit hungry?" I said yes. Liz bought the stickiest toffee she could possibly find. I know that she knew full well what would happen to the toffee, but she knew that I could not say anything to stop her at the time. I spent the rest of the day trying to hose off bits of toffee from the car, my daughter and everywhere else. Liz had a great fun streak; she knew exactly what the consequences of buying the toffee would be, but she was determined to put me on the spot, which she did.

Liz loved the Elizabeth Macarthur Agricultural Institute [EMAI] for all the reasons that many honourable members have explained. Before I represented Wollondilly, Liz and I visited the EMAI as part of the Liberal Party's rural committee. We were keen to further investigate ovine Johne's disease [OJD]. We met with some veterinary specialists at EMAI to further explore it and some possible solutions. When Liz realised there was a bovine version of OJD she completely took over the meeting. She knew more about it than anybody could possibly have imagined. We came away with some extremely worthwhile recommendations and ideas about how to help farmers deal with that terrible disease.

Liz was known throughout all parts of the electorate, including the furthestmost places, such as Yerranderie, which, for those who have not been there, is well worth a visit. Unfortunately, it is harder to get to now than it should be. Liz had a great love of the social and geographical history of the Wollondilly area and a great respect, admiration, and empathy for the founding families of that great part of New South Wales. As everyone here knows, Liz always had an open day at her home leading up to Christmas, but I could not attend because I always had commitments in my electorate. I visited her home on only one occasion and that was more of a personal window to Liz. Many people in the gallery will know her home very well, and I saw there a testament to her lifetime of service.

Liz was a very modest person in many ways, but her things meant a great deal to her. She was very proud of her achievements. If somebody honoured her in some way, no matter whether it was with a very small token or a more grandiose form of acknowledgement, she was equally humbled and appreciated what it meant. Anyone who has visited her home will know a little more about her and the things she valued very much, including her academic qualifications.

The portrait of her in her academic gear told me how important that achievement was to her—not because it made her feel important but because she knew it was a way of contributing to her community in some way through the things she was capable of doing. That orange car with "LIZ MP" on it was like a magnet—everyone was drawn to it—and it was so much a part of her personality. It was a way to break the ice and make sure that everyone felt comfortable with her. It was a great conversation starter, after which she could discuss the issues that people wanted to talk about.

She was very informal in many ways, and was not at all stuffy. She was far more at home in Camden than she was in the structures of this place, but her informality belied the great respect she had for protocol. That was something most of us appreciated about Liz. She did not like to be referred to as "the honourable" or "Dr Kernohan" or with all her honorifics. Many people in smaller villages in Wollondilly compromised and called her "Dr Liz", and everyone knew who Dr Liz was.

Her funeral was one of the most amazing events I have ever had the privilege to be part of. It was a great farewell to a great woman. People lined the streets three deep. I will never see anything like that again in my life. I have seen something similar at the funerals of Sir David Martin, Sir James Rowland, and Sir John Gorton, but they were heads of state and a prime minister. Liz is in that group of people who command the respect and admiration of everybody in their community. The whole of Camden stopped. People lined the streets applauding Liz and saying farewell in their own way.

I said earlier that this year will be tough. It is the year of farewells. As people commented at her funeral, there have been two great Elizabeths in the Camden area—Elizabeth Macarthur, who is already well and truly in the history books, and Liz Kernohan, who will be known in the history of Camden as the second great Elizabeth. I look forward to joining with members of the community and the mayor, Fred Anderson, and others to make sure we identify a suitable memorial—or a number of places—to name after Liz to ensure not only that her service is remembered, as it is in our lives on a daily basis, but that there will be a lasting tribute to a woman we will miss enormously, a woman who has made an enormous contribution to our lives and will never be forgotten in either Camden or Wollondilly.

Mr PAUL CRITTENDEN (Wyong) [10.14 p.m.]: Like Liz Kernohan, I was first elected to this place on 25 May 1991. I still recall her maiden speech. She would not refer to it as an inaugural speech because she was a stickler for tradition, as the honourable member for Southern Highlands said. What was most amazing about that maiden speech was that she gave a philosophical underpinning of her political beliefs. I did not agree with many of those political beliefs but I recall vividly the cogent and lucid way in which she outlined them. Very few people who have since come into this place have done that in such a measured and intellectual way.

One of the highlights of coming into this place at the same time as other members is the class reunion dinners. The honourable member for Wakehurst nods in agreement. I always used to attend those dinners, mainly because I would enjoy sitting near Liz. It was one of those occasions when you could have a discussion that was not personal or vitriolic. Liz would certainly give you her point of view and very often your perspective on an issue would be different to hers. That was why I turned up to so many of those functions. As the honourable member for Camden said, Liz and Jeff Hunter, the honourable member for Lake Macquarie, were responsible for organising those reunion dinners.

Many speeches made in this place are quite trite. One approach that I adopted very early after I came here was to pick out five or six people from the other side of politics and five or six people from my side of politics, and follow what they said in debates. Now that Liz has left the scene I will concede that she was one of the people I was always interested in listening to. On matters agricultural, I confess that at times I was somewhat bewildered.

Liz's most endearing feature was that she did not fit the mould here. She did not come here as the cut-out politician who was interested in a career. Members have spoken tonight about what would have happened if this or that had occurred. I do not believe that. Liz was her own person. What you saw was what you got. I remember when we were in opposition in about 1992, and obviously Liz was with the Government. The present Government was a very effective opposition. A member of the then opposition may have transgressed the standing orders while the then Premier, Nick Greiner, was in full flight responding to a question without notice. Liz was not too worried about Greiner and she stood and took a point of order. I thoroughly enjoyed seeing her take that point of order, but I am convinced that Greiner did not.

In a way, that summed up what Liz was about. She thought a wrong had occurred, she was going to set the wrong right and no-one and nothing would stop her. That was her approach. Liz was a highly intelligent person. If she had wanted to further her career she would have played her cards entirely differently. She knew what she had to do to get ahead. I do not buy this other garbage. I am very pleased that Liz did not become a Minister in that early period, because I think the course of events might have been somewhat different if she had.

Mr GEORGE SOURIS (Upper Hunter) [10.19 p.m.]: I deem it a great honour to join with members from both sides of the House to speak to this condolence motion for Dr Liz Kernohan, AM, which is a tribute to Liz. I am cognisant of the hour, but the reason we will sit so long tonight is that many speakers from both sides of the Parliament want to make a contribution to the condolence motion. It was a great privilege to serve with Liz Kernohan. I am also very pleased that I had the opportunity to attend her final farewell at Camden.

As previous speakers have said, Liz held a sequence of qualifications, including a doctorate, and came to this place with potential and wanting to make a significant contribution. She was a social conservative and a person with strong views. As well, she was a fighter for just causes, including the future of country New South Wales—especially Camden, which many of us regard as a piece of country New South Wales, if I am allowed to say so. It was brought home loud and clear on a number of occasions, and it was reinforced again at her funeral, that everyone who comes into this place aspires in one way or another to office or appointment and is eager to use their bountiful intelligence and capacity. Some members are under an illusion, but Liz Kernohan had the credentials to go with her aspirations.

With Liz it was often obvious when she was about to make her contribution. A significant signal was when she took up a position in the front row of the joint party room, and I can assure you she never let anyone down. I would like to mention an additional aspect, in that, in a sense, she was a constituent of the upper Hunter because it is near Singleton that her family dairy farm is located. I fondly recall a dinner at home that my wife, Vassy, and I held for Liz and her father, John. The night was punctuated with rugby references, for it was also the night of a rugby test. And she did not let us down: she came in that car.

It was a pleasure to attend her funeral. There was a vast gathering of people from every walk of life and representatives from every organisation in the district. I am again delighted to see a full gallery here tonight. I commend the eulogies given by Liz's cousin, the mayor, the honourable member for Camden, the former Premier, and Liz's closest friend. It was a beautiful funeral. Very few people are able to point to a career such as hers in academia, local government, the local community and the Parliament of New South Wales. Her achievements are a lasting contribution of which her relatives, her friends, her wonderful community and her parliamentary colleagues and friends can be greatly proud.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.22 p.m.]: Standing outside the funeral of Dr Liz Kernohan with hundreds of other people, it was hard to believe that Liz was gone. Her old Ford V8 was parked around the corner of the church. I am sure that many people were expecting to see her holding court or having a smoke and a laugh with the people of Macarthur. I would not have been surprised if she had stood up and told us there had been a terrible mistake. Many good people have shared with the House the career and times of Dr Liz Kernohan. I do not intend to repeat all of them here, but simply to add my agreement to those sentiments.

The last time I talked with Liz was in this Parliament. She was enjoying giving curry to Camden Council and once again looking after Camden. Liz asked Tanya and me about our baby and we talked about general things. She was so full of life. I suppose that is why it is still a shock to so many of us that Liz Kernohan is gone. I first met Liz as more than a figure in the local press whom everyone knew when I was working for Michael Knight. Despite coming from a different side of politics, Liz would always ensure that the young kid standing at the back of the function was made to feel welcome, and was she only too willing to share her knowledge of local folklore and history, as well as what we as a Government could be doing better.

No matter what your job, if you were a local you were one of her charges. Liz was more interested in Camden and Macarthur than she was about your political persuasion. I am sure that in many ways that attitude came from her deep understanding of the area. Everyone in the gallery would know that for many years in many ways Camden and Campbelltown were bitter rivals. I remember as a kid complaining to mum and dad that Camden was on all the freeway signs and Campbelltown was not, and that it was unfair to us in Campbelltown. But it was always clear that Camden and Campbelltown united against Sydney and, more particularly, against Liverpool. The two areas had a real camaraderie, which Liz knew and understood, and she looked after the entire area.

She was there fighting for our area when it was first growing, and fighting for the services we deserved. That is why during a debate in this House about a proposed gaol at Campbelltown, which I opposed, I was surprised that Liz interjected during my speech. That was not like Liz at all; she would not interrupt anyone. She would have her say, but she would not interrupt someone making a speech. It was not until almost the end of my speech that I stopped and listened to what Liz had to say. She was not interjecting. She was saying, "Graham, work this into your argument. Have you thought about telling them about the effect on the area?" There she was giving her political opponent hints and encouragement because it was beneficial to our area.

Being part of the area, Liz reached out to support community groups from all fields. It became clear to me from talking to people after Liz's death that she would often take young people aside when they were going off the rails and help put them back on the right track, both during her time at the university farms and also throughout her political career. As my colleague the honourable member for Camden and I have experienced, she also did not mind pulling new members aside and getting them back on the right track. Liz was also one for following protocol. I often remember her telling groups who insisted on introducing her as the Hon. Dr Liz Kernohan that the "Hon." was a title reserved for Ministers, that she was the member for Camden, Liz Kernohan, and that was fine by her.

With knowledge of her strict protocol and her forthright attitude, it was with trepidation that as a research officer I had the unenviable task of ringing Liz one day to explain and apologise for the Roads and Traffic Authority leaving her off the invitation list for the opening of the Narellan Road bridge, which connects

Camden and Campbelltown, and was a project she had been involved in. All I can say is that after the exchange, which was polite, it was lucky for me I checked the list the day before the function and not afterwards, so that Liz could attend. After having been given a lecture on protocol, I always made sure that Liz was invited to any project that affected Camden or Campbelltown, to the point of arguing with government departments to make sure that she was invited. I always knew that Liz was not doing it for politics but because it was the right thing to do. I am sure that had she been in Government and I a member of the Opposition she would have extended the same courtesy to me.

Upon my election Liz rang and congratulated me. She pulled me aside at a function and said, "There is protocol to follow about attending events, but Camden and Campbelltown are so close together. If you let me come to events in Campbelltown without giving official notice, you can come to Camden without telling me." That was a pretty good deal because Liz attended so many events. I would have been taking calls regularly if she had to let me know first. No matter whether the event was the Campbelltown show or a function held by a small community group, Liz always knew someone there and always ensured that the people involved in organising it knew how much their contribution was valued and what a difference it made.

Often she would turn up in her orange V8—the old one, not the one she had in later years. I remember at the Rosemeadow festival she led the parade in her V8 from the oval down to the Rosemeadow shops. I was privileged to have a brief ride in the V8. She was always there to lend a hand to community groups, not to steal the show but to make sure that they knew they made a difference and were valued. Aside from her local community, Liz loved agriculture and the dairy industry in particular. One day at the Campbelltown show I asked her about agriculture and she began to explain to Tanya and me the work she had done for her PhD on yellow stain in milk.

Unfortunately, I cannot share the scientific basis of her work, but I know that it brought enormous benefits to the dairy industry at a time of struggle. I believe she won an award for that work. When Agview was held at Menangle she would turn up to see the latest innovations in agriculture, just as much as to talk to the organisers and say hello to the people in the area. It was probably also one of the reasons she loved the old country shows so much and, of course, the Royal Agricultural Show. That is why when I stood at the old church with its red bricks covered in lichen and showing their age, surrounded by trees overlooking Camden and the flood plains, I preferred to think of Liz standing down on the plains talking to a dairy farmer about the issues of the day and her great passions—agriculture, Camden and Macarthur. Farewell, Liz. It is hard to believe that you have finally hung up your boots for good.

Mr MICHAEL RICHARDSON (The Hills) [10.33 p.m.]: I pay tribute to my friend and colleague the late Dr Liz Kernohan. She was truly a one-off. Like other honourable members, I found her funeral not only moving but also one of the most extraordinary spectacles I have seen. It was organised by Liz, probably down to the list of pallbearers, which seemed to include a lot of Richardsons. The memorable message from Liz concluded with the words "See ya!" That was Liz through and through. I heard some people in the row in front of me wondering whether she would deliver the eulogy as well as her message and the first reading.

The five people who delivered tributes—her cousin Dr Ian Painter, Councillor Fred Anderson, the honourable member for Camden, John Fahey and Nance Cottle—were probably far more laudatory than Liz would have been. We learnt about her upbringing in Glenorie in The Hills district and her studies in agriculture. She worked for a time at the former University of Sydney research farm at Castle Hill, which was just a few hundred metres from my office. She eventually became the director of the University of Sydney's research station at Camden. We also heard about her life-long interest in the theatre. However, we heard most about her love for the people of Camden, whom she represented for more than 30 years. As I wrote and said to her when she was awarded her Australia Medal earlier this year, she was Camden. That was why she could campaign for a seat on council last year without spending a cent on advertising or handing out how-to-vote cards. I do not believe that record will ever be equalled. Of course, she won, and did so handsomely.

I first had close contact with Liz during the 1995 election campaign. The Deputy Leader of the Opposition spoke about that campaign. Ted Pickering rang me and said he was very concerned about Camden because Liz Kernohan was not out doorknocking enough; she was sitting in her office smoking and was not getting out among the people. I was told to get her out doorknocking. I went to see her and we hopped in the orange V8 and headed to the suburbs. It was extraordinary because everyone knew Liz. Everyone I met said he or she had been with her recently. I went to 10 or 20 houses for each one she visited because everyone wanted to talk to her. I relayed the experience to Ted, but he said that she had to keep doorknocking.

Of course, she increased her majority, but I am sure she would have done so even if she had run the campaign the way she ran her most recent council campaign. She increased her margin in 1999 against the odds when the boundary changes went against her. John Fahey said at her funeral that if Liz had stood in 2003, Labor would not have won. Without detracting from the current member, I suspect that he was correct. But Liz had had enough of this place and she was ready to go. Her frustration with party politics was demonstrated in her valedictory speech when she said:

Despite being a lousy party politician because I considered the governance of our State too important for game playing, I have tried to abide by the rules of the game.

She was very bitter about the way in which she was treated by the media. She would say as much to me on those regular occasions when I, too, sat by the open door with Liz on the balcony, smoking. We did that even in the old days before she was banned from smoking in her room. She was never one for abiding by the rules.

Being passed over for promotion was a big issue for Liz. She claimed it was because she always called a spade a shovel. In truth, it was probably because her speciality area was agriculture. I suspect that in a coalition with the National Party that was the one portfolio responsibility she would never get. She could have had responsibility for local government, but not agriculture, despite the fact that she was far more qualified than anyone in this Parliament has ever been to occupy that position. She wrote an excellent paper on agricultural policy that I was privileged to read. However, it never saw the light of day. It challenged prevailing orthodoxy, particularly in relation to tariffs. She felt that they should be increased rather than decreased because decreasing tariffs did not provide support for Australia's agricultural industry.

Liz had a dispute with her staff after 1995, but she came through that episode with her reputation intact. She must have done so because she increased her majority at the next election. It was water off a duck's back. She would occasionally fall asleep during question time. When she was attacked for doing so by the then Minister for Transport, the Hon. Carl Scully, she made a memorable personal explanation in which she pointed out that she was being treated for sleep apnoea. She also said that if Ministers did not carry on with boring 10-minute answers to Dorothy Dix questions but instead answered the questions asked of them, members would not fall asleep during question time. That is probably as true today as it was then. The Labor Party also attacked her in local newspapers for not speaking often enough in this place. She was like Mr Ed; she spoke only when she had something to say. Whether she was here or at Camden, giving some learned dissertation, speaking in the party room or providing information to her colleagues, when she spoke she truly had something to say, and people listened.

Liz was a complex person and some people might say that she stayed single by choice. I remember her telling me—again in the tobacco fug on the balcony—that a gentleman had taken her out to dinner and had treated her as a woman. She was enormously flattered by his attention. Unfortunately, that late flowering of romance did not lead to a proposal. Of course, we have also heard about her devotion to her father, John. There is no doubt that she was shattered when he died and never got over it.

It is probably more instructive to examine Liz's valedictory speech rather than her inaugural speech to get her measure. She was always proud of the work that she did as chairman of the waste management committee. She wrote a paper entitled "No time to waste", which in recent years the Government—unkindly I think—has seen fit to criticise. It was a fine and scholarly piece of work. There was a lot of Liz in that paper. It behoves every honourable member to read it. Liz was even more proud of her work for her constituents. One of the greatest tributes paid to her during her lifetime—apart from her Australia Medal—has not been mentioned tonight. I refer to the Paul Harris Fellowship she was awarded by her local Rotary club. She was awarded the fellowship because of the work she did for the people of Camden, not because she was a long-term Rotarian. The only other member of Parliament I know to whom that honour has been paid is my local Federal member of Parliament, Alan Cadman, who has represented the seat of Mitchell with distinction for 30 years.

One of Liz's more memorable speeches in this place was on the Smoke-free Environment Bill. One would, of course, have expected her to have stuck up for the rights of smokers, but she also adopted a scientific approach to the issue. She stated:

The public hysteria and hypocrisy about passive smoking is amazing. ...when the causes of cancer are discovered they will have more to do with the genetic make-up of an individual, the efficiency of a person's immune system—particularly the effect of long-term stress on a person's immune system—and many other incidental factors associated with lifestyle than so-called passive smoking.

Liz was not exactly a passive smoker, although she certainly subjected a lot of other people to passive smoking. She did not die of lung cancer. Smoking may have been a contributing factor to her death, but the fact that she did not die of lung cancer tended to support her view. Certainly as a scientist she was never afraid to check and challenge the evidence before her. I would like to hark back to her words at her funeral—"See ya." I hope that some day I see Liz again. We can sit on another balcony somewhere, and I can dodge the tobacco smoke and chew the fat and solve the problems of the world. Because I do not think that I will meet another Liz Kernohan in my lifetime. She was a true one of a kind, someone who lived by the words of Hamlet, written by her father in her autograph book when she was 10 years old and quoted in her maiden speech: "To thine own self be true."

Mr BRAD HAZZARD (Wakehurst) [10.40 p.m.]: Lizzie Kernohan hated late nights in this place, and it looks like we have done it to her again. Liz and I both came to this place in 1991; indeed, we were both elected on 25 May 1991. We were two of just three Liberal members of Parliament elected during the 1991 election, an election that did not go well for the Liberal Party. Indeed, it put us into a tricky situation with a hung Parliament for the next few years.

Lizzie and I got to know each other pretty well over that period. I do not intend to take up as much of the House's time as I would have had I spoken earlier. I would like to place on record my fondness for Lizzie. She was a bit of a square peg in a round hole in this place. She was plain speaking. She spoke her mind in the Chamber, and she certainly spoke her mind in the Liberal party room and the Coalition party room. Of course, I am not able to enlighten the House with details of the discussions in those party rooms, but Liz was very forthright. She was one of the most capable people in terms of her scientific capacity and her capacity to grasp issues. I acknowledge that there might be some caveats on what I am about to say, but Liz was very frustrated about her time in the Parliament. Her real focus was always Camden; it was about doing good things for local people.

I think Liz was encouraged to become a member of this place. I was not involved in that, but she was encouraged to become a member by the Liberal Party. Like so many of us, once she was a member of this place she found that she could not always achieve the incredible things that she thought she would be able to achieve. You have to become part of a team, and you have to accommodate some of the differences between you and your colleagues. Liz found that a little frustrating.

Contrary to what the Deputy Leader of the Opposition said earlier about my room being right next door to Liz's room, Liz was in room 1001 and I was in room 1003, so there was an entire room between us. But I always knew when Lizzie arrived at work. My nostrils would flare up and I would smell the smoke coming through the airconditioning. I would then wander down to Lizzie's room and have a chat with her about whatever was going on at the time. When her dad was with us, she would talk about him. She would talk about her family, about what was going on in Camden, or about her office, and all the things that people in this place talk about. Yet, because the relationship was principally in the Parliament, I never really felt that I got to know Liz personally as well as I would have liked.

Lizzie was a very loyal person. She was also a straight-talking person. If anybody ever stood up to her, she was not going to take one step backwards in terms of expressing her views. Lizzie did not suffer fools gladly, but she did not suffer leaders gladly either. I recall that in 1997 Liz was very concerned about the possibility of an airport being established in Badgerys Creek, in her electorate. She was totally opposed to the possibility of it. The Government was hedging its bets a little, but she made sure that she had the Opposition well and truly locked in. She would say, "No airport, Brad." I was the shadow Minister for the Environment at the time, so she wanted me to support her on the issue.

I recall that at that time we had a shadow Cabinet meeting in one of the licensed clubs in Liz's electorate and after the meeting I spoke to a community group about the airport issue. About two or three days later Liz came into my office with an issue of the *Camden Crier* showing on the front page a big picture of me holding a sticker that read "No airport in Badgerys Creek". Liz put the article on my desk and said, "You beauty, Brad. That's what we've got to stick with." Unfortunately, a few weeks later, as a result of my strong support for Lizzie and her views, I engaged in a discussion that resulted in my removal from the shadow Environment portfolio. Thank you Lizzie! She never seemed to care, because when we discussed it she said I had done the right thing. In any event, it certainly was the right decision.

At the time I made my recommendation to shadow Cabinet based on the sorts of issues that Lizzie spoke about in her maiden speech: air quality and water quality. I recall that in her maiden speech, which was delivered just a few days before my maiden speech, she referred to the details of the water quality issues and the

air quality issues in Camden. In fact, in her view the Macarthur region basically suffered from the air that Sydney produced. She was absolutely right. In fact, the reports that came to me as shadow Minister for the Environment confirmed that.

I will not take up much more of the House's time because it is a little late and I think it is time that Lizzie was truly put to rest. During question time Lizzie sat in the second row at the rear of the Chamber. As other members have said, sometimes she found question time a little tedious. I am quite sure that around about now she would be saying, "Brad, don't make it too long. I've got all my friends and supporters there, and at this point they would like to go home to bed too and perhaps reflect on the day." I miss Lizzie. She nearly did not come back to this place after her second term. Some of the people in the gallery tonight probably know that she was having second thoughts about whether she would come back. She thought long and hard about the terms on which she would come back for a third term. She came back for a third term, but she was not really happy being here. She was happy to get back to Camden to do her work in the local area, but she was not happy to be in here.

In conclusion, wherever Liz is now—and I believe she is definitely in that higher place that we all aspire to—she would be telling them what's what. She would be making it very clear to them. I suspect that, given that I very rarely saw Lizzie without a cigarette in her hand, she has got her own supply of cigarettes up there. As was said at the funeral service, which others have observed was memorable, Liz rarely finished a comment without the word "Right?" So I say to you, Lizzie: I miss you Lizzie. We all miss you. Right!

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [10.48 p.m.]: I will be brief because I know the hour is late. I first met Liz when she came to the Parliament on 25 May 1991. It was the end of my first term and the beginning of hers. The first time I met Liz was at a joint party meeting. I will not traverse the detail of that meeting, but Liz, as she was accustomed to doing, sat in the middle of the front row, right opposite the then Premier. I will never forget this. We were involved in a debate, which was getting a little esoteric, on some fine point. Liz stood up and said words to the effect that we had all lost the plot and that people needed to understand that the people of Camden believed that this was the way to approach it—not the way whoever was putting the case was seeking to take the joint party room.

I recall thinking that that was a pretty courageous thing for someone who had just come into the party room to do, and it made an impact on me. I think I can say that during the time we shared together in Parliament Liz was, in her own way, the conscience of the joint party room in relation to social issues and particularly agricultural issues. I remember thinking this was a different sort of politician. I think the next time I met her was at one of those Wednesday night cocktail functions, probably the day after a Tuesday joint party meeting. I went over to her and was interested in engaging her in conversation because she seemed so different. With Liz, what you saw was what you got. I must admit I was quite surprised when we got into conversation to find out that this woman, whom I had only just met the day before, had a PhD in Agricultural Science and was so highly qualified. Her gravelly voice and no-nonsense, commonsense approach belied her academic and professional achievements and career before she came into this place.

Liz was highly respected because of her approach to subjects. She had a no-nonsense attitude to everything that she did. One of the sad thing about politics today is that we do not see many characters and politicians tend to come out of a mould. But Liz certainly was not out of any political mould and was not a typical politician. She was a character in every sense of the word. She was intellectually very honest. She had a sense of humour and she had political courage. She would say things that were not fashionable to say, if they needed to be said. She was a champion for the Camden area. We know that because those of us who were at her funeral were just amazed at the outpouring of genuine feeling, respect and love for Liz Kernohan. I was interested to read the following comment in the recent obituary in the *Land* newspaper:

Dr Kernohan had strong feelings about keeping the Camden area's rural landscape and agricultural atmosphere despite its uneasy position on the edge of sprawling Sydney.

"We don't mind people wanting to live here so long as they don't bring suburbia with them", she said.

I think that is Liz. She called it how it was. She wanted the Camden area to retain its uniqueness. Coming from an area that has similar population growth, on the North Coast and around Byron Bay, I always felt an affinity with Liz in relation to those sorts of issues.

Liz was a model member of Parliament. Other members have said that she really did understand and feel for her community. She was genuine in her closeness to the community. For anyone who wants to study how to be successful in politics without really being a politician, Liz was probably the role model. The amazing

thing about Liz, which also indicates just how fair dinkum she was about serving the community, was that after leaving this place she was one of the few who actually decided to stand for local government. To be honest, most of us would not do that in a fit. There she was, standing for local government, putting her name up and getting elected without even having a how-to-vote card, which showed how highly regarded she was in her community.

After she left this place she also joined the Parliamentary Lions Club. She was a charter member of that club and I think, from memory, she might have been the secretary during the second year. The point is that she was there having a go and being part of it all and not in any way doing it because she sought to be recognised for it. Comments have been made that Liz probably did not get from this place what she thought she might. I think that is probably true, although she probably did not realise that she, like all people who make a special contribution, left a legacy. Though her achievements politically may well not be recorded in the history books, there is something fundamentally decent about a good person bringing to this place her academic and natural talents and not caring about the politics of the day. That is Liz's legacy.

What Liz has left us is respect for the aspirations of people and for what they want rather than for what politicians think they want. I think that Liz, as the conscience of members in the joint party room, made a bigger contribution than she realised she made, and I believe the fact that so many people from both sides of the House have chosen to speak here this evening is testament to that. She is also proof that the real rewards in life come to those who give wholesomely to others and who do not care so much about themselves. She did not seek accolades, but the depth of feeling present on the day of her funeral was an accolade that few, if any of us, will see bestowed again in our lifetime. She was a champion for Camden; she was a character; she had courage; and, as I said before, she was in many ways the conscience of all that is good in public life.

Ms MARIE ANDREWS (Peats) [10.55 p.m.]: I will be brief because I am conscious of the time and I know that Liz's friends are keen to get home at this late stage. I join with the honourable member from both sides of the House in making a contribution to the condolence motion for the late Dr Elizabeth Kernohan. Liz, as she was affectionately known by all of us, was certainly a character and she certainly was passionate about her electorate of Camden. It has been recorded here tonight, of course, and on other occasions that she was a doctor of philosophy and a doctor of veterinary science.

I can recall quite often we had films downstairs in the Parliament's theatrette and on one occasion a few years ago a little feature film was shown prior to the main film. The feature film was a cartoon about a dog and at one stage the dog was thrown out a window. Afterwards we were talking downstairs outside the theatrette about the feature film and saying how good it was. Poor Liz was horrified. She said, "I was pretty upset because that dog was thrown out the window and was hurt." I think that summarises Liz's great love of animals, and of course she had a great love of her electorate.

Liz's speeches in this House were always very meaningful. She had great respect and regard for the service men and women of Australia, based on her family's history and, in particular, that of her father, who served in the armed forces during the Second World War. She was certainly a very friendly person and I can recall it was not so long ago—probably only a few weeks ago—when Liz came to Parliament House for a meeting of the Parliamentary Lions Club we had a great conversation. Therefore, I was very shocked, as many members and visitors here tonight were, when I heard of Liz's untimely and sudden passing. To all members of Liz's family and to all her friends in the Speaker's gallery here tonight, I join with my parliamentary colleagues in extending to you my sincere sympathy on the passing of a wonderful woman.

Mr PETER DEBNAM (Vaucluse) [10.58 p.m.]: So many people have spoken tonight and there are so many more people who also want to talk, but given the hour I think many friends and family have been sitting in the gallery for three hours and I know the Hon. John Ryan has been sitting in the Chamber for three hours as well, but he cannot speak because he is from the other place. I think everything about Liz has been said except some of the secrets from the party room, and I want to give you some of those tonight. Liz was a guiding spirit.

Don Page, the honourable member for Ballina, got very close to it when he said Liz will always be remembered in here for as long as there are members of Parliament who served with her, because Liz was totally forthright in whatever she said—in the party room, in the corridors or in her smoke-filled room. One of the things she would have said today when she had read in the *Daily Telegraph* this morning about a police officer being told not to drive fast on the road and when she read about a teacher who was reprimanded for teaching a kid a good lesson—as she said under the Carr Government for so many years, and as she said under previous governments—would have been: "Look, we really are in here to do three things: we are in here to re-empower parents, re-empower teachers and re-empower the police, and for 20 or 30 years we have been doing

exactly the opposite." That was a message she gave to us continually, whether it was in the smoke-filled room or whether it was in the party room.

I forget who said it tonight but somebody said very early on that you knew Liz was always going to sit down in the front row of the party room and you knew the smoke was not coming from her cigarette, the smoke was coming from her ears when eventually she would decide it was her turn to speak. She would slowly stand up and, as we all know, she would slowly turn around and then she would go with all guns blazing. Occasionally, she would turn the guns towards the leadership team. Occasionally, she would turn them towards the party room, telling the party room what they had to do. Liz was totally straightforward about what she had to say.

Mr Barry O'Farrell, the Deputy Leader of the Opposition, raised in the House tonight an incident involving an attack on Liz in the run-up to the 1995 election, and the attack on Liz in this Parliament in June 1995. It was worthwhile saying to the Minister who was in the chair earlier this evening: If you have not read *Hansard* of 10 June 1995, you should do so. I think Barry O'Farrell was correct in saying it is probably the only maiden speech by a member of Parliament that was literally shouted down by other members of the Parliament. The attack on Liz Kernohan was by the honourable member for Liverpool in his maiden speech. I well remember Liz Kernohan saying at the time, as was quoted by the Leader of the Opposition:

Tough times never last, but tough people do.

What John Brogden did not say was that Liz went on to say during that debate that regardless of what the Labor Party threw at her, "I will not resign." The issue evaporated shortly after that because this woman stood her ground. That is what she did on every single issue—whether it was in the party room or in the Parliament. Anyone who has not read the *Hansard* record of that debate should do so. Very early in her maiden speech Liz set out to make it known that she was against socialism, she was against the nanny State, and she was against political correctness. She took every opportunity in this Parliament to speak out against those concepts. There is no doubt that we will all remember Liz Kernohan for a long time. Having been at her funeral and heard twice from Liz during the funeral—amazing us all—I would like to borrow some words Liz used in speaking to a condolence motion regarding a former member of this Chamber, Phil White:

I can pay no higher tribute to Liz Kernohan than to say she was a nice lady, a kind lady and a true Christian. She will be sorely missed.

Mrs JUDY HOPWOOD (Hornsby) [11.02 p.m.]: As a relatively new member of this House, I am honoured to speak on a condolence motion regarding Dr Elizabeth Kernohan—Liz, as she was known to all. As a Liberal, obviously I knew of her. But after I was elected in February 2002 I came to know Liz a lot better. She was a great character, she was much loved, and she demonstrated a huge capacity for dedication. She co-opted me to become a member of the Parliamentary Lions Club. Liz and I had many conversations in relation to that. I pay tribute to Liz's 12 years in this place and recognise all the contributions she made to her local community. She really was what I try to be: a person who is dedicated to working on behalf of her community. Liz leaves many lessons to be learnt by us all. As the time is late I will content myself with this quotation from her maiden speech:

I do not believe in socialism and the welfare State. However, governments must provide for the aged, the infirm, the disabled and those rearing children alone because of the loss of their spouse. Every healthy individual should have a job. I have a sign on my office wall which reads, "The world owes you a living, but you have to work hard to collect it."

I take this quote from that same maiden speech:

I have always remembered what my father wrote in my autograph book when I was 10 years old, and only later realised that he had quoted from Shakespeare's "Hamlet". It is:

This above all,
To thine own self be true;
And it must follow,
As the night the day,
Thou canst not then be false to any man.

Liz repeated that saying in her valedictory speech. She also said:

I can assure incoming politicians that they will sleep very well at night if they follow that quotation with words and actions.

I know Liz sleeps well. Vale, Liz Kernohan.

Mr DARYL MAGUIRE (Wagga Wagga) [11.04 p.m.]: I am pleased to contribute to this condolence debate. I came to this place in 1999 as the only new Liberal member to win a seat in that election. In that regard, I had many colleagues on the other side of this place. Don Harwin was elected a member of the upper House. It could be said that I was in a way an orphan: as the only newly elected member of the Liberal Party, it was a lonely time for me because I came to this place without the experiences of a parliamentarian. After I was privileged to win the seat of Wagga Wagga my good friend Joe Schipp told me a few things, but he also said, "I want you to remember one thing: when you are in Parliament you will gather a few very close friends." I set about gathering close friends.

During the very first party meeting that I attended, this woman rose to her feet and blasted some unfortunate colleague. I cannot recall what it was about. I was so shocked at her truthfulness and the way in which Liz, as she became known to me, made her views known on whatever issue it was we were talking about. That was my introduction to Liz Kernohan. You always knew where you stood with Liz. There were no grey areas, no ifs or buts. She made her views well known, and put them forcefully.

As a new member it was a real learning experience to find out about the Parliament, its workings, its intricacies and its staff. New members have a lot to learn and therefore rely on those who came here before them. I relied on Liz. I make no bones about that. I relied also on Ian Glachan, the then member for Albury, and Russell Smith, the then member for Bega. They and other colleagues were always available to help me and give me information. But I found myself going to Liz's room after dinner when debates were taking place. That is happening now: many members will be working in their rooms, listening to debates and watching their monitors. I was attracted to Liz's room because there was always an interesting conversation going on. There was always someone to meet. Liz always had visitors, perhaps from Camden, or a councillor or relation. It was there I met her nephew. Liz introduced them all.

While I was still starry-eyed about this place and getting to know it, my wife also was enjoying it. When she came here from Wagga Wagga she knew better than to go straight to my office, and would pop into Liz's office first to see if I was there. Members tonight have talked about the front door being locked but the back door being open. There would be Liz, smoking cigarettes, with me learning from her wisdom. And she had a lot of wisdom. When Liz came to Wagga Wagga she stayed in our home. On one occasion we went to Tumbarumba, in the Wagga Wagga electorate. We also went to Rosewood. We met people who were engaged in farming the land. There was not a thing she did not know about animal husbandry, OJD and BJD.

Most farmers and councillors were shocked that this city-slicker knew so much about animal husbandry. Liz surprised them with her academic qualifications. Four years on, when I would go to Tumbarumba for electorate calls and run into those people, they would ask, "How's that lovely lady that came to see us, Liz Kernohan?" Can you believe that? She made such an impression on them with her knowledge and her wonderful way of communicating. There were no airs and graces, nothing flash about Liz; what you saw was what you got. That was but one of her great attributes. Liz and I had many discussions. Quite often, Maureen and I would end up at the Automobile Club for dinner. We would go for dinner after Parliament got up and we would have coffee and a port.

Mr Barry O'Farrell: The country members' club.

Mr DARYL MAGUIRE: The country members' club. We would probably inhale some of Liz's cigarette smoke, but the Automobile Club was her home when she was in Sydney and we were all welcome there. Maureen and I really enjoyed the opportunity to spend time with Liz and to have the benefit of her wisdom. When Liz visited Wagga Wagga I felt like I had known her all my life. Mind you, she did not spend much time in our house. She spent the time in the screened room, with a cigarette in her hand. I loved the way she could pull the cigarette out and light it with one hand. I am a reformed smoker. I would sit there with her and our pet dog would sit at her side. I will always remember those times. It was marvellous for Liz to sit there and enjoy the company of our kids and share dinner with us. She adored animals. Every time I see a Friesian in a shop or in the *Land* I am reminded of the array of memorabilia in Liz's room of achievements—photographs and things collected over a lifetime. Whenever I see such things, I still think of Liz, no matter where I am. If I see Friesian cow ornaments I always think of Liz.

I wanted to make a brief contribution to this condolence motion to indicate how much I appreciated the friendship she gave to Maureen and me. I know how much she appreciated the support of her family, friends and people of the Camden area. I have never met Nance Cottle, but I feel that I know so much about Liz's friends and neighbours because she spoke about them often. When it came to Camden there was no other opinion, only

Liz's. Her representation of the Camden community was wonderful. She was forceful, she said what she thought and she represented the views of her community. I know that all of you in the gallery are proud of her. I was proud to call her my friend.

Mr ACTING-SPEAKER (Mr John Mills) [11.12 p.m.]: On behalf of all honourable members, I commend everybody in the public gallery for their endurance. On behalf of all honourable members, I express our condolences to you as Liz's relatives, friends, staff, local government colleagues, and those who saw and recognised her place in public life in Camden. We express to you our best wishes that you will overcome the loss, move on in your lives and always retain with affection in your hearts the place of Dr Elizabeth Anne Kernohan.

Members and officers of the House stood in their places.

Motion agreed to.

The House adjourned at 11.14 p.m. until Thursday 11 November 2004 at 10.00 a.m.
