

# LEGISLATIVE ASSEMBLY

Tuesday 16 November 2004

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

**Mr Speaker** offered the Prayer.

## STATE GOVERNMENT FAMILIARISATION PROGRAM TWENTY-FIRST ANNIVERSARY

**Mr SPEAKER:** It is with pleasure that I advise the House that today, together with my colleague the President, I welcomed to the Parliament of New South Wales participants in the twenty-first anniversary of the State Government Familiarisation Program. This program is an activity of the Parliamentary Education and Community Relations Section. The operating surplus supports parliamentary education programs, particularly for students from non-metropolitan areas. Over its 21 years 2,415 businesspeople have taken part in the program. The President and I joined in a special luncheon at which we presented certificates of appreciation to speakers and departments who have been involved since the inception of the program.

## MINISTRY

**Mr BOB CARR:** I advise honourable members that during the absence of the Minister for Police, who is attending the Australian Police Ministers Council in Tasmania, I will answer questions on his behalf.

## PETITIONS

### Wagga Wagga Electorate Schools Airconditioning

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

### Mature Workers Program

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

### Skilled Migrant Placement Program

Petition requesting that the Skilled Migrant Placement Program be restored, received from **Ms Clover Moore**.

### Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mrs Judy Hopwood** and **Mr Andrew Tink**.

### F6 Corridor

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

### 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**.

### Cremorne Community Mental Health Centre

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

**Breast Screening Funding**

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

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

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

**Mental Health Services**

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

**CountryLink Rail Services**

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

**Business Enterprise Centres**

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

**Temora Agricultural Research and Advisory Station**

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

**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**.

**Pet Sales**

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

**Alcohol Wet Centres**

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

**UNIVERSITY LEGISLATION AMENDMENT BILL**

**Bill read a third time.**

**LEGISLATION REVIEW COMMITTEE****Report**

**Ms Virginia Judge**, on behalf of the Chairman, tabled the report entitled "Legislation Review Digest No. 16 of 2004", dated 16 November 2004.

## DRINK SPIKING

### Ministerial Statement

**Mr BOB CARR** (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.32 p.m.], by leave: Drink spiking is an insidious practice. Predators use drugs such as Rohypnol and GHB [gamma hydroxybutyrate], to make young women vulnerable to sexual assault, robbery or other serious crimes. A report by the Australian Institute of Criminology estimated that as recently as last year there were up to 4,000 cases of drink spiking across Australia, that one-third of drink spikings end in sexual assault, that four out of five victims were young women and that only one in six cases were reported to police. Honourable members would, therefore, be interested to hear about measures the Government is taking to reduce the incidence of that crime.

The Government will create a new summary offence of drink spiking which will attract a maximum penalty of two years in gaol. Currently the law makes drink spiking an offence when the offender intends to then commit an indictable offence such as sexual assault or robbery. However, it will now be an offence to spike drinks, to intoxicate or to inebriate innocent victims, thus sending a clear message that drink spiking is not acceptable, even as a prank. Our law enforcement response in that area will also be improved. A police-led government drink spiking action group will be established. That group will be devoted to public education on the issue. The action group will include representatives from the liquor industry, the Department of Health and the Department of Gaming and Racing.

The action group will shape police and industry strategies and explore further responses designed to tackle this problem. It will investigate ways to ensure that drink-spiking allegations are always taken seriously by police when reported. It will review police training and awareness, especially as they relate to women and contribute to underreporting. In addition, the action group will examine the adequacy of controls on the supply of rapidly acting sedatives that can be used for drink spiking. Those will include prescription drugs sold at pharmacies and those now available only in hospitals. If evidence shows that greater controls are necessary to prevent misuse, the Government will implement those controls. This action complements a range of public awareness campaigns we have initiated across the State, including education campaigns in schools, leaflets issued to coincide with Schoolies Week and a web site entitled "About Date Rape" which contains information for women aged 15 and older.

The Government wants to build on those earlier efforts. That is why the Department of Gaming and Racing will, early next year, conduct an industry-led public awareness campaign encouraging licensed premises to adopt preventive measures to minimise drink spiking. The campaign will include a component on drink spiking and training in the responsible service of alcohol. The House would agree that initiatives on the responsible service of alcohol in licensed premises have been very successful. Bar staff have been educated about the legislation and what they can responsibly do to minimise the consequences of reckless drinking. I thank the industry for its co-operation on all the initiatives associated with that campaign. We encourage licensed premises to adopt preventive measures to minimise drink spiking. That is what the campaign will be all about.

The component of the campaign relating to drink spiking and the responsible service of alcohol will include industry-wide codes of practice and educational material for patrons, such as drink coasters. Finally, I advise the House that the Ministerial Council on Drug Strategy met to discuss this matter in Brisbane last week. It endorsed further action to raise public awareness of these matters. That national approach has this State's full support and co-operation. I thank the House for its attention.

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [2.37 p.m.]: It is tragedy that in modern life people going to a pub, bar or nightclub have to worry about whether some predator has slipped something into their drink that could result in them becoming the victim of a sexual assault. Today the warning to young women in particular is to be careful with their drinks when they are in a bar. Whether the drink has been bought for them or whether it is next to them at the bar, they have to be careful about it. It is sad to have that worry in this day and age, but the reality is that some people get their kicks out of acting as predators and preying on vulnerable young women. While taking the opportunity to go out and have a good time at any time of the day or night during Schoolies Week, and particularly during the forthcoming round of school formals, young people, particularly young women, and their parents should be aware of this evil and be vigilant at all times.

## QUESTIONS WITHOUT NOTICE

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### NEPEAN HOSPITAL AND MR PAUL LEAVER

**Mr JOHN BROGDEN:** My question without notice is addressed to the Minister for Health. After more than a year in Nepean Hospital suffering from complications from pancreatitis, including a maggot infestation in his feet, why has 53-year-old Paul Leaver been shunted off to a nursing home, where he will not receive adequate rehabilitation, after being told by Nepean Hospital that it needed his bed?

**Mr MORRIS IEMMA:** I will obtain a report on the circumstances relating to the patient to whom the Leader of the Opposition just referred and report back to the House. In relation to the part of his question about beds at Nepean Hospital, I can report that Nepean Hospital, as part of the sustainable access plan, has increased the number of available beds in order to provide the hospital with additional capacity to meet the increasing demand. Nepean Hospital was the first of the sustainable access hospitals. As I said, I will obtain a report about the individual patient and report accordingly.

### SURGICAL TRAINEE POSITIONS

**Mr PAUL McLEAY:** My question without notice is directed to the Minister for Health. What is the latest information on the Government's efforts to increase the intake of surgeons in New South Wales?

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

**Mr MORRIS IEMMA:** When the Australian Competition and Consumer Commission [ACCC] decided to allow the Royal Australasian College of Surgeons to maintain its monopoly on providing surgical training, it did so on a number of conditions. Importantly, one of those conditions was that the college of surgeons recognise the legitimate role of States in determining medical work force requirements. The ACCC stipulated that when determining surgical trainee numbers the college was to consult with the States and take their needs into account in the final decision on the allocation of surgical trainees.

I state at the outset that representatives of the college based in New South Wales have been nothing but co-operative and supportive of our efforts to increase the number of positions. They have been working with the New South Wales Government to ensure that those requirements are met. In this respect I place on the record my thanks for their co-operation, their understanding and their support. Unfortunately, our efforts and their efforts have not been successful in convincing national representatives that New South Wales requires additional surgical trainee positions. The college sets a quota on basic surgical trainee places for each State and it accredits the hospitals for basic surgical training in each State.

NSW Health has identified the need for 82 surgical training posts in 2005 to meet service and demand requirements—17 more than the college originally offered. That view was clearly put to the college by New South Wales in a letter dated 9 June this year. The acting director-general wrote to Dr Ann Kolbe, Chair of the Royal Australasian College of Surgeons, and expressed the New South Wales Government's concern that needs were not being met, despite the ACCC's recommendations. On 21 September the college responded by offering 10 additional places nationally, of which only three were to be located in New South Wales. The college further advised that if New South Wales were to get more surgical trainee positions they would need to be taken from other States, which is simply not fair or acceptable.

The message from New South Wales is that the college needs to be more flexible and co-operative. This shortfall in New South Wales means that hospital such as Wollongong, Liverpool, Campbelltown, Wyong, Gosford, Coffs Harbour and Tamworth will not benefit from the additional surgical trainees. Those trainees are required to meet demand, particularly in those locations. It is clear from the figures that there is no shortage of qualified applicants ready to step into the surgical training places that our public hospitals across the nation are willing to make available. The college offered accreditation for just 40 per cent of the 462 applicants for training places in 2005. Of those who have been successful in being offered a basic surgical trainee position, 23 trainees are required by the college to relocate interstate.

New South Wales wants the college to offer traineeships to applicants in their State of residence. Applicants who are told to relocate to undertake their training are less likely to remain in New South Wales and

more than likely they will be lost to the public health system when their training is complete. New South Wales is looking at a package of measures to improve surgical training in our hospitals. These initiatives build on the work undertaken by the ACCC. The New South Wales Government is working with State representatives of the college to fund additional advanced surgical trainee positions for orthopaedic, ear, nose and throat, and general surgery to accommodate basic surgical trainees when they finish their training. That will assist in keeping those talented surgeons in our hospitals rather forcing them to work as locums or to go overseas to further their careers.

Even the Australian Medical Association expressed concern about the limitations on entry into advanced surgical training positions. The New South Wales Government's plan involves making additional funding available to hospitals to ensure that additional surgical trainees are resourced and supervisors are made available to provide them with support. Senior clinicians and teaching hospitals have not supported the Royal Australasian College of Surgeons—a position that has been questioned by the ACCC. For example, Dr Mark Westcott, a senior surgeon at St Vincent's Hospital in Melbourne, told the *7.30 Report* last night that this situation was "unbelievable".

He said that his hospital had been penalised, despite being prepared to put the time and resources into surgical training for qualified interns who met the college's standards. Dr Brendan Murphy, chief medical officer at St Vincent's in Melbourne, went further and described the college of surgeons as being "very aggressively resistant to any compromise". Mr Graeme Samuel, Chairman of the ACCC, told the *7.30 Report* last night that public interest must be a paramount consideration in the allocation of additional surgical training positions. On the college's method of allocating training surgical positions, Mr Samuel said:

We want to understand why it is that the College of Surgeons is saying you have proceeded through your training...

... the hospital which is prepared to employ you has the available places for you to do it...

... it obviously has the demand for these services...

... and yet the College of Surgeons is imposing a constraint...

... On the surface it, (the College) would not appear to be acting in the interests of the public.

Time is a critical factor. I welcome Mr Samuel's comments and his interest in pursuing this matter further. On 5 October both NSW Health and the Victorian Department of Human Services wrote back to the Royal Australasian College of Surgeons in response to its offer of just 10 additional training places nationally. That letter states:

We would appreciate your urgent response to this letter indicating either your agreement to the increase in positions as requested or a detailed explanation as to why you have limited the 2005 Basic Surgical Training places for Victoria and NSW.

... both Victoria and NSW consider this issue critical to delivery of surgical services in both States' public health systems...

... should this not be possible other options will be explored.

Unfortunately, the Royal Australasian College of Surgeons has not responded to that request. This is not an exercise in doctor bashing. The community has a legitimate expectation that those who determine medical work force training will do so in consultation with the State governments—those responsible for providing the services—in a way that will help meet our common goals of providing a sufficient medical work force to meet future demand for services. The Government has worked successfully with the college of physicians in increasing the number of basic training positions, which are backed by additional government investment to support trainees. An agreement has been reached with the college of physicians, a new system is in place and that system is backed by additional government support. If that is possible with the college of physicians there is no reason why it cannot be possible with the college of surgeons. There is no reason why the college of surgeons cannot adopt a similar flexible and co-operative approach.

### LISMORE BASE HOSPITAL EQUIPMENT

**Mr ANDREW STONER:** My question is directed to the Minister for Health. Why is the Minister treating country people like second-class citizens, as shown by the failure of Lismore Base Hospital's 26-year-old portacot, which resulted in the separation of 19-year-old mum Amanda Convery from her newborn premature baby? Will the Minister now order an audit of the age and state of medical equipment in country hospitals?

**Mr SPEAKER:** Order! The honourable member for Bathurst will come to order. The Minister has the call.

**Mr MORRIS IEMMA:** I have some information if those opposite would like to hear it. This was indeed an unfortunate incident, and the area health service has assured me that it will not be repeated. I am advised that the difficulty in transferring this baby from Brisbane to Lismore occurred when the transport incubator based at Lismore Base Hospital broke down. The incubator was necessary to transfer the baby safely to its mother. Following the breakdown, Lismore Base Hospital acquired a borrowed incubator from Ballina hospital—which is half an hour away—to transfer the baby successfully.

Communication links to acquire this equipment simply took too long. I am advised by the Northern Rivers Area Health Service that it has ordered a new transport incubator for Lismore hospital, which is expected to be delivered tomorrow. I am also advised that the area health service is working to establish better communications between hospitals in the region to ensure that if equipment breaks down alternatives are available quickly. In this instance an alternative was available but an unacceptable breakdown in communication caused an unacceptable delay in sourcing the alternative incubator. It is not acceptable for a newborn to be without its mother for four days. The circumstances in this case are regrettable—there was a breakdown in communication between the two hospitals. First, the area health service is seeking to rectify the communications problem; and, secondly, the new equipment will arrive tomorrow. I apologise to the mother and the family for this unfortunate incident.

### NEW SOUTH WALES ECONOMY

**Mr KEVIN GREENE:** My question is directed to the Premier. What is the latest information on the New South Wales economy and related matters?

**Mr BOB CARR:** Standard and Poor's recently confirmed New South Wales's triple-A credit rating—something that has happened every year since 1995. On 3 November 2004 Standard and Poor's reported:

Underpinning New South Wales' 'AAA' rating is its strong balance sheet and the strength of general government finances.

The agency went on to say:

Eight successive cash surpluses have resulted in net debt falling to extremely low levels, and the government is comfortably on target to meet its goal of eliminating general government net debt by 2020.

That goal was considered overambitious when it was set.

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

**Mr BOB CARR:** Those opposite find statistics boring but what about the following statistics? The question is about related matters and this matter is about statistics, which was the subject of the question from the honourable member for Georges River—in fact, the event occurred close to his home. A week ago at a meeting of the Five Ways branch of the Liberal Party—the chairman was in the chair and the quorum is six members—14 new members walked in the door. Who was leading the charge? It was Marie Ficarra, who is after the seat of the honourable member for Cronulla. This is the biggest political comeback since Nixon!

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

**Mr BOB CARR:** She circulated three written minutes, in which she described herself as the branch secretary.

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

**Mr BOB CARR:** Isn't that appalling? I think that is what political commentators mean by the expression "branch stacking". Have Labor members heard of it? Isn't it appalling? Doesn't it make one queasy and ill?

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

**Mr BOB CARR:** It seems that she is bringing people into the Five Ways branch of the Liberal Party on the basis that, once installed as members, they will vote for her and not for the sitting member as the next Liberal candidate for Cronulla.

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

**Mr BOB CARR:** It seems that branch members are being recruited strictly on that basis. It makes one feel queasy.

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

**Mr BOB CARR:** But it gets worse. We stand with the people of the Five Ways branch—which, incidentally, meets in the royal motorboat club—against this intrusion by outsiders designed to destroy their character. But enough of these distractions, I want to get back to the economy.

**Mr Andrew Tink:** Point of order: If these—

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

**Mr Andrew Tink:** It is relevance. If these statistics are relevant to the question, so are statistics relating to the on-time running of trains to Cronulla station. The on-time running of trains to Cronulla station are far more important to the people of Cronulla and the people of New South Wales—

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Epping will resume his seat.

*[Interruption]*

**Mr SPEAKER:** Order! For that irrelevant outburst, I place the honourable member for Epping on two calls to order.

**Mr BOB CARR:** Those opposite are very hard to hear. They will have to develop strong voices. Recently the Australian Bureau of Statistics confirmed the strong position of New South Wales's finances, with ABS data showing that New South Wales has the nation's strongest operating surplus of \$838 million and a net lending deficit—at 1 per cent of total expenses—equal to that of Queensland and Western Australia. Employment growth is of course very strong. Since March 1995 good economic management has assisted businesses to add 461,700 jobs to the jobs total in New South Wales. Since the 2003 State election we have seen another 30,300 jobs created.

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

**Mr BOB CARR:** Between 1995 and 2003 the New South Wales Government funded infrastructure of about \$45 billion and we are investing another \$30 billion over the next four years. So we spent \$45 billion on the State's infrastructure between 1995 and 2003 and we will invest another \$30 billion in the next four years. The Standard and Poor's report to which I referred earlier singles out the Government's "continuing high investment in infrastructure". Even after inflation our infrastructure spending in this decade is a 30 per cent increase on that of the 1990s and a 60 per cent increase on that of the 1980s—and remember that is in real terms. The Australian Bureau of Statistics reported last Friday that infrastructure spending by State and local governments in New South Wales increased from \$5.3 billion in 1995-96 to \$8.1 billion in 2003-04. Sadly, in the same period the Commonwealth's investment in infrastructure in the State declined from 1.6 per cent to 0.9 per cent of gross State product—a contraction of nearly one half.

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

**Mr BOB CARR:** Let me say something about Deutsche Bank. The 2004 Australian financial markets report, which was released last month, shows that Sydney's financial services work force is now almost half the size of London's. That is a remarkable figure—our work force in financial services is nearly half that of London's. And it is more than one-third the size of New York's, while financial market turnover has increased by 81 per cent since 1999-2000.

**Mr Barry O'Farrell:** Why don't the trains run on time?

**Mr BOB CARR:** The Deputy Leader of the Opposition interjects. I enjoyed his comment on [www.crikey.com.au](http://www.crikey.com.au). Bruce Baird had been sacked for being cranky and temperamental and he wrote in to

defend him, with all the passionate whirl that one would expect from someone whose wife works for Bruce Baird, but leaving that aside—

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

**Mr BOB CARR:** The Deputy Leader of the Opposition wrote:

I worked for Bruce between 1988 and 1992. He has always been the professional and consummate politician and, in my view, was unlucky not to be elected leader when Nick Greiner resigned.

Everyone else thinks he was lucky not to be elected leader when Nick Greiner resigned—very lucky because we would have done him like a dinner in 1995.

[*Interruption*]

The honourable member for Coffs Harbour is a critic of the great man, John Fahey, is he? He blazes in with the knife sharpened, right into the kidney fat. That is the sort of loyalty he has! The Deputy Leader of the Opposition signs off "Cheers, Barry" and adds:

PS. Wouldn't it be nice if print and electronic media were as swift and as self-critical in correcting misleading reports as you are?

What a crawler! What is he building up support for? One of the key drivers in this growth in financial sector jobs in New South Wales—in a financial sector which is half the size of London's and more than a third the size of New York's—is foreign exchange trading, the volume of which in Sydney has doubled in the past five years. This was brought home to me at a recent meeting I had with the chief executive officer of Deutsche Bank in Australia and New Zealand, Mr Chum Darvall. Like 75 per cent of all domestic and foreign banks, Deutsche Bank has chosen to base its headquarters where? In Sydney, like the 75 per cent of domestic and foreign banks operating in Australia, they come to Sydney. They employ 65,000 people worldwide, including now more than 1,000 in this city. Deutsche Bank conducts its world foreign exchange settlements in only two places now: Sydney and London. The bank sees further prospects for high-end, high-skill jobs coming to Sydney in the future.

Another sector where we are very much globally competitive is information and communications technology [ICT]. The sector employs 100,000 people, 41 per cent of the national work force. In the past four years, 40 ICT companies have located their regional headquarters in Sydney. Honourable members would be interested to know that Optus is so confident in Sydney that it is moving to new purpose-built headquarters in North Ryde. Only this morning, Optus notified the Singapore and Australian stock exchanges of its formal decision to do so. That facility will accommodate 6,500 existing staff, plus an expected 500 in new jobs during the next three years, making it Australia's largest single-tenant commercial campus. We have it in this State in the burgeoning North Ryde estate.

I might add, this development, this investment in New South Wales, which is worth \$350 million, will create another 1,600 jobs during construction. Optus joins Oracle, Honeywell, Fujitsu and Microsoft in that booming North Ryde ICT corridor, which is very much a creation of this Government. We planned it. We are pulling in the jobs there and it is a reality. One only spends one-third of a billion dollars if one is confident the State in which one invests is under good economic management, as indeed this triple-A New South Wales of ours is very definitely.

#### **JUSTICE JEFF SHAW OUTSTANDING COURT CASES**

**Mr ANDREW TINK:** My question is directed to the Attorney General. Given arrangements were made for then Justice Shaw to take leave for drinking-related health problems before his car accident, will the Attorney General now acknowledge responsibility and expedite full ex gratia payments to parties in cases which have to be reheard?

**Mr BOB DEBUS:** Cases where death and disability, and indeed other events, prevent the finalisation of a matter by a presiding judge, although rare, present a challenge for the criminal justice system, and a number of options are being considered at present to ensure a just outcome in the cases the honourable member has just mentioned. Two cases were listed at 9 o'clock this morning for mention before the Chief Judge in Common Law in order to determine their future disposition. Justice Wood, entirely properly, has sought to establish in both cases whether it is possible for those matters to be determined, either wholly or substantially, on the transcript and the exhibits, reducing costs and enabling traumatised witnesses to avoid retestifying.



Another two cases are listed for Wednesday morning, and a fifth matter involving a Crimes Act inquiry under section 474 will be handled by Justice Wood. I understand that in relation to the matter involving Rhiannon Richards, Justice Wood this morning made a number of orders, including the reallocation of the case to Justice Hoeben, who will allocate a date for the matter to be dealt with urgently. The parties were asked at this morning's hearing by Justice Wood to consider whether they would agree to the matter being dealt with on the basis of the transcript of evidence and submissions, that is, without the need to recall all the witnesses. I understand that at this stage the parties have indicated that they do not wish the matter to be entirely reheard, and every endeavour will be made to limit consideration to the transcript of evidence, and a few key controversial issues in that matter.

To a significant degree, the extent of additional costs incurred will depend on the extent to which the parties work with the court to minimise the need for any rehearing of any aspects of the cases. Within that framework, Justice Wood has recommended that the parties should not be out of pocket as a result of the need to relist the case, and I concur, of course, with that recommendation. Justice Wood has also apologised on behalf of the court. As first Law Officer, I also express my sorrow and condolences, and join my apology to his, for what he has described rightly as a "terrible event". Other cases affected by Justice Shaw's resignation will be considered by the court and then by my department in a similar manner.

### SCHOOLS SPECTACULAR

**Ms ALISON MEGARRITY:** My question is addressed to the Deputy Premier, Minister for Education and Training. What is the latest information on achievements in the performing arts in public school system in New South Wales?

**Dr ANDREW REFSHAUGE:** I thank the honourable member for her question and her ongoing interest in education matters. The Schools Spectacular is spectacular. We will see tons of talent, such as young Tom Bradley, a 14-year-old from Cootamundra High School in the electorate of Lachlan. Tom wanted to go to Wagga Wagga to audition for the Schools Spectacular. It is quite a distance, about 100 kilometres. When Tom's dance performance was seen it was obvious that he has serious talent and he was invited to come to Sydney to be part of the end of the year Schools Spectacular. It is a fantastic performance. However, Tom realised that with the number of times he would have to come to Sydney, the cost would be prohibitive and he would not be able to afford the cost of getting to Sydney for the rehearsals.

Young Tom Bradley is our own Billy Elliot. He is a great performer. He wanted to come to Sydney. Waiting in the wings was a sponsor that wanted to help him, and that sponsor was Qantas. Qantas offered to sponsor the transport of young Tom to Sydney for the rehearsals for the Schools Spectacular. I thank Qantas for doing that because it has enabled Tom's dream to come true. He is in Sydney rehearsing for the Schools Spectacular. Earlier some honourable members would have seen Tom in the fountain courtyard in Parliament House performing with other talented young performers who are part of the Schools Spectacular.

Today we are privileged to have a few of these young stars with us in the gallery, and I will read out their names. Tom Bradley and Robert McDougall from Oxley High School; Lorenzo Rositano and Carly Champion from Jamison High School; Julia Goodwin from the Conservatorium High School; David Morris from Bulli High School; Dominique Yong, who danced with Tom, from North Sydney High School; and Sabrina Batshon, a former student of Newtown High School—she is pint-sized, but she has a fantastic voice and is absolutely brilliant. These are all fantastic students, and they deserve our acts of acclamation. Every education Minister who has seen a Schools Spectacular cannot help but feel like a surrogate parent: we actually think they are our kids, we know they are brilliant and we are as proud as can be.

This year is the 21st anniversary of birth of the Schools Spectacular. The Schools Spectacular at the Sydney Entertainment Centre is the ultimate performance event for public school students and teachers. It has unearthed and showcased outstanding talents, whether they be musicians, singers or dancers. This has been made possible thanks to the engine room of the Schools Spectacular, the education department's Arts Unit, headed by Dianne Duff. Diane is present in the gallery as well. Under the tireless supervision of its director, Mary Lopez, for 21 years, the Schools Spectacular has nurtured hundreds of highly talented students. Many of them have gone on to great heights in the entertainment industry. They include performers such as Paulini, from Australian Idol; the pop vocal band Human Nature; John Forman, one of Australia's foremost musical television directors; Nathan Foley, from High 5—I know the honourable member for Wakehurst is a great fan of High 5, because he has the T-shirts; and Emma Pask, Australia's foremost young jazz vocalist.

This year the Schools Spectacular will showcase some 3,000 gifted and talented performers from more than 250 of our public schools. It features a 1,000-strong choir, an 80-piece symphony orchestra, 1,500 selected

dancers, rock, jazz and brass bands, and talented soloists from ages 5 to 18. The Schools Spectacular not only showcases the stars of tomorrow; it also provides a special opportunity for thousands of gifted and talented students each year to participate in a major televised performance in a world-class venue. This year the ABC is going to do a story on the behind-the-scenes activities of the Schools Spectacular. I urge honourable members who have the chance to go and watch the Schools Spectacular, but those who do not have that chance will be able to watch it on the ABC. It had about 1.5 million viewers last year. Let's see if we can get a higher level this year, because this is a real tribute to the work that has been done not only by the students and the great performers, but by their teachers and those assisting them in the Schools Spectacular.

From next year, every New South Wales high school will offer gifted and talented streams for public school students. We are giving gifted students the chance to reap their full potential, whether that be in their studies or at sport, music or the arts. We are also making it easier for schools to identify which students may benefit from the gifted and talented programs. And, speaking of talented students, I wish the best of luck to Casey Donovan, formerly a student of Condell Park High School, who this week will compete in the grand final of Australian Idol. Good luck to Casey from Condell Park, which is in the East Hills electorate and is part of the Bankstown area too. Everyone claims a winner—and by God she can sing, too!

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

**Dr ANDREW REFSHAUGE:** The Schools Spectacular has its own Talent Development program, like the Gifted and Talented plan. The program has helped hundreds of outstanding public school students in the creative and performing arts realise their dreams through special workshops run by industry professionals. Entertainment leaders such as Don Burroughs and Tommy Tycho help our kids fully discover their artistic talents. The themes of the 21st Schools Spectacular are excellence, inclusiveness, tolerance and national pride. There will be two special parades of honour in the show, including one for our country schools and the other for our teachers, who put so much into making the event possible. The show will also feature a special performance of 70 indigenous students from North Coast schools.

The massive task of planning and co-ordinating could never be achieved without the backing and support of the production team and teachers from our public schools, many of whom have been enlisted to help stage major logistical entertainment events such as the opening and closing ceremonies of the Sydney Olympics. In this regard, special mention must be made of three people—Judi Joy, John Mullins and Helen Pain. Judi Joy and John Mullins have been major choreographers for all 21 shows. John Mullins is a head teacher at Newton Performing Arts High School, which is in my electorate. Judi Joy is district guidance officer at Alexandria Park Community School. Helen Pain, the associate director of the show, will be retiring this year after being involved in the Schools Spectacular for 19 years in a variety of roles.

Ticket sales for the three Schools Spectacular performances, which start next Friday, are breaking all records. More than 27,000 tickets have been sold—almost a sell-out. This year, there is an added bonus: Paulini and Human Nature will head an all-star cast special performance on Sunday 28 November to celebrate the event's 21st birthday anniversary. I encourage everyone to come along to the event, which by all accounts will be spectacular. Again I thank the students for their performance today in Parliament House. Thank you for coming in, and good luck in the Schools Spectacular.

### **SPEED CAMERAS**

**Mr DONALD PAGE:** My question is to the chairman of the Joint Standing Committee upon Road Safety, known as the Staysafe committee. Will the chairman explain his comments that the Government relies too much on speed cameras and that these devices are revenue makers, given the Premier's contrary view on this issue?

**Mr PAUL GIBSON:** I thank the honourable member for Ballina for his question, the first I have had in two years! As chairman of Staysafe my job is to introduce debate.

**Mr Peter Debnam:** Rev up the Government, mate.

**Mr PAUL GIBSON:** There is no way in the world I could ever rev you up. There is community concern about speed cameras, but there is no doubt that they have a role to play in road safety. It is difficult to make comparisons between speed cameras and highway patrols. People pulled over by police have their licences and registration checked, and their car is checked to see whether it is roadworthy and whether it is carrying any

stolen goods. The driver is checked for outstanding warrants, and that type of thing. The greatest detection unit ever in the history of the New South Wales police force was the highway patrol. The last increase in highway patrols under all governments—Coalition and Labor—was in 1982, when random breath testing was introduced.

In evidence given to committee hearings people have expressed concern that speed cameras are revenue makers. Something that generates more than \$100 million a year brings in revenue. However, I repeat: speed cameras have a role to play, particularly in black-spot areas. A recent report noted that New South Wales has some 110 fixed speed cameras. One camera that is talked about a lot is on the Princes Highway, Kogarah, outside St Patrick's school. More than \$6.5 million in revenue comes from that camera a year. The Staysafe committee—a bipartisan committee consisting of Opposition and Government members—is concerned about the big revenue-generating cameras. We say that road safety should be proactive, not reactive.

At the bottom end of the scale 25 per cent of fixed cameras produce about 12 fines a week, whereas at the top end of the scale fixed cameras produce a large amount of money. The view of my committee is that if the fixed camera at St Patrick's, Kogarah, produces \$6.5 million year in and year out something is wrong. Nobody in his or her right mind is fined or loses demerit points on purpose. Commonsense dictates that it is time to have a look at the road environment in that area. Today's question gives me the opportunity to put something to rest. During the last six months or so a lot of media attention—some good, some bad—has been focused on P-plate drivers. I congratulate the *Daily Telegraph* on bringing road safety to the fore. If somebody is killed on the road it is a terrible and sad loss to the family, as well as a costly loss—about \$1 million in loss of productivity. For every person killed on the road today another 10 people are injured and another 100 accidents occur. The saving to the economy and the State of reducing motor vehicle accidents on our roads is massive, which is why we must consider every facet of road safety.

We have seen curfews imposed on P-plate drivers. There is no risk in the world that a number of these options should be debated. However, we have not seen the real P-plate driver statistics. Last year the lowest number of P-plate drivers were killed on record. We have 270,000 P-plate drivers between the ages of 17 and 20. A small number of P-plate drivers start driving later than others. Last year 27 of the 270,000 P-plate drivers were killed, which equates to less than 0.01 of 1 per cent. It is 27 too many, but it is not the huge numbers that we read about in the media. Surely we are not going to penalise 270,000 drivers because of the 27. We hear about triple fatalities involving P-plate drivers. Last year 30 passengers were killed in cars driven by the 270,000 P-plate drivers. It is 30 too many, but it is not the massive numbers we read about. I thank the honourable member for Ballina for his question. There is no risk in the world that speed cameras have a role to play in road safety, but so does the highway patrol, everyone in this place, and every driver in the State. I hope the honourable member has a supplementary question.

### BUDGET FAMILY TOURISM

**Ms VIRGINIA JUDGE:** My question without notice is directed to the Minister for Tourism. What is the latest information on tourism initiatives for families on tight budgets?

**Ms SANDRA NORI:** I thank the honourable member for Strathfield for her interest.

**Mr SPEAKER:** Order! I remind members that the time for questions has not yet expired. The remainder of question time will be conducted in an orderly fashion. The Minister, who will be heard in silence, has the call.

**Ms SANDRA NORI:** On the weekend we launched our latest Sydney Uncovered campaign into interstate markets in Brisbane and Melbourne. For the past couple of years the theme of our magazine campaigns in Brisbane and Melbourne has been Sydney Uncovered, to ensure that the market understood the depth of product available in Sydney.

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

**Ms SANDRA NORI:** These campaigns have been aimed at couples and what is regarded as the "pampadour" market—single, quite well off, tertiary-educated women—coming to Sydney for a great weekend. Our recently commissioned research shows that the most likely market in which we could expand quickly is the family market. Sydney has suffered from the perception of being a city for adults, a city that perhaps is beyond the normal family budget. We have worked hard to roll back that perception. The campaign we launched on the weekend will go a long way towards dealing with that perception. It fits in well with the fact that we have recently launched television commercials in both those markets under the banner "No place in the world like

Sydney". The Sydney Uncovered magazine was distributed through the *Sunday Mail*, the *Sunday Herald Sun* and the *Sunday Telegraph* to 1.5 million households in Melbourne, Brisbane and regional New South Wales, and cost \$300,000.

The travel packages featured in Sydney Uncovered start as low as \$147 per person twin share for two nights accommodation at places such as Vibe at Rushcutters Bay. A number of interesting and budget-oriented packages are available. For the first time CountryLink has been included with the package, with deals starting as low as \$69. The package includes a bonus Sydney visitors pass valued at more than \$750, which will give families access to discounts and deals at 40 stores, restaurants and other attractions. It is easy to have a good cheap day out in Sydney. We have many walks, particularly around the foreshore. The latest is the newly opened two-hour, three-kilometre Federation cliff walk from Dover Heights to Vaucluse. Sydney is blessed with budget-conscious restaurants and evening options for families. Many things that Sydneysiders take for granted that have intrinsic value and represent a great investment by the taxpayer—such as the Royal Botanic Gardens, the historical buildings precinct, the Art Gallery, a walk across the Harbour Bridge and New Year's Eve in Sydney—can be leveraged to become a great tourism asset.

### CITYRAIL SERVICES

**Mr ANTHONY ROBERTS:** My question without notice is directed to the Premier. Considering his pathetic management of the rail system and growing commuter outrage at trains being cancelled, running late and skipping stations, why will he not make Monday a fare-free day?

**Mr BOB CARR:** I answered this yesterday.

### NEPEAN HOSPITAL AND MR PAUL LEAVER

**Mr BARRY COLLIER:** My question without notice is directed to the Minister for Health. What information does he have about the treatment of patient Paul Leaver at Nepean Hospital?

**Mr MORRIS IEMMA:** I further inform the House that I have been advised that Mr Leaver's family, doctors, nurses, social workers and allied health professionals from Nepean Hospital were involved in the planning of his discharge from the hospital. I am advised by Nepean Hospital that Mr Leaver was discharged from hospital because he had reached the end of his rehabilitation program and required 24-hour residential care. I am further advised that the decision to discharge Mr Leaver to the Bossley Park Nursing Home was based on a clinical judgment, involving medical and residential care professionals, as it was the most appropriate place for his ongoing care, after his having spent 19 of the last 24 months in the Nepean Hospital.

**Questions without notice concluded.**

### WIFE OF THE DEPUTY LEADER OF THE OPPOSITION EMPLOYMENT

#### Personal Explanation

**Mr BARRY O'FARRELL,** by leave: During an answer today in which the Premier referred to that marvellous electronic journal of record, [www.crikey.com.au](http://www.crikey.com.au), he implied that my wife worked for Bruce Baird. Once again, that is a Labor lie; she does not work for Bruce Baird.

### BUSINESS OF THE HOUSE

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

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

That standing and sessional orders be suspended to allow the consideration of both motions for urgent consideration at this sitting.

### SCHOOLIES WEEK

#### Urgent Motion

**Ms TANYA GADIEL** (Parramatta) [3.30 p.m.]: I move:

That this House supports initiatives by the New South Wales Government to encourage a safe celebration of Schoolies Week.

Last Friday the Higher School Certificate [HSC] officially wound up. After 3½ weeks, HSC students finally sat for their last examination. In total there were more than 155 different HSC examination papers, with students answering HSC questions in more than 1.7 million writing booklets. As honourable members know, the New

South Wales HSC is an educational credential that is highly accepted all over the world. As honourable members might well imagine, the work of the examination markers is still under way, and there is nothing that our students can do to improve their results. As people say, the die is already cast. However, there is no doubting that it has been a tense and anxious time for students and their families. Now the more than 66,000 students who sat this year's HSC can enjoy a well-earned rest.

Today I congratulate students on their efforts and dedication, but also remind them to celebrate responsibly. We are not trying to put a dampener on the festivities; we are just trying to say that students should not spoil their fun by doing something stupid. Earlier this year the Premier launched the End of Year Celebration Kit, which contains valuable information on how to stay safe while enjoying oneself. Schoolies Week has become a rite of passage for many HSC students. The kit has been produced and distributed to government secondary schools since 1996. It has the key themes of Have Fun, Play it Safe, Survive and Stay Alive, which are all designed to encourage students to celebrate the end of the school year safely. The design and content of the safe party kit was revised by the New South Wales Department of Education and Training following the Alcohol Summit that was held at this place last year. I am sure all honourable members agree that it was a great Summit and that we all learned a great deal from it.

The safe party kit also contains commonsense advice about issues such as drinks spiking, which the Premier spoke about today. Sadly that is becoming an increasingly important issue for women and men in our society. Men and women must take the issue seriously and remain extremely vigilant. The Government has also produced reminders about the new zero blood alcohol limit for probationary drivers and the dangers of driving with too many passengers in a car. The safe party kit also has information about New South Wales liquor laws, driver fatigue, cannabis, tobacco and amphetamines. Provided in the kit is a Help Card, which lists phone numbers for organisations such as the Alcohol and Drugs Information Service, the Poisons Information Service, the New South Wales Ambulance and the Kids Helpline. A wallet card highlighting some of the under-age drinking offences and proof-of-age requirements for accessing alcohol products and licensed venues is also provided. Along with information on how to have fun in a safe way, the kit also includes information on what to do if something goes wrong.

In the lead-up to Schoolies Week 2004, the New South Wales Government has spent more than \$220,000 on initiatives to help young people celebrate safely throughout Schoolies Week. The Premiers of New South Wales, Queensland and Victoria have all emphasised the need to build on the collaboration between the States to ensure safe and enjoyable times for young people who are planning end-of-year celebrations. In addition, the Queensland Government's schoolies project team has provided materials for parents and young people for inclusion in the End of Year Celebration Kit. A link has been set up on the web site of the New South Wales Department of Education and Training to direct parents and young people to the Gold Coast Schoolies Week web site. This link provides useful information, from stay-safe tips to advice regarding accommodation on the Gold Coast.

The End of Year Celebration Kit is strongly supported by the Federation of Parents and Citizens Associations and a copy of the kit has been sent to each school's parents and citizens association so that parents are fully aware of its contents. That is very important because we know that parents are very concerned about their children going away to Schoolies Week because it is often the first time their children have left home for any length of time. I know that I will be terrified when my child does that for the first time. The 2004 kit is available on the web site of the Department of Education and Training, [www.schools.nsw.edu.au](http://www.schools.nsw.edu.au). Earlier this year a pamphlet entitled "Alcohol: Celebrations and supply, Information for parents" was developed to provide information to parents about hosting parties where young people may be present, end-of-year celebrations, celebrations following school formals and the laws related to supplying young people with alcohol.

The pamphlet was launched by the Minister for Education and Training on 14 June this year and is available on the department's web site. It was distributed to secondary schools in term three of this year. Additional New South Wales Government initiatives include programs by NSW Police, NSW Health, the Department of Gaming and Racing and the Premier's Department. Students and parents who are planning end-of-year celebrations at home can also access police tips on how to host safe parties, which is also available on the NSW Police web site. A safe party check list and form for registering parties with the police are also available on the web site. NSW Health has produced a series of statewide resources, including a postcard and a poster for Schoolies Week under the banner "Getting Smashed: You could wake up with more than a hangover".

The resources have been distributed through youth, community and neighbourhood centres throughout New South Wales as well as area health services and are available on the NSW Health web site. "Party—Have

Fun—No Regrets" is a pamphlet for teenagers about safer partying and is also available on the NSW Health web site. The NSW Government "Guidelines for Dance Parties 1998" and "Code of Practice for Dance Parties 1998" have been produced to ensure that dance parties are well run and have appropriate facilities.

**Mr SPEAKER:** Order! Members engaging in audible conversations should do so outside the Chamber.

**Ms TANYA GADIEL:** The honourable member for Murrumbidgee's child will be going to Schoolies Week at some stage, so he should be listening to this.

**Mr SPEAKER:** Order! The honourable member for Parramatta will address the Chair.

**Ms TANYA GADIEL:** The guidelines support and encourage dance party promoters to hold professionally organised, legal and hassle-free dance parties in suitable locations. The Department of Gaming and Racing regularly publishes information in its quarterly "Liquor and Gaming Bulletin" about under-age drinking laws and the responsibilities of licensed venues to ensure that minors do not gain access to alcohol. In the lead-up to Schoolies Week, licensed venues are reminded about their responsibilities, including an awareness of penalties that may be imposed if they or their staff serve alcohol to minors.

Former schoolies who have been there and done that, of whom I am one, offer the following tips to school leavers: keep \$20 and a phone card in your pocket; look out for your friends, and have them look out for you. I cannot overemphasise that even with the best government assistance young people can be led astray by their friends, so make sure you keep an eye on your mates and, if possible, go in twos and threes; make sure you stick to the house rules at your accommodation because if there is a problem you may be kicked out or lose your bond; and remember that the police are there to protect you. Police have a tough job and schoolies may want to help them out by being co-operative. Everyone wants this year's celebrations to be happy and safe. The New South Wales Government has put a lot of time, effort and resources into making sure that that is the case. I urge everyone to make use of the extensive range of resources now available to them. I again congratulate this year's Higher School Certificate students, their parents and teachers. You made it, you got through it, well done!

**Mr Alan Ashton:** Don't I know it!

**Ms TANYA GADIEL:** A child of the honourable member for East Hills has just completed the HSC. I suspect he may have lost some hair during that experience. When the students' results come in, as the saying goes they will reap what they sow. I am sure they will reap very well. Schoolies, please, enjoy your celebrations and keep safe.

**Mrs JILLIAN SKINNER** (North Shore) [3.40 p.m.]: The Coalition also congratulates all students who have just completed their Higher School Certificate [HSC] examinations, including the daughter of the honourable member for East Hills. She interviewed me as part of one of her assignments.

**Mr Alan Ashton:** She did, too. Thanks very much for that.

**Mrs JILLIAN SKINNER:** You are welcome. The Coalition joins with the Government in saying to students: have fun, enjoy the end of your school days, but do so safely. I note the honourable member for Parramatta talked about a schoolies kit; they have been in place since 1996, it is not a new idea. The Minister announced the launch of the kit again in August last year and October this year. The matters contained in that kit are commonsense advice to young people on their leaving school. I would hope that school leavers have had a relationship with their parents that enables them to talk through issues. Of course, many schoolies go to Surfers Paradise and to places along the New South Wales North Coast, particularly Byron Bay, Coffs Harbour and Port Macquarie, to celebrate Schoolies Week. Of my three children, two celebrated Schoolies Week with groups of friends at places not too distant from Sydney.

The "taking care of yourself" information will apply wherever schoolies choose to spend time with their friends. As schoolies celebrate at Surfers Paradise in large numbers it is more likely that there will be risks of alcohol-related problems. In the past there have been problems with schoolies being served spiked cocktails, as mentioned by the honourable member for Parramatta. Young women in particular are more vulnerable to date rape. Earlier today in the House the Premier spoke about this matter. Many years go, in the late 1980s, I was the Chair of the Youth Advisory Council, which identified this emerging issue. It is very sad that that forecast has come to fruition, and really not a lot was done to prevent it or address it. Young women need to be very careful about drink spiking.

During Schoolies Week police have found schoolies using drugs, and have raided premises. The honourable member for Parramatta mentioned dance parties and rave parties, in the context of Schoolies Week. Yesterday, at my local Police and Community Training meeting with harbourside police, attended by representatives from North Sydney Council, Mosman Municipal Council and all local chambers of commerce, great alarm was expressed—and has been addressed in correspondence from constituents—about the proposal that Luna Park be used as the venue for a rave party for 6,000 people on New Year's Eve. I remind honourable members that the local council has declared the adjoining Bradfield Park to be alcohol free. That area has been a traditional safe venue for families taking young children to watch the fireworks.

The honourable member for Parramatta is quite right to raise concerns about the possible risks that young people face in attending dance parties and rave parties, where the issues may not be alcohol-related but may well be related to the illegal use of drugs, such as amphetamines and ecstasy. A further concern is that the New Years Eve function finishes at the time that the last trains run, at 3.00 a.m. Young people, please have fun, but be very careful to take care that you look after yourself and look out for each other. I have the good fortune of having three children, all of whom have gone through that stage, thank the Lord. I can stand here and crow.

**Mr Alan Ashton:** But you survived.

**Mrs JILLIAN SKINNER:** I did survive. Schoolies Week is a rite of passage and young people come back from it believing that they are grown up and can do things on their own two feet. One has to let them do that. As parents we hope that we have instilled in our children values and understanding about how to behave in a way that is not only safe but is also respectful of others so that they can enjoy activities such as Schoolies Week without putting themselves at risk. In the final analysis, the behaviour of young people at Surfers Paradise, on a cruise ship—where there have been problems in the past—or at other venues along the northern New South Wales coast will determine whether similar activities will be tolerated in future.

No-one likes to read on the front pages of our newspapers stories about young people misbehaving. Sometimes people can gain the wrong impression from photographs that appear in the press. The media might take that on board. Young people having fun are not necessarily portrayed accurately in photographs of them strolling the streets late at night. We all wish school leavers well, and we wish them a safe and happy time post-exams before they receive their results later in the year.

**Ms ANGELA D'AMORE** (Drummoyne) [3.48 p.m.]: Last year the hard work and personal efforts of our year 12 students were rewarded with some exceptional results. I am proud to say that our public school students performed particularly well. New South Wales public high school and TAFE students dominated the 2003 Higher School Certificate First in Course List, topping the State in many of the largest courses. Higher School Certificate [HSC] students at government schools and TAFE colleges won 74 merit certificates for coming first in HSC subjects, up from 66 the year before. Students from our non-government schools also achieved very good results.

Last year non-government schools won 44 certificates, with other first places going to students who were privately tutored or who had completed HSC courses at university. This year I am hopeful that year 12 students will again achieve some remarkable results—a reward for their hard work in their HSC examinations and also a reward for their great effort throughout their senior years of school leading up to their HSC examinations. I congratulate the 66,000 students who this year have just completed their HSC. This morning I saw one of those students at my local newsagency.

All students should be proud of their efforts and should feel satisfied that they have achieved a world-class education. I also sincerely thank their parents, teachers and friends who stood by them during this important and most stressful time. That support is critical to students, not just to their academic success but also in helping them understand that there is life beyond the HSC, regardless of their marks. The completion of last Friday's HSC dance appreciation examination marked the official end of this year's HSC. The look of relief and excitement on the faces of student as they rushed out of examination rooms, which was depicted on the evening news that night, said it all.

It is time for our students to let down their hair and to celebrate their amazing achievement. They can rest and enjoy the fact that they no longer have to study late into the night. They can explore parts of their neighbourhoods and towns that they have not had a chance to look at. However, many students will be packing their bags and heading off to celebrate in well-known hot spots such as the Gold Coast, Byron Bay and hundreds of excellent camping and holiday places throughout the State. We are giving those students the support they

need to ensure that they celebrate safely. The New South Wales Government, which takes Schoolies Week seriously, has spent more than \$220,000 to help roll out the end-of-year celebration kit for senior secondary students.

The kit has as its key themes: have fun, play it safe, survive and stay alive; and it has a focus on safe partying. The design and content of the safe party kit was again updated after the Alcohol Summit in 2003. We wanted kits to reflect the important findings of the Summit and we also wanted them to be relevant and useful to the students who were using them. More than 60,000 year 12 students received the 2004 kit, which has been packaged in a biodegradable bag so that no harm is caused to the environment when it is disposed of. This year the kit has also been made available to non-government school students through their schools.

The end-of-year celebration kit contains commonsense advice for school leavers. It includes information on New South Wales liquor laws, drink spiking, drink-driving and driver fatigue. In relation to drink spiking I plead with students in Concord High School, at Rosebank, in Donremy College, McDonalds College and Homebush Boys High School to be careful. I am sure that many members of Parliament share my concerns. A help card, which lists numbers such as the Alcohol and Drug Information Service, the Poisons Information Service, the ambulance and the Kids Helpline, is provided in the bag. A wallet-sized card, which is also included, lists the sorts of requirements that young people must follow if they plan to drink or attend licensed venues.

We want to ensure that students enjoy themselves and party safely but we also want to ensure that they do not break any laws. Students have been given information on the new zero blood alcohol limits for probationary drivers and the dangers of driving with too many passengers in a vehicle. I also note the successful youth driver forum held two weeks ago in Drummoyne, which was attended by year 10 and year 11 students from Rosebank, by the Minister for Roads and by me. I congratulate those students and I wish them well as they proceed to their celebrations. All students should remember that they have the rest of their lives within which to enjoy many more celebrations.

**Mrs SHELLEY HANCOCK** (South Coast) [3.53 p.m.]: I support the motion moved by the honourable member for Parramatta and congratulate her on the motion. Seventeen years from now she will be under significant stress when her children reach school-leaving age. I clearly remember that time. My children were all heading for Queensland and I was really worried because at that stage they were not the most perfect children in the world. They wanted to party and celebrate and I recognised their need to do so because they had worked extremely hard. The honourable member for Drummoyne referred to State schools in her electorate. My children attended Ulladulla High School, a State school where I taught for 27 years, and they did extremely well.

One of my children is now a probationary constable in NSW Police, and finished class in August 2004; another has just started practising law in Nowra; and another is in her final year of medical science. Well done to those three students! They celebrated and survived after studying hard. I did not ask but I am sure they got up to a number of tricks in Queensland. However, it was well deserved. All parents worry about their children. I was a year adviser at Ulladulla High School and taught year 7 to year 12 school students for three years. I became attached to them. Once they near the age of 18 they want to go to Queensland to get smashed, trashed or whatever else and teachers and parents become extremely concerned about their wellbeing. We do not want to be killjoys but we recognise their need to celebrate. They deserve to celebrate.

We, as members of the New South Wales Parliament, as community leaders and as schoolteachers, must do everything we can to ensure that whatever they do is done safely. I recognise the efforts of the New South Wales Government over the past five or six years to ensure that party packs are delivered to schoolchildren approaching the end of the school year. They must receive extremely sensible advice on how to party safely. On many occasions over the past 10 years when students have received their party packs they have not been willing to read anything contained in them as they believe that they have finished their studies. I am quite sure that on many occasions much of the material in those packs has gone unread.

The Queensland Government has a proactive approach to this issue. Security services regularly patrol the Gold Coast during Schoolies Week. My children and former students have reported to me that there is now a much more proactive approach in dealing with HSC students visiting the Gold Coast and it is now a much safer environment because of that proactive approach. There has always been a focus on the Gold Coast. New South Wales does not face the same problems that are traditionally faced by Queensland and other States. However, I recognise the efforts that have been made in this area by the New South Wales Government.



Some extremely sensible advice is contained in these packs, including especially pertinent and relevant advice on drink spiking. Ten or 15 years ago drink spiking was not the issue that it has become today. It is now an issue not only in Schoolies Week; it is also an issue on every Friday or Saturday night in almost every hotel in the South Coast electorate. Many years ago I did not expect that sort of thing to happen but it is happening and it is having serious consequences. After the Premier discussed that issue today I hope this Government continues to treat it seriously. In my view, we have to do everything we can to protect our young people.

The honourable member for Drummoyne referred earlier to the youth forum that was held last week in her electorate. I applaud her efforts and I note the concerns raised by young people at that forum regarding young driver curfews. I have had an overwhelming response in opposition to the notion of young driver curfews. Young drivers generally feel that they are being discriminated against, in particular, young drivers in country areas where there is no public transport and where very often they are legitimately attending university or work. They believe that the Minister should rule out that option, but they are prepared to consider other options. They acknowledge that P-plate drivers are causing problems on the roads. Today I congratulate all our Higher School Certificate students and wish them well in their future endeavours.

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [3.58 p.m.]: I support the motion moved by the honourable member for Parramatta. The end of high school is an important milestone in the lives of all students. It marks the completion of 13 years of schooling and for many it represents their first tentative steps from adolescence into adulthood. It is a time of celebration for thousands of students, in particular in the Tweed area, where thousands of young adults from around Australia come to enjoy themselves on the beautiful far North Coast, in the greater Tweed region and on the Gold Coast, which traditionally has borne the brunt of the pressure that has been generated by Schoolies Week.

Schoolies Week gives students an opportunity to relax and is also a great boost for the local economy. Indeed, most media outlets on the Gold Coast readily acknowledge that fact—and why not? It is estimated that the 40,000 students who converge on the Gold Coast region annually contribute some \$30 million to the local economy. Schoolies Week is also believed to contribute several million dollars to the Byron Bay region, which is a designated schoolies destination as well. The Government is responding to the added pressure on Byron Bay by providing six extra beat police, who will be in place until mid-November.

No-one in this place wants to deprive our students of the opportunity to have fun or let their hair down, but it is important that they do so responsibly. Certainly everyone wants this year's celebrations to be happy and safe. The New South Wales Government has put in much time, effort and resources to ensure that is the case. The majority of schools in the Tweed Heads and Ballina areas participate in "Reduce Risk—Increase Student Knowledge" [RRISK] seminars, which are a joint initiative of the Department of Education and Training, Catholic Education Office, North Coast Area Health Service, NSW Police, Ambulance Service of NSW, Southern Cross University and Lismore and Ballina councils. The program targets senior students and gives schools and students the opportunity to design their own strategies to minimise harm in relation to drug and alcohol use, driving and celebrating.

Students and their parents who are planning end-of-year celebrations at home can also access tips on how to host safe parties. These are available on the NSW Police web site. A safe party checklist and a form for registering parties are also available on that web site, as the honourable member for Parramatta said. Crime prevention officers have been conducting information sessions in shopping centres. They target young students and provide general personal safety tips, information on ways to avoid drink spiking—the Premier's ministerial statement today addressed this problem—summer safety tips and information on ways of avoiding the theft of personal property, which is another big problem for partygoers at semi-supervised venues, particularly along the coast. The message is clear: It is better to be safe than sorry.

The Minister for Fair Trading recently issued parents and students with a timely reminder about being careful when making holiday bookings. Unfortunately, a number of unscrupulous holiday operators want to take advantage of students in holiday mode. It is obvious that parents are willing to pay more to ensure the safety of their children but there is a big difference between paying a premium for safety and being ripped off. Parents and students can avoid being ripped off by checking the refund policy of the accommodation provider or booking agency and making sure that they know what charges apply if a booking is changed or cancelled. If students get into trouble they can get advice from the Office of Fair Trading on 13 32 20.

I mentioned that some 40,000 students travel to the Gold Coast during Schoolies Week. Almost every one of those students would be asked to pay an accommodation bond of \$100 or \$200 when a booking is

made—usually in August or September. Unfortunately, the bond is usually not returned until late January or February. So the accommodation providers or booking agents keep the bonds for almost six months—during which time they are earning interest—and make a nice little profit on the side. I think procedures should be put in place to ensure that bonds are returned to students immediately rather than allowing them to be held by accommodation providers or booking agents.

I congratulate all students who have just completed their Higher School Certificate, particularly those in the Tweed electorate, on a job well done. They have certainly worked hard and it is now time for them to enjoy themselves. I know that many of them, regardless of how hard they have studied during the year, will be anxiously awaiting their results on 17 December. I am sure that their parents and friends will be very proud of their efforts, no matter how they have done.

**Ms TANYA GADIEL** (Parramatta) [4.03 p.m.], in reply: I thank Opposition members for their support of this urgent motion, as safety during Schoolies Week should be above party politics. I thank the Opposition spokesperson, the honourable member for North Shore, for her constructive comments on this issue. I also thank honourable members representing the electorates of Drummoyne, South Coast and Tweed for their contributions to the debate. Many of the young people who are about to celebrate Schoolies Week are aged over 18 years. In light of the bi-partisan support for this motion, I reiterate the following message to students: You have worked hard and you deserve to have a really good time. But, remember, do not take the fun out of it by doing something stupid. Take care of yourselves and take care of your mates. If you need more information do not hesitate to consult the web sites that we have talked about today. I thank honourable members for their contributions to the debate.

**Motion agreed to.**

## **LOCUST OUTBREAK**

### **Urgent Motion**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [4.05 p.m.]: I move:

That this House:

- (1) notes that New South Wales is facing its worst locust plague in 30 years.
- (2) congratulates and supports our farmers, rural lands protections boards and Department of Primary Industries staff for their hard work in trying to avoid this crisis.
- (3) notes that in some areas of the State locusts are now banding and have taken to the wing.

At the outset, I must acknowledge the efforts of the Leader of the House in moving the suspension of standing and sessional orders to allow debate of The Nationals' urgent motion as well as debate on the Government motion. That courtesy is not often granted to The Nationals. In fact, one must ask why the Government has done so on this occasion. One can assume only that it was prompted by the reluctance of the so-called Country Labor faction of the Labor Party to vote against a motion such as this. I ask the Leader of the House to extend the same courtesy when The Nationals seek a similar suspension in future to allow debate on our motion and any other motion about country issues that might be submitted by the Government.

Turning to the substance of my motion, it is clear that New South Wales is facing potentially the worst locust plague outbreak in 30 years. The fight has already been long and hard and it is expected to continue for our farmers and the various agencies that are dealing with this locust plague. Our hardworking farmers are already battling one of the worst droughts on record and now they are battling locusts in an effort to ensure that they do not swarm and cause further massive damage to crops. Earlier in the year when the first wave of locusts made their way down from south-west Queensland, some parts of the State, particularly the north-west, suffered crop losses of up to 80 per cent. The locust plague continues, with hatchings from the first wave, and our farmers deserve the full support of the House.

The latest information available is that hatching reports have been received from the following rural lands protection board areas: Armidale received four reports; the Central Tablelands, three; Condobolin, 40; Coonabarabran, 318; Coonamble, 11; Dubbo, 245; Forbes, 206; Hay, five; Hillston, one; Hunter, eight; Molong, 113; Moree, one; Mudgee-Merriwa, 188; Murray, 23; Narrabri, four; and Narrandera, 74. Other rural lands protection board areas—including Northern New England, with five reports; Northern Slopes with 12; Nyngan

with five; the Riverina with 23; Tamworth with 129; Wagga Wagga with 11; Walgett with three; and Young with five—have also been impacted by the latest stage of the locust plague. This is clearly a widespread problem of great significance to the State of New South Wales—particularly to farmers and communities who rely on agriculture as their primary source of income.

Aerial spraying is under way throughout the State, chemicals having been allocated to treat 480,000 hectares of land. Already two helicopters involved in the locust spraying have crashed, one at Mudgee and one near Parkes, after hitting unmarked power lines. There is a battle going on in country New South Wales. As I understand it, enough pesticide to treat about 211,000 hectares has been distributed to farmers. The Minister for Primary Industries has claimed that to date almost \$8 million has been spent. An amount of \$6 million has been contributed by producers and \$2 million by the Department of Primary Industries. The Minister has not been anxious to reveal that, but it has been unearthed by The Nationals.

At the end of the day, farmers have paid almost \$6 million of their own money to control the latest locust problem, at a time when farm incomes are down because of the drought and for other reasons. This matter deserves the full attention of the House because last autumn, in some areas of New South Wales, locusts ruined one of the best seasons in years; they wiped out crops and fodder in the north-west of the State. I refer to the electorate of the honourable member for Barwon, which had crop losses of up to 80 per cent.

Farmers are still angry about the initial outbreak and the lack of action from the State Government, particularly given that the locust plague has cost the State an estimated \$13 million in lost farm income. Locusts have now been reported at more than 600 sites, and that number is expected to increase because of the hot weather that is forecast. There have been about 8,000 reports statewide. I have had hatchings on the windscreen and in the radiator area of my car as I have travelled around the western part of the State. The locust plague is a widespread problem in many communities in country New South Wales. Farmers are struggling to deal with clouds of locust bands up to 300 or 400 metres long and three or four metres wide.

Any suggestion that the second wave that resulted from these hatchings would not be significant must be disregarded. It is, and it must be dealt with now. A string of warm days and recent rain has increased the rate at which locusts are hatching. Particular hot spots include Dubbo, Coonabarabran, Forbes, Tamworth and the Mudgee-Merriwa districts. Farmers are working tirelessly to control hatchings on their own properties, but they have reported hatchings on State-owned land or Crown land, such as Back Yamma State Forest near Forbes and in the Goonoo State Forest near Dubbo. Minister Macdonald has said:

... ground control is our first and best line of defence, with aerial treatment designed to supplement those efforts. Aerial spraying comes into play when bands are too large for landholders to control on their own.

There is evidence that bands are now becoming too large for landholders to control on their own, and some of those bands are coming off Crown land. I urge the Government to be vigilant and ready for aerial spraying as soon as those bands are reported, unlike what happened earlier in the year with the first wave from Queensland when the Government sat on its hands and would not, for some reason, commence—

**Mr Ian Slack-Smith:** It totally ignored it.

**Mr ANDREW STONER:** As the honourable member for Barwon said, it was ignored. The Government would not implement aerial spraying in a timely fashion, and that is the cause of the problem now. There are eight locust control centres: Forbes, Narrandera, Molong, Narrabri, Coonabarabran, Gunnedah, Dubbo, Mudgee and, more recently, Deniliquin. Those control centres serve as regional command posts, enabling response teams to work closely with landholders in the fight against locusts. Staff of rural lands protection boards and the Department of Primary Industries are at the forefront of this fight, and this House should acknowledge their tremendous efforts. Landholders and response teams should also be congratulated on their continued vigilance.

However, the Government must do more on Crown lands, where hatchings are occurring and not being treated. Those hatchings are banding together. They are on the wing, they are on the move and they make the lives of our farmers that much tougher. The Government must do more to treat Crown lands: railways land, land alongside roads, State Forests and the like. Our farmers now face the potential of three consecutive waves of plagues of locusts, simply because the first wave was allowed to get too far and to lay eggs. The second wave, although somewhat better managed, is still of plague proportions and may produce even more eggs for the third wave. On behalf of rural communities and farmers I implore the House to treat this matter with the utmost gravity and to give all possible assistance to farmers.

**Mr STEVE WHAN** (Monaro) [4.15 p.m.]: I welcome this opportunity to take part in the debate on this motion and to confirm the Government's commitment to win the battle against locusts in New South Wales. The Leader of The Nationals mentioned a number of figures relating to hatchings around the State. The most recent figures I have on the hatchings in some areas are frightening, but they are quite different to the figures quoted by the Leader of The Nationals. As of 8 November, total locust hatchings in the worst area, Coonabarabran, were 2,072, Dubbo 1,820, Tamworth 999, Forbes 1,117, Molong 718 and lesser figures in other areas. Obviously, hatchings move as the season progresses.

For some time the Government has been concerned to ensure that it works effectively with rural lands protection boards [RLPBs], farmers and the Australian Plague Locust Commission to control the potential locust plague. The Government has put in a lot of resources to make sure that enough chemical and control mechanisms are in place to ensure that the plague is controlled. The Government has available a 180-member response team of staff from the Department of Primary Industries [DPI] and the rural lands protection boards. Additional staff from the National Parks and Wildlife Service, State Emergency Services [SES] and the New South Wales Farmers Association will be available to assist if needed, and teams from the Australian Plague Locust Commission, which has responsibility for aerial control west of the Newell Highway and along State borders.

I understand that this week alone 91 RLPB staff, more than 51 DPI staff, two SES staff and two Department of Environment and Conservation staff are in the field and at the State Control Centre in Orange. The needs of those staffing are continually assessed and adjusted to meet the needs of the various districts. A roster system has been developed under which staff are rotated to give them regular down times. We are facing the worst locust outbreak in 30 years and that is exactly why the Government has developed such a large and diverse response team. When additional staff are needed to assist with field operations, the Government will make every effort to put those staff in place. One of the benefits of the integrated DPI structure is the much larger staff base from which to draw. For instance, Forests NSW staff have been trained to spot, report and treat locusts on forest land and Forests NSW officers are working with DPI response teams.

The Leader of The Nationals referred to government land. The New South Wales Government appropriately acknowledges that it is obliged, as is any landowner, to take action to deal with the problem of locust hatchings on its own land, and that has been happening around the State. Training has been provided to staff of other departments to make sure they get on top of the job. Chemical use controls are also developed in consultation with the various stakeholders. New South Wales Farmers has been intimately involved in this process, ensuring its involvement in the decision-making process. Every possible measure is being taken to control the current plague locust outbreak. The goal of the campaign has been to limit the number of adult swarms that develop and to minimise the damage to crops and pastures. Landholders, the New South Wales Department of Primary Industries, the rural lands protection boards and the Australian Plague Locust Commission are carrying out the most comprehensive locust response plan ever developed in this State's history.

More than 11,000 locust reports have been received already this spring from landholders. As I have mentioned, from the maps the hotspots are in places like the Dubbo, Coonabarabran, Tamworth, Mudgee, Molong and Forbes districts. So far, the Government has distributed enough ground control agents to treat more than 426,000 hectares, with more supplies being handed out every day. Nine local locust control centres are operational at Narrabri, Coonabarabran, Gunnedah, Dubbo, Mudgee, Forbes, Molong, Narrandera and Deniliquin. Those centres assist in co-ordination and control operations at a local level.

Aerial surveillance for nymph bands is occurring, and landholders are being advised to spray these locust bands. Aerial spraying of locust bands is occurring where the bands are so widespread that control is beyond the capability of the landholder from the ground, or where significant crop damage would occur if ground control vehicles were used. Aerial control of adult swarms is also occurring where swarms reach sufficient density and environmental constraints can be met. Response teams will make every effort to treat low-density, medium-density and high-density swarms, with specific priority being given to the higher density targets.

The department and its partners in this process have developed an agreed approach on insecticide stockpiles and plan to secure additional supplies if required. Those agreed approaches have met with the approval of the partners in this process, including the New South Wales Farmers Association. Obviously, to manage the chemical risk, there is a need to make sure that in this respect we do not commit to one exclusive supplier. The department has at least nine different types of chemicals on hand to cater for different circumstances. There is even a fungus-based product used in more environmentally sensitive areas or on organic

properties. Obviously, when using chemicals of this type, one has to be careful about the way in which they are applied, as well as ensuring that they are applied at the right time.

I have noted some media attempt to criticise spraying, suggesting that it is not done soon enough. My information is that spraying needs to occur when the locusts band, in order to make best use of the chemical, to hit as many locusts as possible and to make the process most effective. That is the strategy that the Government has adopted. Earlier I heard some criticism that spraying should have been done last year. However, about 106 hectares were sprayed last year, and I expect that would have mitigated somewhat what is occurring this year. Obviously, it is important to keep tackling this problem as it continues.

The Government regularly reviews insecticide stocks to help it decide whether to adjust the quantities of insecticide on order. There are a number of methods of applying these insecticides, and the Government is assisting landholders in that respect. A fleet of helicopters and fixed-wing aircraft is being used to survey and apply locust insecticide from the air. Mobile depots are used where required to facilitate insecticide distribution to landholders. In the Dubbo area, the Government has brought in ground rigs to assist with ground control. So the Government is taking extensive action to make sure that this locust plague is kept under control. The Government has received the endorsement for that process of the rural lands protections boards and farmers around the State. It is very important that the process has the co-operation of all landholders, to ensure that hatchings are being reported. From what I have heard, that seems to be happening extensively, particularly with people who farm the land full time. Obviously, sometimes it is more difficult to do that with visitors, but that is why we have aerial patrols to try to spot these problems.

Funding for locust control is shared between landholders and the New South Wales and Australian governments. The Australian Plague Locust Commission is responsible for control in parts of New South Wales, Queensland, Victoria and South Australia. As I said earlier, that responsibility is generally west of the Newell Highway. The New South Wales Department of Primary Industries is responsible for co-ordinating control in eastern New South Wales. New South Wales contributes about 32 per cent of the Australian Plague Locust Commission's operational funds, and that is equivalent to half of the total cost of the commission's operation in New South Wales. Landholders pay a levy into the Noxious Insect Destruction Fund, which is used by the commission for control in New South Wales. Those funds are built up over a number of years, so that there is sufficient money and adequate chemicals on hand to be able to tackle this sort of problem.

From the brief comments that I have made today one can appreciate the extent of the Government's actions to address this locust problem, which is a significant issue for landholders, particularly in the areas I have previously mentioned like Dubbo and Coonabarabran, but also to the south. The Government deserves bipartisan support for the efforts being made to control this outbreak. I have noticed some press releases from The Nationals congratulating some, but not all, aspects of the Government's measures to tackle this problem. It does not help that all too frequently The Nationals make misleading comments. This is not an issue to be used by anybody for political gain. I urge The Nationals to get behind the Government and ensure that we tackle the problem constructively.

**Mr IAN SLACK-SMITH** (Barwon) [4.25 p.m.]: I support the Leader of the Nationals, the honourable member for Oxley, in this important debate. The worst locust plague in 30 years could not have been averted, but its impact could have been reduced dramatically had the Minister had the gumption to get on with the job last year. Instead of ensuring the spraying of only 150,000 hectares, he should have made sure that about 300,000 hectares were sprayed, as was required to curb the egg-laying that is occurring today. If he had done that, we would not have the huge problem that we have to deal with now.

The electorate of Barwon, being in the northern part of the State, cops the plague first, especially from south-west Queensland. Last year I alerted the Minister to this problem. Two months ago I again alerted the Minister to the problem, informing him that hatchings were occurring in the areas for which the Moree, Narrabri and Walgett rural lands protections boards are responsible. The Minister disputed the reports that I made to him, and completely ignored the warnings in the personal representations that I had made to his department about this plague occurring. I had not only been informed about the locusts; I had seen them myself. But the Minister sat back and heartily said that my reportings were totally untrue. I was very disappointed with that. New South Wales has a great system in place, with its rural lands protection boards and the Department of Primary Industries and other government staff doing a magnificent job. At the forefront of those have been the rural lands protection boards. However, I am sorry that I cannot say the same about the Minister.

The Minister botched dealing with this problem, right from last year. He has been saying forever and a day that there are enough chemicals to combat the plague. That is interesting. Why are we getting chemicals

from other States if, as we were told, we have sufficient chemicals to deal with the problem? Last year, one of the biggest problems we had with applying chemicals—and it is happening today also—related to protocols for applying some of them. This year some chemicals were approved for use in many instances, but of course that type of chemical ran out and now we must use other chemicals that have longer withholding periods and are subject to more stringent controls on their use. In saying that we had enough chemicals, the Minister has been speaking total rubbish.

The Leader of The Nationals said also that two months ago the Moree, Narrabri and Walgett rural lands protection board areas experienced huge locust hatchings. As locust hatchings increase with higher temperatures, the further north you are in the State the earlier will be the hatchings. Consequently, at this stage there is a reduction of locust hatchings in the north, simply because most of the eggs have hatched and the locusts have gone on their way. I was disappointed by the Minister's claim last week on Western Plains ABC that there were no crop losses. The Minister is totally incompetent. He does not have a clue about what is going on. He has taken no notice of the effect of the locust plague. Last year he did absolutely nothing, and now he has decided to dillydally with the chemicals needed to deal with this year's plague, which we have to source from other States. The rural lands protection boards have led the fight against the locust plague and government staff have done a wonderful job. However, I am sorry that the Minister has totally lost his grip on the problem.

**Mr GERARD MARTIN** (Bathurst) [4.30 p.m.]: I intended to say I was pleased to join in what has been to date a bipartisan discussion and to support the motion moved by the Leader of The Nationals. However, following the remarks of the honourable member for Barwon I will have to depart from the script. The Minister had led the campaign against the locust plague extremely well. Minister Macdonald, as New South Wales Farmers and other organisations expected, has been on the front foot since day one. The shadow Minister for Agriculture, the Hon. Duncan Gay, has been unhelpful and has tried to divide the rural community in relation to the Minister's response to the plague. But his most recent statement, which supports the Minister and his fabulous campaign, leads us to believe that even the dimmest lights can sometimes shine. The fact that Duncan Gay is on side and agrees that it has been a good campaign flies in the face of what the honourable member for Barwon said.

The experts with hindsight opposite claimed that last year everyone sat on their hands. The fact is that last year more than 106,000 hectares were sprayed. But what we must bear in mind—obviously this has escaped the honourable member for Barwon—is that a large percentage of the swarms already on wing came into New South Wales from Queensland. Locusts do not observe the protocol of going through a border checkpoint. We must bear in mind also that aerial spraying is always subject to environmental constraints, and that rain and high winds will hamper spraying. The Government has made available at least nine different chemicals with different retention periods and different properties to treat most circumstances. Control teams have booked and used all available and suitable aircraft and have forecast aerial spraying up to five days in advance. In the past few weeks there have been as many as 35 aircraft movements per day.

The notion that the Minister has somehow bumbled through this operation is 100 per cent wrong. He has worked closely with rural lands protection boards. Sightings and hatchings have occurred in my area and the Central Tablelands, which is not normally affected by locust plagues. The operation has not been run bureaucratically from the head office in Orange. The Minister has visited the nine strategically located control points throughout New South Wales to watch, learn, listen and talk to those who are undertaking this important control operation. It was unhelpful and unnecessary for Duncan Gay, in particular, to use every opportunity to cast doubt on the Minister's ability to deal with the problem.

The control measures undertaken in New South Wales are in accordance with the protocols set out by the Australian Plague Locust Commission. They are subject to a memorandum of understanding between the commission and member States, including New South Wales. It is important that the correct procedure is followed, given the effect the chemicals can have on surrounding crops. It is not a matter of Biggles going berserk in a fixed-wing aircraft. Aerial spraying must be done properly, and the Minister has done it properly from day one. He has worked with the available resources and has co-operated with other agencies. Regardless of what anyone says about the process, it has been well organised and well resourced. I wish all members of the Opposition could join with us and acknowledge that we are now starting to see the benefits of the spraying.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [4.35 p.m.], in reply: I thank the honourable member for Monaro, the honourable member for Barwon and the honourable member for Bathurst for their contributions to the debate. We heard from the honourable member for Monaro about the Government's stated commitment to deal with this problem. He talked about the statistics, which are alarming, as he said.

However, we need more than numbers. The contention of The Nationals, with which many country communities agree, is that we would not have these frightening statistics if the first wave of locusts had been managed properly. He referred to the amount of resources committed to the fight, but so far as I can tell the great majority of those resources came from farmers.

My understanding is that \$6 million of the \$8 million the Minister claimed was spent on the response to the locust plague came from the farmers. The honourable member for Monaro said that the supply of chemicals was adequate. In my initial contribution I acknowledged that the Government's response this time is better, but when the first generation of locusts flew into New South Wales from Queensland the chemical response was far too slow. When the Minister was asked by The Nationals spokesperson on agriculture about a lack of chemicals I recall him waffling on about chemicals being held up by some sort of anti-terrorist regime. That was almost unbelievable and seemed to be an excuse for inaction. I was pleased to hear the honourable member say that the Government realises its responsibility for Crown land, particularly railway land. He referred to training for agency staff. However, training is not enough.

We have daily reports from various places around the State about hatchings on Crown land. Training is fine, but we need a response. Actions speak louder than words. Those areas need treatment. I do not care, nor do those concerned, whether it is delivered by agency staff, Department of Primary Industries staff or contractors. They want the hatchings sprayed with chemicals to avoid their moving on to private land. The honourable member for Monaro referred to aerial surveillance of bands and to ground control. However, I urge the Government to ensure that aerial spraying occurs as soon as is practicable. Aerial spraying earlier this year on the first wave of plague locusts was too little too late. We cannot afford to make the same mistake this time. The honourable member said that 106,000 hectares was sprayed earlier this year, but that does nothing to disprove the belief of many that the first treatment was too little too late, which is why we are concerned about the current response. On the first occasion, the Government's response was not good enough. We have to make sure that we get it right this time, or we will have a third wave of plague locusts.

The honourable member for Monaro said that members of The Nationals made misleading comments, but he did not specify what those comments were. Obviously, Labor did not like being criticised for not doing enough earlier this year, but not one Government member has been able to refute the criticism. Rather, by admitting that only 106,000 hectares have been treated, Government members have supported the concerns expressed by communities and brought to attention by The Nationals. I recall that earlier this year The Nationals and many people in affected communities were saying that the Government had been sitting on its hands. Nothing has been put forward by the Government to disprove the contention that the severity of the current plague is due largely to Labor's mismanagement of the first plague earlier this year.

The honourable member for Barwon spoke fairly passionately about this issue during the debate. The House should take particular notice of what he had to say because he lives in Wee Waa in the north-western part of the State and he is a farmer. This plague of locusts has affected him personally as well as his community. The issue has affected the honourable member for Barwon where he lives. In contrast, I think it is sometimes easy for Government members to remain happily ensconced in their offices in Sydney and not realise the severity of the issue.

The honourable member for Bathurst tried to make excuses for the plague of locusts being as bad as it has been. He blamed the latest plague on Queensland; he claimed that the locusts had come from Queensland. He referred to environmental constraints and said that they made it difficult to manage the problem, especially by using aerial spraying. He proffered a range of excuses as to why the Government failed to get it right on the first occasion. However, he failed to disprove the claim that the first locust plague was allowed to go too far, was not managed properly and has led to farmers in this State again being faced with a locust plague.

I acknowledge that the Government's response to the current locust plague has been better managed this time round. There is no doubt that more spraying has taken place than has been the case previously and that the co-ordination of government agencies has been better than before. One hopes that the Government has learned from the mistakes it made earlier this year when the first locust plague occurred. I have sought assurances relating to the treatment of Crown lands—including railway land, Crown reserves and State forests—because The Nationals have received reports of hatchings taking place and they have not been treated. The only assurance that was given today was that agency staff have been trained. The Government's response has to be better than that, and must include that staff or other people are taking action to actively prevent the hatchings. I ask the Minister to assure communities currently affected by locust plagues that officers will be provided on the ground not only to monitor areas affected by locusts but also to actively treat them.

In conclusion, I urge honourable members on both sides of the House to support the motion. I particularly congratulate this State's farmers, its rural lands protection boards and staff of the Department of Primary Industries on their efforts to try to avoid a locust plague crisis. I urge the Government not to rest on its laurels. While I acknowledge that the most recent locust plague has been better managed, there is room for improvement in the Government's approach. I encourage the Government, particularly the Minister, to address the matters referred to by The Nationals. After all, The Nationals raise the issues on behalf of rural communities and farmers. This is not a political exercise. I am pleased that this debate has been allowed to take place this afternoon.

**Motion agreed to.**

## **BUSINESS CLUSTERS**

### **Matter of Public Importance**

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.44 p.m.]: I ask the House to note as a matter of public importance the valuable role of business clusters in expanding exports, investment and jobs in New South Wales. This is an important matter for our State because business clusters have been shown to be effective ways for groups of industries and/or businesses to increase awareness of their goods and services, and increase demand. By increasing awareness and demand, they are working together to create a bigger pie. Being in business does not always mean being in competition, but can also mean working together to make a particular industry sector stronger. Silicon Valley—perhaps the world's most famous example of a successful business cluster—is a good example of that. Instead of being at each other's throats, American information technology [IT] companies branded their region and succeeded in marketing it as a place of innovation.

Working with others to make a business stronger means a brighter, stronger future for business owners and operators, their employees and their families as well as the new workers that successful businesses will take on as they grow. Business clusters foster the creation of new ideas, new business opportunities and better business management. International experience of business clusters has demonstrated their effectiveness in stimulating export, enterprise and economic growth. Company collaboration and networking foster a greater exchange of information and create an environment that encourages new ideas, new business opportunities, and improved process and management practices. Understanding the critical importance of clusters in the development of New South Wales requires a clear appreciation of the impact of globalisation on our future growth.

Increasingly New South Wales companies will face a world dominated by large global companies. Clusters give small and medium enterprises a way to compete. Our success in identifying and fostering these clusters of excellence will greatly impact on our success in the global economy. Clusters are not new, but there is now greater recognition of the role they play in giving small and medium enterprises [SMEs] access to a more level playing field. As well as Silicon Valley in California, major clusters have emerged in places as diverse as southern China, where the specialty is low technology, labour-intensive manufacturing clusters, and Italy, which is well known for its fashion and luxury sports cars. These world-renowned clusters have driven exports, growth and innovation in their regions.

Clusters are already a well-established feature of the Australian economic landscape. Again, the range and diversity of business is striking and includes horse breeding clusters in the Hunter Valley, tourism in the Blue Mountains and wool marketing in Boorowa. It has been said that the Australian wine industry is a classic example of a cluster that exhibited extraordinary growth and took about two decades to develop. Clusters do not happen overnight, and it can take some time for their full effects to come through. These New South Wales clusters have generated exports, employment and economic growth for their regions because they have a demonstrated excellence in their specific activities. They are successfully competing in the global economy.

The cluster members have used their combined strength to address issues such as exports, training, employment attraction and innovation. Their collaborative efforts have succeeded where the efforts of individual companies have failed. I am a great advocate of these clusters because businesses can learn from each other and expand the total market for their product. Clusters comprise companies according to their industry or geographical location. Already New South Wales has many examples of successful clusters. These clusters, and future clusters, will benefit from a new State Government program that will give them access not only to funds but to other ongoing support. The new Business Cluster Program means new groups will be eligible for start-up funds of up to \$7,500, while existing groups can receive up to \$20,000 to encourage and support their work.



As I said, Government business and industry experts will provide guidance and advice to new and existing clusters. The New South Wales Government is committed to helping groups of businesses that want to create sustainable and commercially focused business clusters. The new Business Cluster Program is designed to provide tailored non-financial and financial assistance during the cluster's life cycle. Government experts from the Department of State and Regional Development will work as a catalyst with eligible clusters by providing knowledge, guidance and support to enhance a cluster's development. Matched financial support is available in the cluster's first two growth phases: formation, during which plans, milestones, structures and collaborative bonds are established; and development, in which the cluster moves to implement its business plan, develop its links to other institutions and achieve more complex and larger goals.

The funding could be used for business or marketing planning, market research or promotion, or support for a facilitator to organise and manage the cluster. Once the cluster reaches maturity and becomes financially self-sufficient it will continue to receive the support of the Government's business development managers. A crucial key to the success of a cluster is the involvement of an active champion. This is one of the criteria groups must meet in order to join the new program. The champion can be a person or company that is prepared to lead and energise the cluster and has the strategic and operational management experience to ensure the cluster achieves its goals. I am delighted to report on the success of some clusters already under way with New South Wales Government support. I know I do not have to sing the praises of the Blacktown City Tourism Network to the honourable member for Mt Druitt, because he is very familiar with this group's work.

The Blacktown City Tourism Network was formed by Blacktown City Council in 2003 with New South Wales Government support. It has about 75 members ranging from tourist attractions—including the Blacktown City International Motorsport Precinct, which incorporates Eastern Creek International Raceway, and Featherdale Native Animal Park—to accommodation places and function centres, such as the Rooty Hill RSL. The network has initiated a range of new and effective collaborative marketing including a tourism booklet, a new web site that is now being finalised and trade show attendance. As well, it has been crucial in the appointment by Blacktown City Council of a full-time tourism officer. That network has resulted in new partnerships between venues and accommodation providers. Also there are new events to bring visitors to the city of Blacktown, including a new sports festival held for the first time in September.

A feature of that one-day event was the broadcast of a live Australian Football League game, sporting clinics for juniors, and a range of sports registrations for new and continuing players. Another feature of that event was a tourism expo that gave all the cluster members a chance to promote their services and venues to local families. I understand that Blacktown City Council plans to build on the success of this year's event and hold another sports day next year. I wish it well for this event. Overall, the Blacktown City Tourism Network has improved domestic tourism and is considering a trans-Tasman partnership to increase tourism to Eastern Creek and Blacktown. Initial contact has been made with similar groups in New Zealand with a view to exchanging ideas and sharing experiences.

Of particular interest are New Zealand's automotive and motor sport clusters that have much in common with this burgeoning industry in Sydney's west. Members of the Blacktown City Tourism Cluster meet monthly to discuss projects and initiatives. I am told that those meetings are very positive and well attended, which is an excellent sign for the group's continued success. Its members are very committed and enthusiastic, and I confidently anticipate that it will be a model for other clusters. The honourable member for Penrith has been a long-time advocate of the sort of work now being undertaken by the Penrith Valley Special Visits Network. This network—also formed with State Government support—comprises Penrith businesses specialising in education tours for the Chinese. The honourable member for Penrith, during her time on the local council, was a vocal advocate of the need to generate more international business visits to the region. The Penrith Valley Special Visits Network is a great way to do that; it has successfully established links with tourism and migration organisations in Sydney and China.

Over the next 12 months the network is expected to formalise its links and organise a visit to China. The honourable member for Penrith will have more to say on the Penrith Valley Special Visits Network during this debate. Other examples of networks or clusters include the Sydney Harbour Cruising Network, a group of traditionally strong competitors who have worked together. The six network members have been assisted by New South Wales Government business experts to market their services on the Internet. They developed a shared web site with each guaranteed equal representation. The web site specifically targets free, independent travellers—that is, those not travelling as part of a group—which is a market that is traditionally hard to access.

Another group of historic competitors is working to promote bookstores in the Southern Highlands. The Southern Highlands Booksellers' Association recognised that there was much to be gained by working

together to promote their businesses to holidaymakers and day-trippers who enjoy book browsing and buying. They cleverly promote their separate ventures as one entity, Book Town, and produce informative guides to their book trail. That is a great example of an existing cluster that could benefit from our new business cluster program. The program is designed so that existing and new clusters that receive assistance will eventually be self-funding and deliver tangible results to members. I commend the new program, and the broad principle of businesses working together for the common good, to owners and operators looking for practical ways in which to strengthen their current markets and generate new demand. I encourage members of this House to talk with local businesses, local chambers of commerce and local councils' economic development officers about looking for opportunities to build clusters that are geographic-based or industry sector-based as a means of targeting jobs growth and stronger communities, particularly in regional areas.

**Mr GREG APLIN** (Albury) [4.54 p.m.]: I welcome the initiatives of the business cluster program because it is something that is dear to our hearts, particularly in the electorate of Albury. One can trace back the establishment of the Albury-Wodonga Development Corporation, which celebrates 30 years of operation this year. Although its functions have changed dramatically, it thrived on the concept of the cluster development principle and it established many industries in the Albury and Wodonga areas, which, in turn, built around them a cluster of associated industries. One only has to think of the formerly named Uncle Ben's, now known as Master Foods, based just across the border in Wodonga. It has attracted animal slaughter businesses, those associated with abattoirs—and, therefore, production by Master Foods of meats used in tinned pet foods—packaging industries and transport industries, all of which are associated with that large exporter of product from the region.

In clustering, we do not look just at exporter markets but also at inter-regional exports. Clustering should not focus purely on exports, but should provide also for the country. When one looks at clustering, one considers infrastructure, communications, the labour force—which obviously has to be stable and skilled—and, importantly, the availability of a water supply. That is particularly important in this day and age. We look also at the opportunities for health and education facilities, which are so important in attracting staff from outside the region. That is particularly important in the consideration of large businesses that have overseas connections that are attracted to set up in the region. Obviously we look for Government assistance, and I was glad to hear the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business mention that today. We look for leadership, initiative and the desire to achieve those outcomes.

I have spoken briefly about the record of the Albury-Wodonga Development Corporation, which has now moved into real estate sales. I refer to the \$130 million worth of investment introduced into Norske Skog Paper Mills, which lie to the immediate north of Albury. That organisation provides one-third of Australia's newsprint. That firm operates on the cluster principle. It has set up a de-inking plant—the only de-inking plant in Australia—which attracts additional industries to the city. Magazines are brought into Albury by Gordon and Gotch for shredding, de-inking and repulping at that plant—important processes in these days of recycling and re-using of our natural resources.

Linked to that paper mill are the timber industries to the north at Tumut and Tumbarumba and to the south at Myrtleford, and the associated transport industries. In turn, they engender additional businesses. Examples that exemplify what the Minister was talking about—the need for clusters with their benefits to business—include Investment Albury-Wodonga. Sadly, it is no longer the investment body in Albury. It concentrated on plastics, information technology groups and foods, to name just three of its focuses. The Albury-Wodonga Area Consultative Committee is in the process of setting up clustering groups and is compiling databases. Currently it is actively progressing the Albury-Wodonga Regional Exporters Network.

Terms of reference are being set up for industry leaders. It is about to be handed over to industry and to be driven by the leaders of industry, as indeed it should be. In that case, it has been facilitated by the consultative committee. One could look at many areas of industry, including agriculture, wine or manufacturing. In all cases, the industry leaders should be leading the programs, benefited and assisted by government incentives. Those leaders must provide the relevant education to build up our business capability for export. In all these instances we are building up business capability for export. That involves more than just an individual; it involves a group or a cluster. It involves the cohesion of a collaborative effort. The example about which I have been talking, which is being set up by the consultative committee, receives good support from the State and Commonwealth governments.

I refer to a couple of other examples. The Hume-Murray Food Bowl, a regional body, comprises producers and exporters from Tumbarumba to the north-east of Victoria. That body, which holds farmers

markets every Saturday on the causeway between Albury and Wodonga, is responsible for organising festivals that bring a large number of people into the region. That body produces a food and wine diary and is involved in numerous conventions and conferences. So it is not only utilising produce from a wide regional area; it is also marketing to a lot of people who enter the area for conferences and conventions. In that way it is marketing to the whole of Australia and it is possibly also exporting. In the past a metals group existed in the area. We are now trying to establish whether it is feasible to re-establish that group. The group gained a contract to produce crash barriers for the racetrack at Phillip Island. We can trace the successes and outcomes of the clustering principle in all the examples that have been given today.

The Small Business Answers Program, which has been funded until 2006, will engender small business clusters as part of its work plan. There are key elements in every aspect that I have mentioned today, for example, transport and logistics, air, road and rail. We need the support of that infrastructure to transport our products. An example of current development is the Albury Airport Industrial Estate, which is located at Albury airport. Initially that estate was provided to enable freight organisations, aeronautical businesses, and construction and repair businesses to establish themselves at the airport site. The project has been so successful that it is now attracting a large number of manufacturing and freight businesses into the area.

However, we are also looking to the future. Eighty representatives are attending a 2½-day Future Search conference that is currently being held in Albury. That conference is identifying programs and priorities for the future. Key priorities include integrated and sustainable planning and development, along with transport and infrastructure issues. Albury-Wodonga is rated at the highest level in regional areas, outperforming even Sydney with regard to business competitiveness in the region. The 2004 study undertaken by the Australian Industry Group found that many regional businesses are turning better profits than those in urban areas and are remaining highly competitive despite their distance from capital cities.

The Minister must ensure that the regions are well and truly represented in this business cluster program. However, we need assistance from the Government. This year Victoria announced that there would be more tax cuts for business. Over the past five years the Bracks Government has provided business tax relief of over \$1 billion, including cutting payroll tax to the second lowest rate in Australia and abolishing land tax for almost 60,000 Victorians. A government document that I have states:

The Bracks Government continues to demonstrate its commitment to supporting Victorian businesses, delivering a low-cost and competitive business environment and attracting new investment to Victoria.

In New South Wales many businesses spend too much time dealing with government red tape and bureaucracy when they should be focusing on expanding their businesses and making money. Occupational health and safety compliance is taking up an increasing amount of the time of small businesses. According to the State Chamber of Commerce, 25 per cent of small businesses spend between 5 and 15 hours a week on occupational health and safety issues. Thirty-eight per cent of businesses thought that occupational health and safety compliance hindered their performance. We must look at the tax structure, the workers compensation structure and our occupational health and safety problems. We must slash bureaucracy, regulation and red tape to achieve the outcomes that we want to achieve in the clustering system that we are talking about today. In the future we must not just look at businesses; we must also look at tourism, sport and all those other aspects because they, too, can become part of the clustering system and benefit regional Australia.

**Mrs KARYN PALUZZANO** (Penrith) [5.04 p.m.] I thank the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business for bringing this business cluster initiative to the attention of the House this afternoon. I also thank him for visiting Penrith last week and launching the business cluster initiative and the Penrith Valley Special Visits Program. Before I refer in detail to that program, I shall outline why Penrith is such a great place to have a business cluster. Penrith is the only place outside Japan to have a sake factory. Sun Masamune produces sake for the international and domestic markets. It also produces Panasonic televisions in the area.

Honourable members who have travelled in Winnebago recreational vehicles would be aware that Winnebago has located its main construction plant at Emu Plains. Tuza Horse Floats has been located in the local area for many years. Roela Pipes, which is based at Emu Plains, provides pipes for stormwater drains. National Foods, commonly known in the community as the milk factory, has been located in that area for many years. We had dairy farms in and around Penrith but, sadly, the only remaining dairy farm is operated by the women's correctional facility. The milk is shipped to Penrith and it is processed by National Foods. Penrith also has a rail network and a road freight distribution network. One can travel from Penrith through the Blue Mountains, to the south, to the north and to the east of the State. Penrith is regarded as the crossroads of the metropolitan area. Penrith's road network encourages businesses to locate in that area.

Penrith has an educational cluster. We have a university and a TAFE that for many years has encouraged students to study in Penrith. Penrith also exports education. The Western Sydney Institute of TAFE conducts visits to Asia and it has encouraged organisations to come into the Penrith area. Recently that institute and a province in China have undertaken governance training. For many years the University of Western Sydney has had an international student program. I was fortunate enough to be employed by the University of Western Sydney and to have lectured international students, in particular, Canadian students. Last week my son farewelled a practising teacher who flew back to Canada. Those are just some of the facilities that are provided in Penrith.

I refer again to the Penrith Valley Special Visits Program and thank the Department of State and Regional Development for that initiative. Late last year Penrith City Council tried to establish what it could do to implement the Special Visits Program. The Minister said earlier that when I was on council and I was a member of the economic development and employment committee it initiated the international business group. For many years the Penrith Valley Friendship Group was responsible for a sister city arrangement. When I became a member of council I formalised international business arrangements for businesses located in Penrith and groups that came into Penrith.

Anne Knight, a friendship group volunteer, came up with the idea of the international business group, which has developed into the Penrith Valley Special Visits Program. To date more than 20 organisations are linked to that program. Members include Applied Scholastics, Oz Homestay, Holiday Inn Penrith Panthers, Astina Apartments, the Vines Holiday Cottages, the Sydney International Regatta Centre, Sinclair Hospitality, St Pauls Grammar School, the Western Sydney Institute of TAFE, the University of Western Sydney, AAT Travel, Muru Mittigar and Penrith City Council.

Since late last year those organisations have worked as a cluster to encourage educational visits to Penrith and to Asia. They have supplied Tourism New South Wales, Hong Kong, with an information pack, they have designed and updated a page on the web site that deals with educational tours, and Applied Scholastics, AAT Travel, TAFE and Oz Homestay have been on trade missions to Asia. Currently they are compiling a network business plan that will outline the direction that the network wishes to take. I am sure all honourable members would be aware that groups such as these are dynamic. I wish them well. I will support that business cluster and the work that is being done by the Department of State and Regional Development.

**Mr DAVID CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.09 p.m.], in reply: I thank the honourable member for Albury and the honourable member for Penrith for contributing to the debate. I acknowledge that they both understand the contribution that business clusters can, and do, make to jobs growth across the whole State, particularly regional areas. I was delighted to note the comments by the honourable member for Albury about the importance of leadership and initiative, which I take as an endorsement of the Government's policy direction.

The honourable member for Albury mentioned Norske Skog Paper Mills, which has made a significant investment in Albury, encouraged and facilitated by the New South Wales Government. He also mentioned the timber industry in Tumut and Tumbarumba. The New South Wales Government has encouraged significant investment by Hyne and Sons, a Queensland company, that will support the timber industry and the downstream industries to which the honourable member referred. Visy Industries has made a huge investment in and commitment to the Tumut area, which is also encouraged and supported by the New South Wales Government. The Hume-Murray Food Bowl is an example of a primary industry type cluster, which is showcased as part of the "Putting New South Wales on the menu" campaign—an initiative of the Department of State and Regional Development, supported by the Department of Tourism, Sport and Recreation.

Both the honourable member for Albury and the honourable member for Penrith mentioned the importance of infrastructure. I remind the House of the strong comments by Standard and Poor's to which the Premier referred during question time. In its recent report the international ratings agency notes the investment by the Carr Labor Government in infrastructure in New South Wales as part of its strong management of the State's finances. Sadly, the honourable member for Albury led with his chin when talking about payroll tax. He clearly does not remember—or is not aware—that the rate of payroll tax peaked at 8 per cent when the Liberal and National parties were last in government in New South Wales. A number of initiatives by this Government reduced it to 6 per cent. I always have to point that out because many Opposition members talk down regional jobs. Less than 10 per cent of businesses in New South Wales pay payroll tax. It is important to get the message across that more than 90 per cent of businesses in this State pay no payroll tax. By constantly running the negative, Opposition members talk down regional economies and regional jobs.

**Mr Alan Ashton:** Listen to the ratings agency.

**Mr DAVID CAMPBELL:** That is right. I have mentioned the Premier's remarks about the Standard and Poor's report. Another example of a successful business cluster, the i3net—the Illawarra Innovative Industry Network—was formed in 2001. It now has 16 members and a total turnover of \$603 million. Its members are engineering and manufacturing companies that offer project management, design and manufacture, maintenance, research and design, and innovation services. By working together, members of this cluster have generated sales of more than \$100 million to South-East Asia, India, South America, the Middle East, the South Pacific and the United States of America. This is a substantial cluster with clear goals that has already demonstrated a significant capacity to achieve a collaborative objective. Member companies have expertise in steel, copper, bronze, aluminium, polyurethane and plastic manufacturing, and surface finishing in chrome, graphite and ceramic.

New South Wales Government support for this important work has so far included funding to help the cluster break successfully into new markets. One specific example of support was the funding to help the i3net show its members' wares at an important trade show in Thailand in May this year. The i3net members joined forces to demonstrate their combined engineering and manufacturing expertise to a new key international market. Members of i3net showcased their individual companies, the engineering and manufacturing sector and the Illawarra as a whole while exhibiting at the Intermach Trade Show. The Thai trade trip was also supported by the Illawarra Regional Development Board.

Another great example of a successful network that has thrived with State Government support is the Three Sisters Echo Point Tourism Cluster in the Blue Mountains. Formed in 2002, it now has 15 members who employ 210 people and have a total turnover of \$47 million. Members include retail outlets at the Three Sisters site, travel providers, accommodation companies and ecotourism companies. As has been noted in this debate, customers can make a significant contribution to jobs growth not only in the city but in rural areas. I repeat my call to honourable members to encourage local clusters to develop. [*Time expired.*]

**Discussion concluded.**

**Pursuant to sessional orders business interrupted.**

## **PRIVATE MEMBERS' STATEMENTS**

### **DEATH OF MR JOHNNY WARREN**

**Mr KEVIN GREENE** (Georges River) [5.15 p.m.]: Yesterday my wife, Frances, and I had the great privilege of being guests at the State funeral of Johnny Warren. I was asked to attend by his partner, Sibere, his brother, Geoff, and the family. It was certainly a great honour to be part of that significant ceremony and to remember one of Australia's greatest ever footballers. Johnny Warren made an enormous contribution to football in the St George district and in Australia as a whole not only as a player but as a coach, commentator and, most importantly, an ambassador for the game. Last October Hurstville City Council asked me to invite Johnny to visit its new indoor centre. When I issued the invitation to Johnny on behalf of the council I asked him whether he would give the council the honour of naming the centre after him. Johnny was somewhat taken aback by the request but agreed most readily, with a tear in his eye. He recognised that it was in recognition of his contribution to soccer in the St George district and in Australia as a whole.

Johnny Warren is well known for his footballing career. He represented Australia in three Fédération Internationale de Football Association World Cup campaigns and participated in the 1974 campaign—the only time that Australia made the world cup finals. Johnny played 52 matches for Australia, 44 of which were full internationals. He captained Australia on many occasions—including during the 1966 and 1970 campaigns—and was vice-captain in 1974. Johnny Warren also represented the St George Budapest Soccer Club. He first played for the club in 1963 and continued to play for it until 1974. In fact, his last game for St George was in the grand final that year. He scored a goal during the game and then, as coach, took himself off. That is how he retired, and it was a fitting way for a great Australian player to finish his footballing career. Johnny also coached St George the following season, when it again won the championship. He was a player in three championship successes and a coach in two. Johnny was made a Member of the Order of the British Empire in 1973 and awarded a Medal of the Order of Australia in 2003. In 1988 he was inducted into the Australian Sports Hall of Fame and in 1990 the National Soccer League decided to award the Johnny Warren Medal to the player of the year.

I saw Johnny in 2000 while chairing a committee that was organising a celebration of great St George sporting representatives. But I had first met him in 1967, when I was a player for Peakhurst United and Johnny attended the award presentation as St George captain. At the end of the 2000 function—which was attended by a host of famous St George players who had been members of the teams of the 1960s and 1970s; I think seven of them represented Australia in the 1974 World Cup campaign—I reminded Johnny of our first meeting. That caused much delight among his compatriots, one of whom, George Harris—another very famous St George sportsman—gave a eulogy at yesterday's funeral. It was great to see so many of Johnny's footballing contemporaries at the funeral. Many of them were pallbearers, including Doug Utjesenovic, whom I spoke to yesterday.

I had the privilege of knowing Johnny and speaking with him a number of times in recent months as he fought the cancer that had taken over his body. But that fight did not stop his great passion for football in Australia, for the St George district where he started his senior soccer career, and for world football. Along with everyone who attended yesterday, the many thousands who were outside St Andrews Cathedral and the hundred of thousands who watched the funeral on television, we share our greatest sympathies with his partner, Sibere, his 93-year-old mother, Marjorie, and his brothers, Geoff and Ross—a lovely family and great people—for Johnny Warren, a great man.

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.20 p.m.]: I thank the honourable member for Georges River for his contribution. I am sure his thoughts and enthusiasm for the legacy left by Johnny Warren are shared by many honourable members of this House. Johnny Warren was well known long before I became Minister for sport, but in the first couple of months after my appointment I had the great pleasure of meeting Johnny Warren to talk about the Johnny Warren Soccer Academy and the foundation that will sustain it.

In 2002 John received an Order of Australia medal and also released his best selling book, *Sheilas, Wogs & Poofers*, which details his experiences in the game in Australia. The book does not have the most politically correct title but part of it resonates with me. I shared the story with John that, as a very little girl, probably aged five or six, it was not common for a Sydneysider to go to Lambert Park and watch Apia play soccer. In those days it was a sport that was restricted, although not entirely, to those of us with immigrant backgrounds. In 2004, Johnny was honoured for his services to soccer by the Fédération Internationale de Football Association [FIFA] President, Joseph Blatter.

Just last month the Premier and I had the honour and pleasure of listening to Johnny Warren speak with his customary passion about his sport, football, as he insisted on calling it. We launched the Johnny Warren Soccer Academy, an idea that was put forward to the Government in 2003 as part of the report by the New South Wales Soccer Task Force which Johnny chaired. The tentacles of that academy will reach regional New South Wales to make sure that the great legacy of Johnny Warren will carry his memory into the future. No greater accolade has been paid to any sportsperson than Johnny Warren's funeral. His funeral, sad as it was, was the first State funeral for a sportsperson in New South Wales.

#### **BORONIA PARK PUBLIC SCHOOL SEVENTY-FIFTH ANNIVERSARY**

**Mr ANTHONY ROBERTS** (Lane Cove) [5.22 p.m.]: It is with great pleasure that I bring to the attention of the House the diamond jubilee celebrations of Boronia Park Public School which has to be one of the jewels in the crown of public education in New South Wales. On 13 May, Boronia Park Public School celebrated its seventy-fifth birthday celebrations, when foundation students, former students, parents and teachers joined distinguished guests for an open-air assembly in front of the 1928 building, and to enjoy a morning of celebration and reverie. The proceedings also featured the school band and school choirs.

Official guests included the honourable Justice Jeff Shaw, a former student of the school, me, Councillor Sue Hoopmann, Mayor of Hunters Hill, Councillor Gabrielle O'Donnell, Deputy Mayor of Ryde City Council and Carol Mills, Regional Director Northern Sydney, Department of Education and Training. The celebrations included 75 birthday candles held by 75 kindergarten students and the cutting of the birthday cake by the family members of a foundation student, Phyllis Pike, who represented the four generations of students who have attended Boronia Park Public School.

Following that we attended the launch of a book entitled *Living, Learning, Community—seventy five years of Boronia Park Public School 1929-2004*, by Meg Smith, Diana Waring, Elizabeth Wall, Stephen Timbrell and Paul Shields. I table that book. The school parents and citizens association funded this special

project of the history committee, which comprised the five authors, as it was considered an ideal time to capture the memories of the school's foundation students and to redress the under-representation of Boronia Park in existing local history publications. The book is based on 70 interviews with former and current students and community members, in addition to extensive archival research. Eleven foundation students contributed to the project while the changing focus of education and the local area's landscape is expressed through 159 photographs and images.

His Honour Mr Justice Jeff Shaw officially launched the book, and a reply on behalf of the history of the school committee was offered by one of the authors, Meg Smith. Also featured on that day was a school history display and, during the celebrations, a foundation garden. We enjoyed the open day and many donations were made to the library. A seventy-fifth anniversary dinner dance was held, and a public education day was held in May 2004.

For posterity I place in *Hansard* that the current enrolment of Boronia Park Public School is 388 students. The school's staff are: Principal, Miss Marilyn Torr; Assistant Principal, Ms Fiona Johnson; Assistant Principal, Relieving, Miss Annie Edwards; and Assistant Principal, Relieving, Miss Kathy Hristofski; teachers, kindergarten, Mrs Hayley Adamson, Ms Yvonne Lee, Mrs Valerie Rutherford; year 1, Miss Niki Karmalis and Mrs Linda Chape; year 2, Mrs Lesley Carbert and Mrs Sharon Parr; year 3, Mrs Kylie Milostic and Mrs Nerida Palombi; year 4, Miss Kathy Hristofski and Mrs Pamela Paull; year 5, Miss Chrissie Cassimaty and Miss Annie Edwards; and year 6, Ms Fiona Johnson; Librarian Mrs. Barbara Kensell; release-from-face-to-face teacher Mrs. Lisa Simon, and Health and Personal Development; Mrs Rose Belcastro, Italian; support teacher, learning assistant Miss Melinda Grimley; teachers' aides Mrs Karen Righton, Mrs Julie Wildman and Mrs Robyn Conliffe; school administrative support Mrs Caron Taylor, Mrs Amanda Frost, Mrs Doreen Whittaker, Library; general assistants Mrs Elizabeth O'Toole and Mr Ken Scorer; canteen Mrs Tanya Ikonou; care centre Ms Janet Carpenter; contract cleaners Mrs Orene Robbins and Mrs Esterina Turra.

Members of the various seventy-fifth birthday celebrations committees include: Bruce Davidson, Annie Edwards, Fiona Johnson, Annie Knox, Anna Lloyd, Meg Smith, Marilyn Torr, Diana Waring, Julie Wildman and Sloane van der Vegt. The school's parents and citizens association executive members were: President Helen Banu-Lawrence, Vice President Sloane van der Vegt, Secretary Carol Field and Treasurer, Sue Turner. School council members were: President, Martin Board; Vice President Sloane van der Vegt; Principal Marilyn Torr, staff representatives, Barbara Kensell, Yvonne Lee and Annie Edwards; and parent representatives Carol Eklund and Kim Bertino.

I pay tribute to this year's organising committee of the seventy-fifth birthday celebrations that put together a magnificent jubilee celebration. Boronia Park Public School must be one of the jewels in the crown of public education in New South Wales. I pay tribute particularly to the principal and teachers of that superb school and to its wonderful history. Like those at many of our schools, the staff members would not be able to do their job without the assistance of the parents and citizens association, which works hard and tirelessly to ensure that everything within the school runs correctly. The association has had numerous fundraisers and the academic record of Boronia Park Public School is one that any school in the world would be proud of. I have had great pleasure in bringing to the attention of the House the diamond jubilee celebrations of Boronia Park Public School, and I wish that school and the New South Wales public education system the very best for the next 75 years.

### TESTSAFE AUSTRALIA

**Mr ALLAN SHEARAN** (Londonderry) [5.27 p.m.]: I relate to the House details of my visit to TestSafe Australia. One of my great pleasures in being a member of Parliament is the opportunity to meet and visit the many diverse people and facilities in my electorate. I was invited to visit TestSafe Australia by the Director, Mr Peter Harley, and I was quite surprised to learn of the extent of the work conducted at the site by a highly qualified and experienced staff in a wide range of disciplines. TestSafe Australia is a testing and research organisation that provides a comprehensive range of testing, certifying, auditing and research services to industry. It offers manufacturers and suppliers an extensive variety of safety testing and certification services in electronic, mechanical and personal protective equipment fields.

Located on a 40-hectare site at Londonderry Road, Londonderry, TestSafe Australia employs 55 staff, has a budget of \$7 million and receives \$5 million in revenue. It is a New South Wales Government Safety Agency that is fully owned by WorkCover New South Wales. The enthusiasm, skill and passion of the staff suggests that through its income-generating commercial activities TestSafe will be financially self-sufficient in

the not too distant future. It is my understanding that TestSafe is one of only two such facilities in Australia, the other being in Queensland. TestSafe can test and certify equipment to Australian and international standards. The briefing material I was provided indicated that mutual arrangements are in place with an international network of testing centres in the United States, Great Britain, Japan, Germany, France, South Africa, Finland, China and Italy.

Of particular interest is the emphasis on improving public and workplace safety, especially in relation to hazardous industrial sites, underground mines and general industry. This involves the testing of equipment used in hazardous areas, the testing of personal protective equipment, assessment or investigation of mechanical and electrical safety, and testing and research into flammability or explosiveness of materials. Apart from the testing and certification of equipment, TestSafe provides services in other areas such as calibration services, accident investigations, training facilities, for example breathing apparatus training, liquid fuel pool fires and liquefied petroleum gas fires for hot fire training and fire training generally.

Additionally, the services of TestSafe are used in movies and television for controlled explosions and pyrotechnic displays. This is perhaps best illustrated by the special effects explosions that had a significant impact in what I am told is one of the most unforgettable scenes in the first *Matrix* film, which showed a helicopter crashing into the side of a skyscraper, exploding and shattering all the windows. I have no doubt that in 1999 this played a major part in the *Matrix* special effects team being awarded an Oscar for the film's visual effects.

Of particular interest were the services provided in respect to the testing and examination of wire ropes. If you consider the extensive use of wire ropes you can understand the significance of this service. For instance, wire ropes are used in the movement of lifts, cranes, hoists, winches, building maintenance units, skyways, cable belt conveyors, escalators, moving footways and mine conveyances. I understand that for the past two decades TestSafe has been the leader in research and development of rope testing equipment and routinely carries out both laboratory and field testing. While we might generally think of the necessity for accident and incident prevention in industrial areas, mainly in coalmines and buildings, other notable areas may not be as well recognised, for instance, Taronga Zoo, the former Australia's Wonderland, Warragamba and Oakey Creek dam sluice gates, Warragamba dam wall construction flying fox, ski fields, overland conveyors and nuclear reactor cranes.

On a lighter note, TestSafe was approached during the lead-up to the 2000 Sydney Olympics. Concern was raised as to how the Olympic flame was to be conveyed safely from Athens to Australia using airlines, especially when it is borne in mind that airlines for obvious reasons are not normally able to carry any equipment that has a naked flame. As part of the Olympic tradition, the flame is lit from the sun's rays at Olympia and is conveyed to wherever the Olympic host city may be without being extinguished.

The solution came in the form of a modified Australian miner's safety lamp. Honourable members will be aware that a miner's lamp not only provides light in the restricted confines of a mine but is also used in areas where there is the potential for gases such as methane to be present. TestSafe played a major role in testing and advising on the modified design. I am advised the final design might seem pretty basic but it actually took a considerable time to conceive. This was one of the success stories of the Sydney Olympics. A further adaptation was used in the 2004 version of the torch for the Athens Olympics. During the visit I witnessed elements of the New South Wales Fire Brigade who were utilising the TestSafe facilities for their training. This again demonstrates the diversity of operations conducted at the Londonderry site. In closing, I acknowledge the successes and the skill of Peter Harley and his unique staff, and I look forward to learning of many more future achievements.

#### **COFFS HARBOUR-CLARENCE POLICING**

**Mr STEVE CANSDELL** (Clarence) [5.32 p.m.]: It is with regret that I speak in this debate to detail vandalism and lawlessness in support of requests by the Coffs Harbour-Clarence Police Commander Ian Lovell for more policing in the Clarence. I have considerable evidence of the need for more policing. I would not suggest it is a crime wave. However, a letter from a South Grafton businessman mentions a dozen businesses that have been broken into in the past fortnight. It was the subject of a press article entitled "Thieves strike at the heart", which stated that in Grafton in the past few weeks El Gas premises were broken into, as were those of the South Grafton Emporium, the Grafton Travel Agency, and the Gordon Wood Nissan car yard.

Other articles were headed "Daring thieves smash open Grafton Nissan office safe" and "Vandals target city park". "Vandals strike again" related to an incident that occurred only two days later, when main street



awnings were slashed by drunken youths or vandals. The next day saw yet another headline, this time "Vandals strike again", which reported the breakage of four windows in the central business district. We too like good news, but all we seem to have is bad news about thieves and drunkenness, whether it be under-age drinking or out-of-control youths. Another article headed "Night of drama" reported on a man being bashed and a family being terrorised. Yet another, headed "Reckless acts beyond a joke", said:

South Grafton residents targeted by vandals during the past four days are glad the random acts of destruction did not lead to more serious consequences.

A young couple who had started up a business in South Grafton and put everything into it were the subject of another headline, "Cleaned out: But business partners vow to keep going". It does not rest there. One of the saddest indictments of our society is that elderly people in retirement villages are being terrorised. This was reported upon by the local newspaper in an article headed "Terrorised: Retirement village peace shattered". That report, in the *Daily Examiner* of 1 July, said:

Residents of Grafton's Clarence Retirement Village fear for their safety after being terrorised over the past 12 months by vandals.

Residents said they had become the target of water and paint-bombs, car break-ins, petrol syphoning and people banging on doors late at night.

They said security lights around the grounds had been smashed and rotten fruit and vegetables thrown into their yards and onto their roofs.

The *Daily Examiner* report headed "Smash & Grab" related to break-ins and damage to four businesses in Yamba on one weekend. Another article, "Street crime ties up Lower River policing", once again reported that the Lower River police were screaming for help. On many occasions there is single-officer policing, which is against police guidelines, but they are stuck with this manning and they do their best. "Council on track of vandals at the Broom" was a headline related to vandalism at Brooms Head. Another headline "On Rampage: Teenagers run riot through suburbs" reported on teenagers terrorising families. One of these reports a month would be considered bad for a small community, but most of these articles refer to offences that occurred in the past month. So it is not as if I am relating reports of crime ranging over five years. The same newspaper also carried the headline "Violated: Thieves hit fives businesses in Maclean CBD". In a further report, entitled "Thieves of night haunt Iluka shops", the paper said:

Six Iluka businesses were targeted in a spate of breaking and entering ...

The list of crime goes on and on. I have a number of letters from chambers of commerce about this lawlessness. I also have one from a family that had moved to Yamba to retire. After 12 months of putting up with abuse, threats and vandalism in their area, they left in tears. Another young family moved to the area after holidaying there. They believed the Clarence to be one of the most beautiful places in New South Wales. They are right. It is. But a few town idiots continually vandalised their property, and abused and harassed the family, and they have got to the point of thinking of returning to Cabramatta.

Recently a Grafton family were terrorised by a group of teenagers. This was reported in the *Daily Examiner* under the headline "Menaced". Craig Larsen, a man versed in the martial arts, a man who has travelled the world and been a bodyguard to the stars over 25 years, a man not to be messed with, was interviewed after his family were abused and attacked by a group of young people. Bottles were thrown at their house, and the youths bombarded the family with abuse and bad language. When Mr Larsen came out to challenge them, they ran off. But they returned in a group of 15, and once again abused and terrorised his family, to the point where he nearly broke. This matter made headlines in the paper, bringing responses from many people who had suffered similar incidents. They are sick and tired of the vandalism and lawlessness. Something must be done. I hope the Government will heed the requests of Inspector Ian Lovell and allocate more police to the Coffs Harbour-Clarence command to help ease this tide of unruly behaviour.

### REDFERN OVAL

**Ms KRISTINA KENEALLY** (Heffron) [5.38 p.m.]: Tonight I wish to speak about the future of Redfern Oval, and particularly the opportunities that a redeveloped Redfern oval would provide for sporting organisations, community groups and local schools to have a top-notch venue in the South Sydney area. Our local area needs opportunities for young people to participate in organised sports, like Little Athletics and junior rugby league, in their own community. Currently, there is no appropriate enclosed facility for this purpose. In addition, a redeveloped Redfern oval, with appropriate facilities, provides opportunities for education and

traineeships, and employment for local people. It provides a home for the South Sydney Rabbitohs. I will return to that shortly. I have spoken to many people in South Sydney who support a redevelopment of Redfern oval, including parents at Alexandria Park community school, local Aboriginal folk, and of course Rabbitohs supporters.

City of Sydney Council poses a danger and a threat to Redfern Oval. If the council has its way Redfern Oval will be torn down, and that would rip the heart out of South Sydney. In June Mayor Clover Moore's team on the City of Sydney Council was prepared to use its numbers to move a motion to knock over the oval. It was only through the quick thinking of other councillors that a motion to reconsider three options put forward by a task force set up under the former South Sydney City Council was successful. Option one is to remove the oval, extending Redfern Park to cater for both passive and active recreational activities. Option two is to develop Redfern Oval as a home for the South Sydney Rabbitohs to train and play a select number of home games each season. Option three is to redevelop Redfern Oval as the home of the South Sydney Rabbitohs so that it will accommodate all training and home games. These last two options would maintain the Rabbitohs presence in Redfern and provide amenities and facilities for local schools and sporting clubs.

Option one, which the council indicated was its preferred option, will provide passive recreation space. But that is not what the South Sydney area needs. Honourable members would be aware that a number of social and economic problems beset the Redfern-Waterloo area. The Redfern-Waterloo Partnership Project and the new Redfern-Waterloo Authority, which the Government announced last week, are dealing with those problems. Redfern Oval provides the council with a fabulous opportunity to redevelop a true community facility in the heart of our local area and provide young people and community groups with a top-notch sporting facility. Imagine trainees from Alexandria Park Community School using facilities at the oval for sporting and recreational apprenticeships, senior citizens groups from Matavai and Tarunga, public housing buildings in Waterloo, using the sporting facilities at Redfern Oval for health and fitness programs, and the South Sydney Rabbitohs maintaining their home presence at Redfern Oval.

We should not disregard the importance of Redfern Oval to South Sydney. It is the spiritual home of the Rabbitohs. Fans have always regarded it as a place associated with our glorious history. It has been the site of some of our greatest on-field battles. It is a key part of our heritage, the identity of our club and the identity of South Sydney. My son plays junior rugby league under the South Juniors program. The kids playing their grand final matches in the South Juniors league were from Zetland, Waterloo, Beaconsfield, Botany and Eastlakes and they all knew they were on the same field that the Rabbitohs played on. They knew they were part of the glory of that team and that club. The tradition must continue. It would be a shame if the City of Sydney Council allowed this fabulous facility to be torn down.

### **THE HILLS DISTRICT PUBLIC TRANSPORT**

**Mr WAYNE MERTON** (Baulkham Hills) [5.42 p.m.]: On many occasions I have referred to the concerns of people in my electorate about the lack of a reliable public transport system for residents of The Hills district. I bring to the attention of the House a serious transport matter that has caused extreme concern to residents of the North Rocks and Carlingford areas. On Friday 8 October the Harris Park Transport Company Pty Ltd ceased operating its Citybus direct service on routes 621 and 622 to the city. As a result, many people from the area who work in the city are now without direct public transport service to the city. Some commuters are faced with trying to get on a bus to travel to Parramatta station to catch a train to the city. They face a similar struggle when they try to get home. Family members are driving commuters to the M2 to catch the Westbus City Express because no bus is available to take them to the M2 to make the necessary connection to travel on the service.

Following hard on the heels of the decision to cancel the Citybus direct service, on 5 November the Harris Park Transport Company announced it had decided to discontinue regular passenger services in their contract area from 21 December because the bus fleet registration expires on that date. The Harris Park Transport Company Pty Ltd has been run by the same family for generations. I am sure the decision taken by Nadine Thorburn, the managing director of the company, was not an easy one. The company has served the community well for many years. Let us be clear: the Government is responsible for ensuring that public transport services are maintained. I call upon the Minister for Transport Services to announce what action will be taken to ensure that residents of the North Rocks and Carlingford areas are provided with the certainty that their bus services will continue following the cessation of services by the Harris Park Transport Company Pty Ltd on 21 December.

I refer the Minister to my representations to him dated 12 August about another matter concerning buses. Many residents have raised with me their concerns that Westbus intended to replace the 606 service from Parramatta to Castle Hill with the 602 Parramatta to Norwest service, with an occasional service to Castle Hill. I have been informed that route 606 has been in operation for 20 years and that it is well patronised during peak hour and throughout the day. Baulkham Hills residents were concerned that they would not have a regular service to Castle Hill, which will disadvantage not only people employed in Castle Hill but also the elderly who commute regularly for leisure and shopping activities. An acknowledgement of my representations dated 12 August was received on 19 August in these terms:

The matters raised are currently being examined and the reply will be forwarded to you as soon as possible.

Despite many follow-ups to the Minister's office it is now three months since my original representations and I have not received an answer from him about this important matter of concern to many of my constituents. The people in my electorate of Baulkham Hills pay the same taxes as those who live in areas where government public transport services are available, or where transport services other than buses are available. The people of the Baulkham Hills electorate are entitled to receive a safe, reliable and affordable public transport service. I call upon the Minister to confirm that these necessary bus services will continue to be provided. For too long the people of north-west Sydney, particularly the Baulkham Hills electorate, have had difficulty with public transport.

All the Government can offer is buses, buses and more buses. It is time the Government examined seriously the problems that exists in north-west Sydney, which is one of the fastest-growing areas in Australia. The north-west sector was signed off by the Premier when he was a planning Minister in a former Government administration. But there is certainly no sign that The Hills area will ever have a rail service. It is only the very young, perhaps those of a few tender weeks, who will see a rail service in The Hills. It is appalling. It is time the hard-working people and families in the north-west had a decent public transport service. After four generations of faithful service one bus company has ceased trading. Another bus company has cancelled a bus route. I ask the Minister to consider these serious matters that affect the people of The Hills.

#### **NORTH COAST TOURISM AWARDS**

**Mr JOHN BARTLETT** (Port Stephens) [5.47 p.m.]: On Thursday evening 11 November, with the Minister for Tourism and about 800 other guests, I attended the New South Wales 2004 Tourism Awards. It was a delightful evening

**Ms Sandra Nori:** I didn't know you were there.

**Mr JOHN BARTLETT:** I waved. Some six weeks earlier I attended the North Coast Tourism Awards with a large delegation of Port Stephens tourism operators. We entered nearly every category and were successful in winning nine of the 23 awards. The Tilligerry Habitat won the Ecotourism Award, Moonshadow won the Major Tour and Transport Award, Newcastle airport won the Significant Tour and Transport Award, Sand Safaris won the Adventure Award, Bali at the Bay won the Unique Accommodation Award, Port Stephens Winery won the Wineries Award and the joint winners of the Standard Accommodation Award were O'Carrolllys and Wanderers.

The remaining two winners were Port Stephens Tourism, for destination promotion, and Pip Diemar. Bob Westbury accepted the promotion award as head of both North Coast and Port Stephens tourism bodies on behalf of approximately 300 members of Port Stephens Tourism. Port Stephens Tourism must be one of the best tourism associations in this State. I regularly attend its meetings and it is nothing to have 70 or 80 tourism operators turning up to listen to advice from operators in Port Stephens and to what is happening in the tourism industry. Many years ago Pip Diemar was a young student of mine at the Nelson Bay High School. Pip was the designated North Coast Tourism award winner and the Young Achiever of the Year on the North Coast.

Last Thursday evening a large delegation attended the Westin Hotel for the New South Wales 2004 Tourism Awards. I am pleased to report that the Hunter won approximately eight awards overall, and that out of the Port Stephens contingent Tony Burrell was awarded a distinction for Sand Safaris Adventure Tours in the Adventure Tourism category, Peter and Jackie Dann and their partners won the Standard Accommodation category for Wanderers Resort, which is located near the popular One Mile Beach in Port Stephens not far from O'Carrolllys, and Moonshadow Cruises won the major tourism and transport operator category. Pip Diemar accepted the award on behalf of Moonshadow Cruises.

The importance of tourism in Port Stephens needs to be readily acknowledged by the community. People travel from all over the world to visit Port Stephens. There have been huge increases in the number of people who want to enjoy whale watching. Recently I became aware that in 1991 approximately 335,000 people went whale watching in Australia but currently the figure is closer to 1.6 million people. Whale watching has filled in the big gap that occurs in winter tourism in Port Stephens. On Sunday I took a walk up to Birubi Point Headland and saw approximately 12 buses from Sydney lined up along the road. Tourists walked across the sand dunes down to Stockton Beach to see what the area has to offer in ecotourism. Tourists are travelling to the area to experience the culture and see how the people of Port Stephens live. The people of Port Stephens do the tourism industry no harm at all by being friendly, smiling and talking to the tourists because the people are part of the attraction that tourists who are visiting the area want to see. Tourists are interested in the ecoculture and the lifestyle of the residents of Port Stephens. I congratulate all the award winners.

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.52 p.m.]: I thank the honourable member for Port Stephens for his continued interest in and support for the tourism industry, which is of great significance to the Hunter but, perhaps more particularly, it is of great importance to the Port Stephens economy. I should point out that although it may not have been obvious on the night of the State Awards for Tourism because announcements did not mention specifically that entrants were from the Hunter, the Hunter won 12 State awards. At the recent 2004 State Tourism Awards, the Hunter cleaned up.

I wish Hunter tourism operators well and all the best for when they contest the national categories, which will be decided at a function in Alice Springs in February. Hunter Valley Gardens in particular comes to mind as a tourism operation that took out a number of awards. I am sure that that is a great comfort to the Roche family because its investment is paying off. They have created a great asset, not just for themselves but for the Hunter as well. As the local parliamentary representative correctly pointed out, increasingly the Port Stephens area and the Hunter—a great combination of two different products that fit very nicely with each other—are attracting more and more international interest, which can only be a good thing. I thank the honourable member for Port Stephens for his interest and for attending the North Coast Tourism Awards ceremony. I am sure he found it as enjoyable as did the other 300 people who also attended.

#### **MANLY AND MONA VALE HOSPITALS**

**Mr JOHN BROGDEN** (Pittwater—Leader of the Opposition) [5.54 p.m.]: Tonight I address a matter of enormous concern to the people of the northern beaches and to the people of the Pittwater electorate in particular. On Monday 8 November, after months of refusing to meet the Save the Mona Vale Hospital Committee or the local community in the Pittwater electorate, the Minister for Health, Morris Iemma, made an unannounced, secret visit to the Mona Vale Hospital on Monday 8 November without consulting me as the local member, the Save the Mona Vale Hospital Committee, or any of the other parties who are interested in the future of the Mona Vale Hospital. I regard as the height of rudeness any Minister visiting a member's electorate without picking up the phone to let the local member know his or her intention. More particularly in this case, the Minister for Health is completely and fully aware that on many occasions I have asked him directly to meet with the Save the Mona Vale Hospital Committee, but he has refused to do so.

On Monday 8 November I received a phone call from staff of the Mona Vale Hospital to tell me that the Minister had visited the hospital without contacting any representatives of the local community and without indicating his intention to visit. I regard the Minister's conduct as arrogant and rude in the extreme. Worse than that, Professor Kerry Goulston commenced meetings with local clinicians and other medical professionals to discuss the rationalisation of services between the joint management of Manly and Mona Vale hospitals in yet another example of a process being commenced by the Government without consultation with the local community, local members, or the local community groups that support the hospitals. I was contacted by local doctors who were involved in the process and who expressed great alarm about the manner in which the meetings had taken place.

Leaving aside those matters for the moment, it is fair to indicate that the biggest single issue in the Pittwater community is saving the Mona Vale Hospital at its current site, implementing an upgrading of its physical facilities as well as the maintenance and upgrading of some of the services it provides to the Pittwater community. On 11 November, which, somewhat significantly, was Armistice Day, four parliamentary members whose electorates are in the northern beaches area undertook to sign an accord. The honourable member for Wakehurst, Brad Hazzard, the honourable member for Davidson, Andrew Humpherson, the Independent honourable member for Manly and I all agreed on an accord to ensure that the issue moved forward. However, it

is fair to say that there was one aspect that did not meet with common agreement, and that was the siting of the new hospital on the Warringah Council's site at Dee Why.

The honourable member for Manly believes that that is where the new hospital should be located, but the honourable member for Wakehurst, the honourable member for Davidson and I disagree strongly. Initially I chose to ignore the Minister's secret visit on Monday 8 November because I thought that we were moving forward in having announced the accord on Thursday 11 November, but we discovered on Friday 12 that Professor Goulston had undertaken public meetings in the presence of the Northern Sydney Area Health Services manager, Stephen Christley, with the staff of the Mona Vale Hospital and separately with the staff of the Manly hospital to deliver a verdict—without having any consultation with the community, with me, or with my fellow members of Parliament—that will result in the intensive care unit at the Mona Vale Hospital being closed and being merged into the intensive care unit at the Manly hospital. Moreover, the maternity services unit at the Manly hospital will be closed and will be merged into the Mona Vale Hospital's maternity unit.

There will be no maternity unit at the Manly hospital, but a matter of even greater concern is that there will be no intensive care services and no intensive care unit for the 60,000 people who are served by the Mona Vale Hospital. I regard that as an act of war on the Pittwater community by the State Government. I make it abundantly clear that should there be a death at the Mona Vale hospital, through misadventure or the lack of intensive care services, I will regard the blood of that person to be on the Government's hands. I make my anger purposefully clear to the Government. It has nowhere to turn. It must face the Pittwater community head on in relation to a matter that I regard as a declaration of war. If the Premier and the Minister for Health want war over issues relating to Mona Vale Hospital, they have got it. I will not stand by and allow the Government to close the intensive care unit. That is not an acceptable outcome for the people of Pittwater.

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.59 p.m.]: It is my understanding that the Minister for Health stated publicly that he would visit Mona Vale hospital.

**Mr John Brogden:** He didn't say when.

**Ms SANDRA NORI:** He said he would visit by himself. He did go there by himself, not accompanied by his staff or the media, because he wanted to see for himself.

**Mr John Brogden:** Why didn't he take the local member?

**Ms SANDRA NORI:** Presumably because he did not want to turn it into a charade.

#### DEATH OF YASSER ARAFAT

**Mr PAUL LYNCH** (Liverpool) [6.00 p.m.]: I express my loss and sorrow, and that of many of my constituents, at the recent death of Yasser Arafat. President Arafat has for many decades been a highly visible symbol of the struggle for the legitimate rights of the Palestinian people and for the respect of international law and compliance with United Nations resolutions. It is hard to underestimate his importance to Palestinians and to people of Arabic background, including those in my electorate. Of course, his critics in Israel and the United States of America never understood that. Every attack upon him by his critics simply raised his esteem among Palestinians. His stature was recognised by Nelson Mandela, who praised him in the preface of a biography as a leader who "transformed the Palestinians' status from that of refugees to that of a nation in the most complete sense of the term". His status was such that on his death three days mourning were proclaimed in Jordan and Egypt. Praise came from many countries and leaders including the President of China and the Prime Minister of Japan. The Government of our closest large neighbour, Indonesia—

**Mr John Brogden:** Point of order: As I understand the standing orders, they require that a member take an opportunity to address a matter relevant to his or her electorate. On this occasion, the honourable member for Liverpool is referring to the death of a foreign Head of State. I seek clarification, having been pulled up on these matters before.

**Mr PAUL LYNCH:** To the point of order: The Leader of the Opposition has demonstrated his complete ignorance of the standing orders and his utter contempt for this process. I have indicated clearly that this has been raised with me by my constituents. There are a number of rulings, including one from Speaker Rozzoli, that mean that my contribution is within the leave of the normal standing orders. The problem for the

Leader of the Opposition is that he is still reeling from the appalling, insensitive comments he made about thirty pieces of silver, which were deeply offensive to the Jewish community. He has interrupted a private members' statement in a desperate attempt to try to claw back support from the appalling mistake he made in those comments.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I will rule on the point of order. I agree—

**Mr John Brogden:** Further to the point of order: This member used his maiden speech to attack Liz Kernohan, and he had the gall to stand for a minute's silence.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! The Leader of the Opposition will resume his seat.

*[Interruption]*

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! The Leader of the Opposition will resume his seat. I do not uphold the point of order. A number of constituents of the honourable member for Liverpool have been affected by the recent death of the Palestinian leader. The honourable member for Liverpool may continue.

**Mr PAUL LYNCH:** Before I was interrupted by someone who, as I said, is desperately trying to regain ground in the Jewish community for his appalling comments, I said that President Arafat has played a particularly important role for a long time as a symbol of the struggle of the Palestinian people. President Arafat was 75 years of age when he died.

**Mr Ian Armstrong:** Point of order: The practice of honourable having five minutes in which to make a statement is now well entrenched within the standing orders of this House.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! The honourable member for Lachlan knows the rules of debate. I have already ruled that the honourable member for Liverpool may continue his private member's statement.

**Mr Ian Armstrong:** I have not even told you what my point of order is, but I am going to now, if I may. It is important.

**Mr PAUL LYNCH:** You are raising a vendetta against my constituents.

**Mr Ian Armstrong:** The standing orders are quite consistent: a private member's statement must relate to a matter arising from the electorate of the honourable member.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I have already ruled on a similar point of order. As I said earlier, a number of constituents of the honourable member for Liverpool have been affected by the death of the Palestinian leader. The honourable member for Liverpool has the call.

**Mr PAUL LYNCH:** I am astonished at the fundamentally racist and anti-Palestinian perspective demonstrated in this House by the Leader of the Opposition and the former Leader of the National Party. They stand condemned for their racism and their contempt for the people that I have the honour to represent in this House. As I said, President Arafat was 75 when he died. Prior to being in a French hospital he had effectively been under house arrest in Ramallah by Israeli military forces. President Arafat was born in 1929 in Cairo. At birth his name was Mohammed Abdel Raouf Al-Qoudwa Al-Husseini. He joined the Palestinian liberation struggle in 1948. That was the year of Al-Naqba. Two events are sometimes specifically pointed to as explaining Arafat's commitment to the struggle. One was the death on 7 April 1948 of Abd Al Kader Al-Husseini, a Palestinian military leader, who was a relative of Arafat and killed in the battle for Jerusalem. The second incident was two days later: the massacre of Deir Yassin. Over 250 Palestinians were killed by the Stern and Irgun gangs. After the Israeli victory in the six-day war in 1967 Arafat founded Fatah, which came to be at the heart of the Palestinian— *[Time expired.]*

### JUNEE HIGH SCHOOL YAKITY YAK INITIATIVE

**Mr IAN ARMSTRONG** (Lachlan) [6.05 p.m.]: This evening I speak about a happy occasion concerning the Junee High School—

**Mr Paul Lynch:** Point of order: I will wait until the member has resumed his seat. This evening the honourable member for Lachlan has demonstrated complete contempt for the procedures of this House. He has notoriously not been capable of taking a proper point of order during the time he has been a member of this House. He interfered during my speech, and he is going to discover that if he wants to be difficult, some of us are past masters at that.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! The honourable member for Liverpool knows better than that. There is no point of order. The honourable member for Lachlan may continue.

**Mr IAN ARMSTRONG:** On this occasion the Parliament of New South Wales can congratulate the Junee High School and its year 11 students—Emma Curry, Karina Strauchan, Eliza Patterson, Kylie Holmes, James Kanaley, Krystal Hayward and Chris Dale—on being the best Economics Unit out of 600 schools across Australia. That is a major win, a happy and joyous occasion, and nothing to do with racism. The bottom line is that Junee High School formed a company called Yakity Yak, an initiative adopted by seven year 11 students as an extra-curricular activity under the auspices of the Young Achievers Australia Program 2004.

After much deliberation, Yakity Yak eventually decided on a product that it wished to produce. Right from the word go, Yakity Yak agreed the product should focus on or support the Junee community. Yakity Yak decided to produce a set of five children's story books based on the tourist attractions in Junee in a bid, to quote from its managing director's report, "to provide consumers with a children's book that encompasses education, enjoyment and promoting our local region". Yakity Yak has funded the project through money received through selling shares in the Yakity Yak company. Shares were sold to two family members, teachers at the school, Junee business houses and the general Junee community. The managing director's report stated:

In order to gauge the level of interest in our books and whether it would prove to be a profitable and positive venture, the members of Yakity Yak developed a short questionnaire that resulted in the residents of Junee be interviewed regarding Yakity Yak's product, what it was people would like to gain from the product and what people were willing to pay for Yakity Yak's product.

The books follow the adventures of Frankie and Jess throughout the Organic Licorice Factory, Kaybunda and Crestwood Lavender Farms, the Roundhouse Museum and the Junee Junction Recreation Centre.

All members of Yakity Yak were a part of the production process. Yakity Yak wrote the stories, took the photographs, illustrated the characters, typed it all into the computer and superimposed the characters. It was initially thought that Junee High School would have the technology required to print the books, but unfortunately that was not to be. Yakity Yak was then required to receive quotes from publishing companies in both Junee and Wagga. These quotes ranging from \$2000 upwards were far beyond the financial capabilities of Yakity Yak. It was then decided to approach publishers for a sponsorship deal, Yakity Yak would pay for all consumables and labour at a lower cost to then return the company with sponsorship space on the back of the books.

The Riverina Document Centre in Griffith won the sponsorship contract although Yakity Yak still had to provide the labour to physically staple the books.

The books were successfully printed and stapled, now being available to the public at a sale price of \$7 each or \$25 for a set of 5.

Yakity Yak, despite many of the difficulties and obstacles faced have had a number of significant achievements to their name. Yakity Yak received the Best Marketing Award at the Canberra Trade Fair, which was extremely exciting.

The report is referring to year 11 students. It continues:

Yakity Yak held a book launch in early October, which was successfully advertised and attended. There were more than 50 people attending, and the Mayor of Junee... launched the books.. We had enormous media coverage with coverage on both Prime and Win television...

In response to Yakity Yak's book launch, Yakity Yak was approached by a member of community wishing to purchase the books after liquidation date and continue the production of Yakity Yak's books. The prospective buyer also stated that the book were so well written and in simple English that he thought by translating the stories into Japanese Yakity Yak could reach a huge market... In following up this suggestion, the buyer wanted to act as an agent, employing the current Directors of Yakity Yak to continue production.

The bottom line is that that company is still in business. The five children's books are selling extremely well and have returned \$7.21 to each \$2 shareholder, which is in excess of a 300 per cent profit. The sale value of the company exceeded the shareholder value, which was an added bonus. Yakity Yak would be one of the best performing companies in Australia, probably in the world, today. It had a 300 per cent profit in nine months, which is not a bad return on its money. [*Time expired.*]

## TAMWORTH AND DISTRICT CO-OPERATIVE HOUSING SOCIETY FUNDING

**Mr PETER DRAPER** (Tamworth) [6.10 p.m.]: Today I detail the frustrating situation unfolding in my electorate regarding the access of home buyers to affordable home loans backed by a New South Wales Government guarantee. Regrettably, the Tamworth and District Co-operative Housing Society is experiencing a crisis due to a shortage in the funding that is available to it through the Government Guaranteed Loan Scheme. While the society is patiently waiting for additional funding to be released by the New South Wales Department of Housing, potential local homebuyers are losing the opportunity to secure their preferred properties, which is resulting in high levels of stress and anxiety.

When the society was in need of extra funding earlier this year I asked the Minister for Housing, the Hon. Carl Scully, to intervene. The department responded with a \$2 million injection in funding, taking the society's overall lending power to \$6.8 million, which was terrific news. I acknowledge the department's role in making that possible and I thank the Minister for his assistance. However, the delight I had in passing on that good news was dampened when it became apparent that demand still far outweighed supply. Following the announcement of the \$2 million boost, staff members were inundated with calls from 120 hopeful homebuyers inquiring about the scheme. That resulted in 47 potential borrowers qualifying for \$1.3 million in loans under the scheme. However, the society is obviously unable to issue letters of offer to those clients without additional funding approval.

The fact remains that the society used the additional funding within 10 days of it being made available. Now a growing list of borrowers who meet the scheme's guidelines are waiting to purchase their chosen properties. The fact that people are profiting from this unfortunate scenario is making matters worse. Brokers acting on behalf of Sydney societies, which have available funds, are charging significant fees for their services. A broker in Tamworth recently quoted a couple \$3,800 to broker its loan on behalf of a Sydney housing society. That is against the spirit of the scheme and it is an unnecessary impost on those who can least afford it. I have, therefore, again asked the Minister to release more funding to the Tamworth society as soon as practicable.

The service offered by the Tamworth and District Co-operative Housing Society is vital. The society plays a unique role in helping people realise their dream of home ownership. The property boom, although slowing in some sectors, continues to render the great Australian dream a distant and seemingly unreachable goal for many low-income earners, even in rural areas where prices are not as inflated. In smaller towns in my electorate such as Kootingal, Werris Creek and Bendemeer, real estate prices are more affordable but require a larger deposit of 10 per cent to 20 per cent. That, coupled with the costs of lenders' mortgage insurance, continues to place low-income earners out of the market.

Tamworth is extremely fortunate to have a society operating and prospering in its midst. The Tamworth and District Co-operative Housing Society was established in the early 1950s to provide affordable finance to homebuyers in country New South Wales. It comprised a number of societies that borrowed money through normal commercial lenders. Those funds were distributed by way of individual loans to society members. As members repaid their loans the society in turn repaid the commercial lenders loan. That arrangement continued until 1994 when the then Government withdrew its guarantee for new lending. In 2002-03 the Government reintroduced the scheme, enabling the Co-operative Housing Society Association to borrow under the Government Guaranteed Loan Scheme. Some \$75 million was allocated between 10 societies in New South Wales under the direction of the Department of Housing.

At the height of lending in the last decade there was a housing co-operative in most large towns in New South Wales. Today the only country societies are based in Tamworth and Bathurst, with eight in Sydney and Newcastle. The bulk of the funds are held currently by larger societies that are based in Sydney and Newcastle, while Tamworth and the Macquarie society in Bathurst have a high demand but insufficient funds. If the Tamworth society were able to obtain an additional \$2 million to \$3 million, it would satisfy current potential borrowers and maintain the lending service until the new allocation in early 2005 between the Department of Housing and the proposed supplier of loan funds. It is hoped it will be granted sufficient funding in 2005 to eliminate the need to keep requesting additional funds.

In the short term, potential borrowers are losing the opportunity to purchase a home under the scheme and the reputation of the society, the lending scheme and the Government is being tarnished. The society provides a vital service to people in the Tamworth district and, importantly, it enables home ownership to continue in smaller country towns. I again urgently call on the Minister for Housing to act on the society's request for additional funding. Without the Minister's intervention qualified borrowers face a bleak Christmas, with their dreams of home ownership dashed while they wait for the co-operative to secure additional funding approval.



### **SURGICAL TRAINEE POSITIONS**

**Mr RICHARD TORBAY** (Northern Tablelands) [6.15 p.m.]: Last week I spoke in this House about the urgent need for a new level four intensive care unit [ICU] at Armidale hospital. The urgency related to the difficulty in attracting surgeons and other specialists to the hospital, which services the Northern Tablelands region. The level of an intensive care unit sets the standard for a hospital. The Northern Tablelands community is not prepared to accept a downgrade of its major hospital because its facilities are below par. This week it has come to light—as it came to light in question time today—that we not only have to push for an ICU unit; we also have to push for surgeons to staff it. The Minister for Health is locked in a battle with the Royal Australasian College of Surgeons because it is not training sufficient numbers of surgeons to meet our needs.

I support the campaign of the Minister for Health to break the training monopoly that that college has traditionally enjoyed. Cartels to maintain the elite status and corresponding income levels of the surgical profession at the expense of community need are unacceptable. This head-in-the-sand attitude to the health needs of people in this State, in particular those in regional New South Wales, cannot be sanctioned. Changes are required to rectify the situation. When the New England and Hunter area health services were merged the rationale was to cut administrative costs and reallocate funds to clinical services. I suggest that the present situation is an opportunity to do just that. The John Hunter Hospital, a training institution linked to the University of Newcastle, should be accredited to train and examine surgeons for the north and north-west regions of the State.

In addition, this training program should link with the Armidale and Tamworth hospitals through a medical school at the University of New England. Decentralisation of medical training has been discussed for a long time. However, despite all the rhetoric, the situation has remained the same. The training hospitals have all been established in large metropolitan cities. As a result, the needs of rural and regional communities have been sidelined. With the high standard of telecommunications that we enjoy today in this part of the State there is no good reason why the training of surgeons, other specialists and doctors cannot be decentralised. Training monopolies and cartels do not exist only within the Royal Australasian College of Surgeons; the whole concept of medical training is held to be too expensive and too exclusive to be offered outside metropolitan cities.

I believe that the current standoff over the training of surgeons in our State should be the start of some new thinking about the way we approach the delivery of health services. There is no reason why regionally based medical and specialist training could not also deliver doctors and surgeons for metropolitan hospitals. There is no reason why the expertise of the profession in Sydney could not be shared with regional training facilities through telecommunications and other links. Our society is ageing and we are hearing a lot about the impact that will have on services, particularly health services. If we are to meet that increasing demand in the regions as well as in Sydney there must be a greater investment in infrastructure and training. That investment should commence now.

This Government has increased its spending on health, which is to its credit. However, it has also created a huge and powerful bureaucracy that is not amenable to change. The bottom line is not how many reports are written at how many desks or stored away in how many bottom drawers; the bottom line is the level of health service delivery. Are health services being delivered equitably across the community?

As I have said many times, Sydney is not New South Wales. Many communities in New South Wales outside Sydney have suffered through endless changes and restructures of the health system but do not have a lot to show for them. Local autonomy has been lost. Turf wars and power struggles within bureaucracies have seen some hospitals downgraded at the expense of others. I have called for major upgrades of the Armidale, Glen Innes and Tenterfield hospitals to safeguard our region through the merger of the Hunter and New England area health services. We do not want to be sidelined. We also do not want to be left without surgeons and specialists. I call on the Minister for Health to include in his discussions the opportunity of extending the training of surgeons to John Hunter Hospital through the University of Newcastle, linking with Armidale, Tamworth and the University of New England, as a model for a new deal on regional health care.

**Private members' statements noted.**

*[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 6.20 p.m. The House resumed at 7.30 p.m.]*

**SMOKE-FREE ENVIRONMENT AMENDMENT BILL****Second Reading****Debate resumed from 27 October.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [7.30 p.m.]: Two members will lead for the Opposition on the Smoke-free Environment Amendment Bill, although I understand that the usual courtesies will be extended to only one of us. As the shadow Minister for Health, I will talk about the health aspects of the bill and the honourable member for Upper Hunter, the shadow Minister for Gaming and Racing, will talk about issues that affect his constituency. I accept up front and thank the Minister for Energy and Utilities, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer) for the briefing on the proposed amendments to the bill regarding starting dates and the vexed issue of the areas that will be covered by the legislation.

**Mr Frank Sartor:** During the transition period.

**Mr BARRY O'FARRELL:** Yes. As the second reading speech of the Minister for Health sets out, nobody can have any qualms about the goals of the legislation. Indeed, it is important to put on record the fact that, notwithstanding what various people say about the hotel and club industries in New South Wales, representatives of both industries indicated in briefings with the honourable member for Upper Hunter and myself that they clearly accepted the 2007 date imposed by the legislation. We must be clear and up front about the fact that neither Clubs New South Wales nor the Australian Hotels Association (New South Wales) attempted to do any sort of deal that would wheedle out of or put off the 2007 start date for a complete ban on smoking in pubs and clubs.

Nobody can have any doubts about the import of the legislation and its ultimate goal because of what might be termed the "evils" of passive smoking, which the Minister outlined in his second reading speech. As he made clear, numerous studies demonstrate the enormous harm done to people's health by environmental tobacco smoke—that is, exposure to other people's smoke, or what is usually called passive smoking. I worked as rail advisor to a former New South Wales Minister for Transport and, as such, was involved in devising the total ban on smoking under covered platforms across the CityRail network. Over the 15 or 16 years since that ban was introduced I have never understood why the occupational health and safety issues that drove the Greiner Government and CityRail to make that decision have not permeated other industries. I know from discussions with the many parties who have an interest in the legislation that there are various views about that. But the reality is that occupational health and safety claims and liability issues have not driven the elimination of smoking in other areas to the extent that was feared initially when the CityRail ban came in. The ban was quite radical at the time and many rail travellers still complain bitterly about it today.

At the outset of my contribution I acknowledge the role played by two important organisations, the Cancer Council and the Australian Medical Association (New South Wales), in lobbying for so very long for a solution in this area. I pay particular tribute to the President of the AMA in New South Wales, John Gullotta, for the vigour that he has brought to this task since his election. In October Dr Gollotta was instrumental in presenting to the Minister for Health (Cancer) letters from 400 New South Wales doctors calling for an end to smoking in pubs and clubs by the middle of next year and a petition, signed by more than 1,500 patients, supporting a prompt ban.

It is interesting to note that one of the factors that prompted the AMA to highlight its concerns about the impact of passive smoking was the experience of a great jazz violinist—someone whom many of us have heard play—George Washington. He is a non-smoker but, like many musicians, performs regularly in pubs and clubs where smoking is a feature. A week prior to presenting the material to the Minister for Health, George Washington used after one of his performances a kit from the United States of America designed to measure the levels of cotinine—a by-product of nicotine—in urine. It revealed that, after a couple of hours of performing, he registered two on a scale that went from zero to six and upon which a regular smoker would register three or more.

That is clear evidence—albeit through a ready-made, off-the-shelf kit—of the levels of nicotine and its by-products that people can absorb. The Minister referred to numerous scientific studies—34 since 1986—that demonstrate the adverse impact of passive smoking upon non-smokers and, indeed, on the spouse and children of smokers in some cases. I pay tribute to the Australian Medical Association, to Dr Andrew Penman of the

Cancer Council, to ASH Australia [Action on Smoking and Health] and to the other groups that have lobbied to get to this goal for a long time. The only nice thing I will say to the Minister for Health is that he can be proud that he has managed to bring this issue to a head in a reasonably short time. I know that it has not been easy and that there are still tensions on all sides. However, in just over 18 months he has achieved what his predecessor could not achieve in the previous four years. However, that is not much of a compliment given the legacy left by the former Minister for Health in the entire health portfolio.

Regrettably, I am not convinced that all the Minister's claims about the legislation—in particular, the transitional arrangements—are as solid or sound as he suggests. Indeed, the Minister for Health indicated in an immodest way in his second reading speech that the plan had been carefully crafted to achieve 90 per cent of the health benefits from 1 July 2005. I understand that the transitional arrangements will be introduced from July 2005. I acknowledge that because of the day on which 1 July falls there will be an amendment in that regard. Further restrictions will also take effect from July 2006. There will be a complete smoking ban from 2007. I am sceptical because, notwithstanding the amendments that will be moved by the Minister, it may still be possible for there to be artificial divisions of single rooms, representing either 50 per cent or 25 per cent of the venue. They will be deemed to be non-smoking, but there will be no partition, barrier or extraction system in place.

As any non-smoker knows, and as the AMA has consistently said, patrons are being lulled into a false sense of security if they think no-smoking areas offer them safety from the harmful effects of second-hand smoke. There can still be significant exposure to passive smoking. For example, people could be sharing space that is artificially divided to meet the requirements of these provisions. The shadow Minister for Gaming and Racing will address those matters in more detail during his contribution to the debate.

[Interruption]

I accept that there has to be a reasonable balance. I infer from the Minister's interjection that he is not necessarily of the view that 90 per cent of the health benefits will kick in from 1 July 2005. The AMA is keen to achieve a total smoking ban. However, I question the 90 per cent claim, given the transitional arrangements. I accept—and I am happy to be on the record as accepting—that given the employment and business consequences for those involved in the industry there have to be transitional arrangements. Once again, I highlight the enormous gap between the rhetoric and the reality of what occurs under the Carr Government.

**Mr Frank Sartor:** Under-promise; no gap.

**Mr BARRY O'FARRELL:** I always wondered what the secret of the Minister's success was! The shadow Minister for Gaming and Racing and I come from different perspectives in the debate, but we are concerned that the definition of "outdoor area" will be determined by regulations under this legislation. From time to time, governments leave out significant factors that can have an important bearing on the way in which legislation will operate. If those things are ultimately determined by regulations, they are disallowable by either House of Parliament. The instances of disallowance of regulations under any government are very few. I would have preferred the definition of "outdoor area" and what is required in that regard to be contained within the body of this legislation. It would then be clear from the moment we vote on this legislation. The AMA and others want some certainty about what that means. Equally, owners of hotels, clubs and bars are keen to have certainty. It is a major and, no doubt, deliberate tactical flaw on behalf of the Government for it to have this matter decided by regulation.

Under the announced smoking regulations in Queensland there can be no smoking in alfresco dining areas. Those who are involved in health aspects and those who operate such areas need certainty. I have sat through many a function with Robert Goldman and Peter Doyle of the Restaurant and Caterers Association. I have had my enjoyment of the odd meal diminished by the vigour with which they have lobbied for a sensible outcome. I acknowledge that under this bill by July 2007 there will be equality between pubs, clubs and restaurants in relation to smoking. In that spirit, I pay tribute to pubs and clubs for what has been a significant voluntary Share the Air agreement, which they have signed. Share the Air saw licensed premises agree to ban smoking at counter areas, to make one bar non-smoking in multiple bar venues and to make one gambling or activity room non-smoking in multiroom venues with more than one room for each activity.

The way in which the industry has embraced the Share the Area agreement on a voluntary basis—as it has embraced other initiatives, such as the responsible service of alcohol—demonstrates that it is responsible. It receives very little credit in that regard. Given that it has been central to the debate, I hope the Government is correct in relation to the impact these measures will have on employment and investment in these two sectors.

Notwithstanding my concerns about the health impact of smoking, this is a meritorious goal. The reality is that the Government is not, in any sense, offering to underwrite any negative impact that these provisions will have on those who own and/or operate clubs and hotels in the cities and towns of this State. Clearly, neither a club nor a hotel can operate unless it continues to be profitable. Clubs and hotels have argued consistently that these measures will strike at the heart of their profitability.

I accept that we now have sufficient examples from round the world of such bans being introduced, including in Ireland. I, for one, thought the Irish would never introduce a smoking ban, given the hotel culture in that country. I look forward to monitoring the experience in Ireland's hotels over this coming winter period and the precise impact that that legislation will have and also to get a sense of whether or not the Government of the Republic of Ireland seeks to enforce smoking bans within its hotels. I do not single out Ireland here, but at times there is a gap between governments that introduce legislation and regulations and those that introduce and enforce them. I hope the Government is right in its claims about the impact of this legislation upon those two sectors.

I will finish on two points. One is that, as the Government has reached the point of banning smoking indoors at licensed premises across this State from 1 July 2007, I hope we will not continue to see what appears to have started occurring; that is, local government entering the field to try to add its bells and whistles to this issue. It seems to me, as a member of this Parliament, that the Government having reached that point, with some difficulty between government, Parliament and industry, the intent and goals set for this legislation ought to be allowed to take effect without their being interfered with—

**Mr Frank Sartor:** Hear! Hear!

**Mr BARRY O'FARRELL:** I acknowledge the Minister's interjection—by either the City of Sydney or other tin-pot local councils around this town, including the Manly Council, now led by the former member for Manly in this place, Peter Macdonald. I have placed on the record of this place previously that that former member was very keen to ban smoking but was equally keen to decriminalise the use of marijuana within this community. I have never understood how Peter Macdonald rationalised the evils of ingesting cigarette smoke with his stated position in relation to the decriminalisation of marijuana. That is because, quite apart from the other health effects of marijuana in relation to schizophrenia, it clearly also has many of the evil impacts upon its users in relation to the ingestion of smoke.

I place on the record that having established, with great difficulty, a framework that clubs and hotels are prepared to sign up to, and that the restaurant industry has thankfully seen erected, that framework ought not be allowed to be undermined, pulled down or substantially renovated by the actions of local councillors across this town, whether they sit in this place as the Lord Mayor of Sydney or whether they sit across the shires, boroughs and hobbitsvilles of the rest of this city. I make that plea.

The final point on which I finish is one that all of us, as legislators, need to reflect upon. The act of smoking is not illegal. It is unhealthy, and it is unwise, but then so is overeating and excessive drinking. At the end of the day, people will make choices about the ways in which they live their lives. I say that in no sense to diminish my view about the meritorious goals established by this legislation from a health perspective and from a medical perspective. But the reality is that, as long as governments are prepared to allow tobacco to be legal, as long as governments are more than prepared to accept the taxes from the sale of tobacco products, whenever we come up with legislation like this—particularly at a Federal level, because the Federal Government is in charge of levying taxes upon tobacco since the High Court struck down this State's capacity to levy excise taxes—we will be charged with hypocrisy. That is a charge that we cannot escape.

The real debate that we ought to be having, given the enormous costs to the health system caused by tobacco smoking, is whether or not tobacco should remain a legal product in this country. I know that is a debate that will outrage many people, but all we have been doing for the past 20 years is treating the symptoms of a problem: on the one hand, we crack down on the right of smokers to exercise their free will to engage in the use of a lawful product, while at the same time slipping the hand out the back to take the proceeds of the tobacco revenues to be used for a variety of purposes. I make the point that there is no hypothecation in relation to all tobacco excise going into the health system—a concept of which the honourable member for Upper Hunter is a great advocate. I am very conscious of smokers' anger against politicians regarding this issue. I simply make the obvious point that, at the end of the day, we continue to treat the symptoms; we do not look at the underlying problem. Perhaps that does warrant us engaging in a debate in relation to tobacco. But I accept that those in the community who, like Peter Macdonald, have odd views on these issues will never be satisfied, and certainly will

never happily engage in a debate that might seek to equate the evils of many of these drugs of addiction, as tobacco clearly is.

**Ms ANGELA D'AMORE** (Drummoyne) [7.56 p.m.]: I support the Smoke-free Environment Amendment Bill 2004. There has been a great deal of debate in relation to smoke-free environments in the community. The New South Wales Government has played an active role in advancing these issues. The New South Wales Tobacco Action Plan 2001-04 set out the Government's commitment to the prevention and reduction of tobacco-related harm. The most significant public health initiative undertaken by this Government to reduce community exposure to tobacco smoke has been the Smoke-free Environment Act. The Smoke-free Environment Act was introduced to ban smoking in most enclosed public places in New South Wales, including the dining areas of licensed premises.

A joint working group was convened in July 2002. It comprised industry representatives from the Australian Hotels Association, the Liquor, Hospitality and Miscellaneous Employees Union, Star City, Clubs New South Wales, the Department of Health, the Department of Gaming and Racing, WorkCover and the Restaurant and Caterers Association. The role of the joint working party was to consider the practical implications of reducing or eliminating smoking in licensed premises where smoking was still allowed. In late 2002 the working group agreed that a phased approach to introducing non-smoking areas in licensed premises was the most appropriate way to proceed, allowing sufficient time for cultural change to occur amongst hotel and club owners, patrons and staff.

The terms of the Share the Air Industry Working Group agreement were as follows. From 1 July 2003 smoking is no longer allowed at bar and counter areas in licensed venues. In addition a non-smoking area had to be designated in at least one bar area. From 1 July 2004, where more than one bar room exists in a licensed premise, one bar room is to be made non-smoking. This legislation puts in place further protections for clubs and hotels, their workers and patrons. From 1 July 2005, 50 per cent of the total area of all rooms in a club, hotel and nightclub must be set aside as a smoking area. From 1 July 2006 this will be reduced to 25 per cent, and from 1 July 2007 potentially there will be a total ban of indoor smoking areas.

Momentum regarding a ban on smoking in all indoor public areas is increasing. A coalition of Australian hospitality and entertainment unions has joined forces with the Australian Council of Trade Unions and non-government organisations to advocate for smoke-free workplaces. Entitled "Smoke-free Australia", this coalition estimates that as many as 25 to 30 per cent of workers are still exposed to environmental tobacco smoke. There is increasing community support for smoke-free licensed venues. The Cancer Council New South Wales has just released figures indicating that 92.1 per cent of people surveyed supported some form of smoking restriction in licensed clubs, and 90 per cent supported some form of smoking restriction in hotels.

I would like to thank Megan Lawson, who works with the Cancer Council New South Wales, for her hard work and lobbying in this area, and for her representations to me. The Australian Institute of Health and Welfare research, published in May 2002, indicated that the proportion of the Australian population who smoke daily is 19.5 per cent. On a State-by-State comparison New South Wales has the lowest daily smoking rate in the country of 18.5 per cent. The national drug strategy household survey and Newspoll of May 2004 reveal that the proportion of New South Wales residents who support a smoking ban in licensed premises rose from 41 per cent in 1993 to 62 per cent for clubs and 58 per cent for pubs in 2004.

Industry comment in the media on smoking bans often suggests that they have a negative effect on revenue. However, a comprehensive review of almost 100 studies on the economic impact of smoke-free policies in restaurants and bars, released early this year, found that non-smoking policies do not hurt businesses. It is an important point because the last thing the Government wants to do is place additional burdens on our clubs and pubs. In the year since New York banned smoking in licensed premises, jobs in licensed premises rose by 10,600, business tax receipts rose by 8.7 per cent and more bars opened, with an extra 234 liquor licences issued. The New South Wales Health survey in 2003 showed that if smoking were banned in pubs and clubs 23 per cent of people would go to pubs and clubs more frequently, 11 per cent would go less frequently and 66 per cent would not change. Other States and nations have banned smoking in pubs and clubs already. Tasmania will ban smoking in pubs and clubs from January 2006 and Queensland will ban it from July 2006.

The Australian Capital Territory will have a complete ban on smoking in licensed premises by removing all exemptions under the current legislation by December 2006. The exemptions currently held by 80 licensed premises under ACT legislation will expire in December 2006. South Australia will ban smoking in pubs and clubs from October 2007. New Zealand banned smoking in December 2004. In several overseas

jurisdictions a proposed or total ban is in place already. In California total smoking bans in pubs and clubs have been in effect since 1998, in Canada since 2001 and in New York since the beginning of this year. Ireland banned smoking in all workplaces, including pubs and clubs, from March 2004. Sweden has had similar bans in force since June 2005. Many people forget that clubs and pubs are also employers and, therefore, they have obligations under the Occupational Health and Safety Act. Trade unions have an obligation to ensure that their members are protected by the enforcement of these obligations under the Occupational Health and Safety Act.

In accordance with the objects of the Occupational Health and Safety Act, section 3 provides for an obligation to secure and promote the health, safety and welfare of people at work, and to protect people at a place of work against risks to health or safety arising out of the activities of a person's work. Under section 8 of the Occupational Health and Safety Act employers must ensure the health, safety and welfare at work of all employees of the employer. Such duty extends without limitation to ensuring that any premises controlled by the employer where the employees work are safe and without risk to health, ensuring that systems of work and the working environment of the employees are safe and without risks to health, and ensuring that people other than the employees of the employer are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking while they are at the employer's place of work.

Section 26 of the Occupational Health and Safety Act specifies liabilities of directors and managers of corporations, and spells out clearly that individuals, such as managers, are liable for not protecting their workers in the workplace. In the case of an individual a manager could be fined up to \$82,500 or imprisonment for two years, or both. The State Government has an obligation to lead in this area of the law because it reduces liabilities on pubs and clubs as employers while safeguarding their health and the lives of thousands of hospitality workers. There have been 20 successful Australian prosecutions for diseases caused by workplace smoking. I will refer to only three of them. Marlene Sharp, a Port Kembla bar worker, was awarded \$468,000 after contracting cancer from the workplace. Alan O'Brien, a golf club worker who contracted emphysema from second-hand smoke at work, was awarded a payout of \$36,500. Sean Carroll, a bus driver of 35 years, was awarded a payout of \$65,000 after contracting lung cancer as result of being exposed to the tobacco smoke of passengers on his runs and co-workers in the tearoom.

Smoking is banned already in every other Australian workplace, including offices, government buildings, theatres, restaurants, schools and shopping centres, and public transport. The New South Wales Health Survey 2002 figures estimate that 21 per cent of the population over the age of 16 smoke. New South Wales has an annual tobacco death toll of more than 6,500 and lung cancer alone will claim more than 2,300 lives in New South Wales this year. Smoking is responsible for 54,000 hospital admissions every year and the health problems associated with smoking cost more than \$150 million to treat. The health effects of prolonged exposure to smoking increases the risks of lung cancer and heart disease, as well as the incidence of sore throats, nasal symptoms, asthma attacks and other chest illnesses. The legislation will go a long way to protecting hospitality workers, employers and patrons while introducing amendments that reflect community views. What was acceptable 20 or even 10 years ago is no longer the current community standard. I commend the bill to the House.

**Mr GEORGE SOURIS** (Upper Hunter) [8.05 p.m.]: I am pleased to have the opportunity to speak on the Smoke-free Environment Bill in conjunction with my colleague the shadow Minister for Health. The Government has presented amendments without the prior knowledge of the Opposition and without prior exposure. It will take the Opposition some time to consider these amendments. Consequently the considered reaction of the Opposition may not emerge until the bill reaches the other place. Therefore I cannot indicate whether the Opposition will support the amendments. I note that amendment No. 14 grants the Minister a discretion subject to also unseen regulations. It is a double blank cheque. The bill is blank cheque enough, but—

**Mr Frank Sartor:** Which section are you referring to?

**Mr GEORGE SOURIS:** Amendment No. 14. I do not know the section. I think it is 11B. My initial reaction would be that the amendment requires even greater trust until ultimately the regulations appear.

**Mr Frank Sartor:** Do you want me to approve fewer exemptions or more exemptions?

**Mr GEORGE SOURIS:** We just want to see the exemptions. I will tell the Minister in a moment. If he pays attention he will get the full impact of my contribution. The legislation comprises a number of incomplete parts and loose ends. It seems far too keen on the self-fulfilling wisdom of the rhetoric that has been accompanying it for some days. As my colleague has mentioned, the smoking legislation in Ireland has had a

deleterious impact, and with the forthcoming winter it may prove to be even more disastrous. New Zealand is approaching implementation of its smoking bans, and Victoria and Queensland have varying degrees of legislation concurrent with New South Wales. However, New South Wales is set apart from other countries and States because a significant area of licensed premises is set aside for gaming. It is gaming, not food or beverages, that enables hotels and clubs to provide low-cost meals, light entertainment, reasonably priced beverages, and support and sponsorship for a multitude of sporting, community and charitable organisations. The bill will be a serious impediment to hotels and clubs continuing those services. It will be expensive to comply with, it will result in significant lower patronage revenue, and it will be of great inconvenience to many patrons.

The observation has already been made that although smoking in Australia and in the rest of the world is legal—at least it was the last time I checked—smokers may rightly believe that there is an element of persecution in this legislation. I am concerned that the bill will drive smokers and drinkers out onto the streets and into dangerous situations created by narrow footpaths or busy roads and highways that may adjoin licensed premises. During peak trading nights, such as Friday and Saturday nights, I believe the situation could be very dangerous indeed.

The commencement date of this legislation literally was in the middle of New Year's Eve celebrations on 1 January 2005, and even those in dark slinky uniforms at the Sydney Opera House would have had compliance problems. The proposed change of the commencement date from 1 January 2005 to 3 January 2005 is welcomed, but implementation at that early stage allows only a very short period for clubs and hotels to adjust to the role they will play as a result of this legislation. Even though 2 July 2007 is the date of implementation for the schedule 1 [13] provisions, that represents a very short implementation time frame. I agree with representatives of clubs and hotels who have expressed concern over the unreasonableness of such a short period of implementation. They argued for a slightly longer period, up to 2009.

The shadow Minister has dealt with the inadequacy of the definitions in the bill and the Government's unwillingness to provide appropriate definitions for certain aspects of it. The Government proposes to move an amendment to schedule 1 [4], proposed section 11A (2) (d), to substitute an area for a room that will not be set aside as an exempt area. That amendment may have serious implications for small hotels, but I have had insufficient time to seriously consider the proposal and consult with industry representatives. It may or may not be a good amendment; I do not know.

**Mr Frank Sartor:** It is a good amendment.

**Mr GEORGE SOURIS:** I have not had sufficient time to consider its implications, but I hope the Minister intends to adopt a reasonable approach to this legislation. The most significant problem with this legislation is that it provides the current Premier and future premiers, as well as this Minister and future ministers, with carte blanche control of the industry through regulations and the readily adjustable nature of delegated legislation. The Government has had sufficient time to incorporate its intentions in legislative provisions rather than in regulations. It is quite unfair of the Government to say that the regulations will address many issues that the Government is not prepared to put forward as draft regulations. The Government has had since the 2003 State election to promulgate its intentions through a white paper on the bill and a draft of its accompanying regulations. It is not a good approach for legislators to adopt when legislation is passed despite the fact that they know that much of the important detail will be incorporated in regulations.

Generally speaking, the preparation of this legislation has been marked by a lack of consultation. Clubs New South Wales and the Australian Hotels Association became aware of the Minister's grand plan through well-intentioned second and third parties interstate. The President of the Australian Hotels Association was attending the national hotels association conference interstate, but the Government was not prepared to wait until he returned so that face-to-face consultation could take place. Clubs New South Wales was informed by its Victorian counterparts on the morning of the Minister's announcement. If the Minister is intent on legislating in such a dramatic fashion as represented by the bill, this is really not the way to go about it. He should have engaged in more widespread and more respectful consultation.

The argument has been advanced that gamblers and smokers will be replaced by environmentally sensitive non-smoking fine diners and that clubs and hotels will be better off financially, but that is really a daydream. Even if some increase occurs in dining patronage, that will not replace lost patronage associated with other parts of licensed premises, and that is undoubtedly the fact. The net result will be that there will be less viable licensed premises, lower employment, lower turnover and even lower revenue from gaming taxes. All

these consequences should be considered in the context of other policies that the Government outlined in the budget that will result in a rapid escalation in rates of taxation in seven successive steps, coinciding with the implementation of the Smoke-free Environment Amendment Bill.

In recent times the clubs and hotel industry has had to endure heavy pressure from a plethora of legislation. Scarcely a week has passed without some form of legislation affecting the industry being presented to the House or being discussed in a white paper. For example, tonight I will be speaking not only to this bill but also to a bill concerning TABCORP's central monitoring regime, which is highly applicable to the clubs and hotel industry. Other two particularly draconian pieces of legislation involve clubs and governance. The first bill was introduced in November 2003, received assent in April 2004 and recently commenced its operation. Another bill, which was produced suddenly in recent times, has been passed by the lower House and awaits debate in the upper House. For the time being, the Government appears to have withdrawn that bill, and no wonder: It was very draconian and involved retrospectivity, the denial of natural justice, shifting of goal posts for the inquiry concerning the Panthers Rugby League Club, overriding the Freedom of Information Act, negation of the protection against self-incrimination provisions of the Registered Clubs Act, and a number of other issues, including financial aspects associated with departmental investigations.

I am very pleased to say that the prospect of the Government losing the vote on that very serious legislation forced it to withdraw the legislation, at least in the short term, to avoid severe embarrassment. However, that bill is a good example of how far the Government has been prepared to go to apply pressure to the licensed clubs and hotels industry. The exemption extended to Star City's VIP room is supported by the Opposition and is in line with similar provisions applying to VIP rooms interstate and overseas.

Tourism is the issue in relation to VIP rooms, and I have no doubt that particular overseas patrons would have patronised other casinos interstate and overseas if New South Wales legislation proved to be out of step. However, the bill will certainly drive many smokers into the arms of liquor stores and supermarket chains. As a result of the bill, cigarette smoking will occur more frequently in non-licensed premises and areas such as parks and private homes. This legislation may not have any impact on the overall incidence of smoking, but time will tell. As if all the foregoing problems with this legislation were not enough, the worst aspect of it will be its effect on small clubs. [*Extension of time agreed to.*]

The worst problem will be the effect on small clubs. I have prepared some remarks, but I now have seen an amendment that affects those remarks. There is an altogether different issue for the small hotels, which are mostly in country and metropolitan suburban areas. That problem is the size of the hotel, irrespective of its geographical location. Because of their small size they would have found it virtually impossible to implement this legislation in the phases initially drafted. I will reserve the Opposition's view, having had a moment to glance at the proposed amendment. The hardest decision will be for licensees, hoteliers and clubs to decide what capital expenditure they need to outlay for improvements and alterations, given the four specific phases involved. That decision is causing a great deal of anxiety, not so much in respect of the dates, but in respect of the cost of the alterations needed for each specific phase.

The compounding impact of capital expenditure upon capital expenditure will place severe financial burdens on licensees and clubs as they struggle to comply with the legislation. As the shadow Minister for licensing and gaming issues, I am pleased to represent the views of the industry and point to a fairer and more reasonable approach to the governance and taxation of clubs and hotels. The Coalition intends to consult genuinely and to settle a memorandum of understanding with the industry as we approach the March 2007 State election, when the Government's dictatorial, arrogant approach will ultimately be brought to heel.

**Mr ANTHONY ROBERTS** (Lane Cove) [8.21 p.m.]: The purpose of the Smoke-free Environment Amendment Bill is to gradually phase out smoking in closed areas of hotels, clubs, casinos and nightclubs by 1 July 2007. Surprisingly, the gaming table area of the Star City Casino's international high roller room will be exempt, subject to an annual review of similar interstate exemptions. The bill also prohibits smoking from 1 January 2005, as per voluntary share-the-air bans, at service counters and in at least one gaming machine room in venues with more than one gaming machine room, and from 1 July 2005 on dance floors, in foyers, toilets and auditoria. The bill provides temporary exemptions during the phase-out period, which are: 1 July 2005 to 30 June 2006, one bar, gaming or recreation room or area comprising up to 50 per cent of the area of all such rooms; 1 July 2006 to 30 June 2007, one bar, gaming or recreation room or area comprising up to 25 per cent of the area of all such rooms.

Exempt smoking areas must be separated from non-smoking areas with a partition or a 1.5 metre buffer zone. The bill also allows for new regulations to deem when a covered outside area is enclosed. I understand the



reasons for that. The Australian Government's Department of Health and Ageing issued a document headed "The dangers of passive smoking" which stated:

Smokers don't only put themselves at risk of serious health problems—people around them can also be exposed to much potential danger. The smoke exhaled by someone else or emitted by the tip of a burning cigarette is called environmental tobacco smoke, and breathing it in is known as passive smoking.

Environmental tobacco smoke is a major source of indoor air pollution. It exposes non-smokers to most of the same toxic gases, chemicals and fine particles that smokers inhale directly with tobacco smoke. The particles in the unfiltered smoke that drifts from burning cigarette tips can be finer and more concentrated, meaning that they can be inhaled deeper into the lungs and stay longer in the body of the passive smoker than in the person who is smoking.

Obviously, the more time people spend in close company with smokers, the more they are exposed to environmental tobacco smoke and the worse the threat to their health. Naturally, this often means those most at risk are the people smokers care most about—their loved ones and friends. In 1998, 128 people died of passive smoking and another 1,968 were hospitalised. Frequent exposure to environmental tobacco smoke in enclosed public places and in some working environments—such as hotels and bars—can be hazardous too.

The bill, certainly at its base, is being brought in to protect people—and we are talking about the elimination and minimisation of exposure to environmental tobacco smoke—and it will have obvious positive impacts on the health of staff, non-smoking patrons and, possibly, smoking patrons. Nevertheless, I have a number of concerns about the bill. My first concern is the lack of consultation, particularly with the clubs movement and the Australian Hotels Association.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! The Minister will cease interjecting.

**Mr ANTHONY ROBERTS:** The industry is strongly opposed, citing significant revenue impacts, particularly on gaming, with consequences on employment and State tax revenues. That has been borne out by the bans in Victorian gaming rooms. Ireland has experience in this area. An article in the Australian Hotels Association magazine, *Our Hotel*, stated:

Four months into total smoking bans in the Republic of Ireland and the hotel industry is suffering. It's suffering badly. Here are the cold, hard facts ...

- 61 per cent of bars in Dublin are experiencing "unsustainable" losses. Many won't be able to keep going for much longer. The smaller pubs will close.
- Takings are down between 15-25 per cent in rural areas such as Limerick, Cork & Waterford. Imagine that in Australian pubs—losses greater than an acceptable profit margin!
- Accommodation hotels have lost 29 per cent in morning tea & coffee sales. Liquor sales at functions and weddings have dropped 14 per cent ...
- Jobs have already been lost. A massive 19 per cent of staff in city pubs have gone. The smaller bars, operated by "Mum & Dad" in rural areas—

As they are in New South Wales—

- have shed 8 per cent of staff. Dad has been forced to look elsewhere for work. Family businesses are being destroyed.
- Lunch-time trade has all but disappeared. Pubs are opening later because they day-time customers have stopped coming.
- Outdoor areas are proving useless ...
- Tourism is suffering. In County Kerry alone, bed nights are already down 16 per cent, and it's predicted to get worse.

The devastation in Ireland has occurred during the summer months, when the days are long and nightfall does not occur until 9.30pm. Come the onset of winter, there will be even greater losses.

Because of the lack of consultation with key industry groups this has become an important part of the bill. Those industry groups are already suffering from the iniquitous poker machine tax that has been imposed on them. Job losses will occur in areas that can ill-afford them. Everyone would agree that there must be a reduction in the level of smoking, and that workers must be protected. We are talking about removing ourselves from this centralised nanny state that the Government is trying to put us into and move towards self-regulation. The Government should give the clubs until 2009 to implement these provisions, and it is essential that we work in

with those great employers and contributors to the New South Wales economy. When people in New York City read that liquor sales are up, they should not believe that. The magazine *Our Hotel* cited the real facts as:

Liquor sales in bars are down on average 15-20 per cent and some by 40 per cent.

Industry associations predict that a third of New York bars will close within 2 years.

The statistics from New York on closing bars could be equated with those in the centre of Sydney. Sydney bars have the same sort of unique cosmopolitan atmosphere and attract the same sort of people as New York bars. I am talking about the livelihoods of taxpayers who, in 2007 or even earlier, will be out of a job. Why? Because the Government is not prepared to sit down with industry groups, Clubs New South Wales and the Australian Hotels Association, who are incredibly responsible organisations. They are capable of self-regulation. The Government is not allowing them to do that. It is taking a centralised pseudo-Marxist attitude of forcing itself on small businesses.

We should remember that pubs and clubs often provide superannuation. They are often family businesses, particularly in the bush. We cannot ignore the fact that some people will lose a large amount of money and others will lose their jobs if they are not allowed to do what they have always done, that is, act responsibly. About 99.9 per cent of pubs and clubs carry out their duties under our current liquor laws responsibly and openly. The Government will not give publicans in my electorate—fine upstanding citizens who are involved in their local communities—a chance to gear up their businesses to these sudden changes. The Government will not allow local businesses and small business people to gear up their businesses so that they can compete in a competitive industry.

**Mr Frank Sartor:** Do you really have to speak for 15 minutes?

**Mr ANTHONY ROBERTS:** The Minister just asked me whether I have to speak for a full 15 minutes. I will speak for as long as it takes to ensure that pubs and clubs and their employees get a fair deal in New South Wales. I am sure my colleagues will do the same. Outdoor areas in New York are being shut down early each night, well short of their licensed trading hours, due to noise complaints. The city has established a dial-311 phone line for people to report noise complaints. Basically, that is anti-business. Venues now have to hire additional security guards to stop patrons smoking indoors and to control those who are forced onto the streets.

I am not talking about a police State in South America; I am talking about New York. That is what the Government wants to introduce in New South Wales. The United Restaurant and Tavern Owners of New York estimate that it will take two years to kill off small businesses. By 2005-06 many small businesses in New York will disappear because of financial ruin and the same thing will happen in New South Wales. I quote from an article from the Australian Hotels Association, which states:

In Australia's hotels we can expect greater financial disaster and higher job losses. We have anticipated gaming revenue losses of at least 25 per cent to add to the equation.

Industry groups are asking for a gradual, step-by-step introduction of these bans. They need a sensible plan for the staged implementation of these bans over the next few years. Areas in pubs and clubs should be reserved for smokers. Hoteliers and clubs can then retain their patrons, be they smokers or non-smokers. They want consultation and they want a fair go. They want to be able to protect their workers. Clubs are doing terribly badly at the moment as a result of the poker machine tax. That tax is killing clubs throughout regional and metropolitan New South Wales. This legislation is the final nail in the coffin. As I stated earlier, pubs and clubs are essential in New South Wales. No-one opposes the Government's move to introduce non-smoking areas.

**Mr Frank Sartor:** It makes sense. Be sensible.

**Mr ANTHONY ROBERTS:** The Minister said that we must be sensible. We are talking to organisations and we are asking them, "How do we move forward together?" Rather than adopting a unilateral approach we should move forward together in partnership to ensure that we do not have job losses. New South Wales can ill afford to lose any more jobs. We are already losing jobs to Queensland and Victoria as a result of the shift in building investment and the payment of extensive payroll tax. All honourable members are aware of the taxes that have been rammed through this House. There are more taxes in New South Wales than there are locusts. New South Wales has a tax plague.

I am concerned about smaller family owned pubs and clubs, particularly those in rural areas. If we do not keep an eye on them they will be gone forever and multinational bottle barns will replace them. We will

have huge liquor stores and people will have to smoke at home. People will no longer be able to smoke in the small, designated smoking areas in pubs or clubs; they will be deprived of that forever. We do not oppose this legislation as it will contribute to the good health of the people of New South Wales. However, as the Minister said—and I hope that this argument wins him over—we must take a united approach. We must work hand in hand with two of the biggest employers in New South Wales, the hotel industry and the clubs industry.

We must move forward together on this issue. We must have a coalition of the willing, and we must have participation from all sectors. It has been proved that hotels and clubs are responsible organisations. They are happy to move forward. But because of the competitive nature of the club and pub industry they need time to adapt and adjust to these changes, otherwise there will be a further loss of jobs. I pay tribute to and thank club and pub owners and all those who work in our club and pub industry. They do a fantastic job of providing services to the community. The Opposition has not forgotten them. Opposition members will stand up for them, for their health and for their jobs. I thank them all. [*Time expired.*]

**Mr WAYNE MERTON** (Baulkham Hills) [8.36 p.m.]: The Opposition does not oppose the Smoke-free Environment Amendment Bill. However, I wish to make a number of observations that I believe are relevant and should be noted by the House. Effectively, this bill will phase out smoking in enclosed areas of hotels, clubs, casinos and nightclubs by 1 July 2007. The bill exempts some areas, about which I will speak later, but, in essence, it seeks to prohibit smoking from 1 January 2005 in accordance with the voluntary share-the-air bans that have been in existence for some time at service counters, and in at least one gaming machine room in venues with more than one gaming machine room.

From 1 July 2005 smoking will be banned in foyers, on dance floors, in toilets and in auditoriums. The bill provides for temporary exemptions during the phase-out period from 1 July 2005 until 30 June 2006. Those exemptions will apply to one bar, a gaming or recreation room, or an area comprising up to 50 per cent of the area of all such rooms. A further temporary exemption will apply from 1 July 2006 until 30 June 2007 to one bar, a gaming or recreation room, or an area comprising up to 25 per cent of the area of all such rooms. Exempt smoking areas must be separated from non-smoking areas by a petition or by a 1.5 metre buffer zone. New regulations will be imposed which will deem when a covered outside area is enclosed. That is purely a housekeeping arrangement. The bill will bring New South Wales into closer alignment with the new total or partial smoking bans in other States. The elimination or minimisation of exposure to environmental tobacco smoke will have obvious positive impacts on the health of staff, non-smoking patrons and, possibly, smoking patrons.

There is no doubt that over the years many people have suffered adversely as a result of inhaling cigarette smoke, either actively or passively. People who do not smoke should not be the victims of passive smoke, which damages their lungs. There is a compelling argument that non-smokers should not become the passive victims of another person's compulsive habit. The Opposition does not oppose the concept of protecting patrons and staff, who usually spend more time in pubs and clubs than patrons, but not always. Over the years the courts have awarded damages to victims of passive smoking who were employed to work in what the courts termed a dangerous workplace. We support the bill and certainly do not oppose the introduction of measures that give hotel industry staff and patrons some protection from harmful cigarette smoke.

However, we should make some additional observations. This legislation is difficult because the interests of those who support the introduction of smoke-free environments conflict with those of many who will be adversely affected by this ban. Unlike the honourable member for Lane Cove, I will not go into the details of this conflict at great length. But overseas experience has shown that the hotel industry can suffer as a result of a total ban on smoking. The honourable member for Lane Cove said that, following the introduction of the ban in the Republic of Ireland, about 61 per cent of bars in Dublin experienced unsustainable losses and many would be unable to keep trading much longer. Usually the small hotels were forced to close. Takings in rural areas decreased by between 15 per cent and 25 per cent and hotels with accommodation lost about 29 per cent of morning tea and coffee sales. The ban has caused job losses. A massive 19 per cent of staff in city pubs in Ireland have been dismissed.

Another aspect of the overseas experience is relevant to suburban and particularly rural and regional New South Wales. The smaller hotels in rural areas of Ireland that were operated by mums and dads have been forced to shed about 10 per cent of their staff. In many instances one proprietor has been forced to look for a second job to keep the business going and a number of family businesses have been destroyed. There is no doubt that pubs and clubs are major employers. Many hotels in rural New South Wales are run by mums and dads, who keep the family business going. There is a risk that this legislation will affect those businesses

adversely. The club industry will suffer a double whammy from the Government's harsh and unreasonable poker machine tax and now there is this restriction on smoking within club environs, which will cause further losses.

The local club or hotel is the social focus in many country towns. People go there to enjoy a meal and to socialise outside the home after a long day's work on the property. They could well find that small hotels and clubs are forced to close, which could present social problems. I suppose it is a question of balance. While the Opposition appreciates the reasons for this legislation, we believe—and I think many in the club and hotel industries share our concern—the January 2005 deadline is too soon. The lead time is too short and this will cause difficulties with cost, planning approvals and provisions.

**Mr Frank Sartor:** It's in the existing agreement.

**Mr WAYNE MERTON:** But it gets tighter each year. In July 2006 the noose will be tightened again as the restrictions increase. I understand the Minister's situation but small business people are struggling. They do not make enormous sums of money—in many cases the country hotel or club is not much more than a community service. Now Big Brother has come in, with minimum consultation. The Government has not gone overboard consulting on this issue. It has probably done a bit better than it did with the poker machine tax, on which there was absolutely no consultation.

**Mr Frank Sartor:** That's rubbish. Eight years of consultation!

**Mr WAYNE MERTON:** The Minister can say that but, first, he has not been in the job for eight years so that is clearly hearsay and, second, the industry does not share his view. The industry does not believe there has been eight years of consultation. Assuming the Minister is correct, the reality is that the bill will impose a deadline next year and the restrictions will become more stringent the following year. Consultation may have occurred over a period but the Minister and I do not know how detailed it was. I assure the Minister that the general feeling in the industry is that this legislation has been forced upon it and that the introduction dates are somewhat unreasonable.

The Opposition does not oppose the legislation but we believe people who have mortgaged their houses to buy a hotel or anyone else who has taken on extra financial obligations to start a business is entitled to a fair deal. The introduction date in the legislation has caused concern not only in the club industry but among Australian Hotels Association [AHA] representatives. The AHA is also concerned about liability issues in the period between the enactment of the legislation and the introduction of a full ban. The association objects strongly to the July 2006 measures and wants the 2005 exemptions to continue until 2007. That is not unreasonable. The Opposition understands that we have an obligation to the larger community. We appreciate that smoking causes considerable difficulties within the industry not only for employers but for non-smoking patrons who are the passive victims of cigarette smoke. We do not oppose the bill for that reason.

However, we believe—the Minister does not accept this point, just as he does not accept that the poker machine tax was introduced without any real consultation—positive consultation is lacking and the short lead time until the July 2005 restrictions is unreasonable to business operators. It is all very well for government, which has all the resources and infrastructure in the world, to make policy but small business operators and the chairmen or presidents of clubs in country towns are already battling. They are close to the edge and now they must toe the line again because Big Brother says so. We believe there should have been more consultation on this bill. We do not oppose the principle of the bill: we understand that cigarette smoke can cause health problems, which in many cases are extremely serious. We do not seek to thwart the Minister in his desire to protect the public but we must highlight the lack of consultation.

I do not know whether the Minister is prepared to help small businesses and give them some form of relief to mitigate their losses. It appears not. This legislation will be enacted and many hotels in New South Wales, particularly in country areas, will battle to stay in business. The Opposition believes that there should have been more consultation in this regard, but it does not oppose the principle. Cigarette smoking can cause considerable problems, which are serious in many cases. We do not seek to thwart the Minister's desire to protect the public. I do not know whether the Minister is prepared to give relief to mitigate the losses of the many hotels in New South Wales, particularly in the country, that will battle to stay in business as a result of this legislation.

The Opposition understands the motives for introducing legislation to protect the community, but we believe that the introduction date of this legislation is somewhat hasty. I commend the honourable member for

Blacktown for his sterling performance during question time today, without prepared notes. I cannot understand why he is not a Minister in the Carr Government. In the 15 years I have been in this Parliament, his was the only genuine question without notice I have seen. However, he is fundamentally misguided: he joined the Australian Labor Party. He has to live with that and pay the price. The Opposition does not oppose the bill, but we want the House to note our observations.

**Mr ROBERT OAKESHOTT** (Port Macquarie) [8.51 p.m.]: I welcome the Smoke-free Environment Amendment Bill. I also acknowledge the performance of the honourable member for Blacktown during question time today. He gave an excellent answer to a very good question from the honourable member for Ballina.

**Mr Wayne Merton:** Minister Gibson.

**Mr ROBERT OAKESHOTT:** He should be Minister Gibson. This is welcome legislation. I congratulate the Minister for Health for introducing it. I know that the negotiations have been difficult. We do not live in a State where there is a clean slate. Interest groups are at work in this State, whether they represent the smoking lobby or the hotel and club industries. As a former shadow Minister for Gaming and Racing, I recognise the tiptoeing exercise necessary to introduce such legislation. In the western world the three biggest killers are heart disease, lung cancer and skin cancer. They are all the result of lifestyle options. Two of those cancers are largely attributable to one activity: smoking. While I am a freedom-of-choice man, when it comes to smoking, consideration should extend foremost to those who choose not to smoke. I urge the hotel and club industries and the current smokers in New South Wales to recognise the broader population health benefits as a result of the introduction of this legislation.

While people in certain pubs and clubs may kick and scream over a beer because of this ban, I hope the broader population will recognise the health improvements that are the direct result of this legislation. I will be blatant and say that there will be direct health benefits. In my view, the introduction of this legislation will directly decrease the rates of lung cancer and heart disease, in particular. There will be a direct correlation as a result of this legislation. I support the principle of the legislation and the direction the Government is taking. In my view, the legislation should be extended to all facilities throughout New South Wales. I foreshadow that during the Committee stage I will move an amendment so that the casino private gaming area is no longer exempt from the legislation. I do not think it does Star City Casino or any future casinos post-2007 any favours by allowing them that exemption.

Honourable members have said that this is about the workers of New South Wales, that this is an occupational health and safety issue and that this is a court case waiting to happen. The Government has recognised a problem and it has undertaken a course to fix it. However, there is still a court case waiting to happen from a worker at Star City Casino. In my view, that person can not only take action against Star City Casino but can also take action against the Casino Control Authority, the agent of government and the regulator of casino activities in New South Wales, simply because an exemption has been left for a private gaming area. I do not accept that that exemption has to be in place because of tourism issues—that international visitors use the high-roller room—or because other State-run casinos have not yet done that.

I hope that New South Wales takes the lead and breaks the eyeballing activity between casino operators around Australia. I urge the Minister and the Government to consider my proposed amendment. I very much doubt that it will be passed, but I hope it flags my view and the views of many people throughout New South Wales that there should be consistency in policy and principles. If the Government wants to protect workers in pubs and clubs from the harm caused by smoking, it should also protect the workers in a casino, including in the high-rollers room. I ask for consistency in this legislation. I support the bill. I congratulate the Minister for Health on advancing public health issues in New South Wales.

**Ms CLOVER MOORE** (Bligh) [8.56 p.m.]: There are compelling reasons to support the Smoke-free Environment Amendment Bill, which will ban smoking in pubs and clubs from 2007. My electorate of Bligh has a large number of entertainment precincts—such as Fox Studios, Oxford Street, Taylor Square and Kings Cross—where workers and patrons of licensed venues are exposed to harmful levels of tobacco smoke: 4.4 times the amount of passive smoke levels that are found in domestic environments. Amending the Smoke-free Environment Act 2000 to include pubs and clubs not only protects the health rights of workers in the hospitality industry, it also protects the two million Australians with a smoke-affected disability. For example, one in 10 Australians suffer from asthma and more than a half a million Australians have heart disease, diabetes or respiratory conditions.

In 1997 the New South Wales Anti-Discrimination Board ruled that a smoky room is as much discrimination against a person with asthma as are steps to a person in a wheelchair. This bill is important in protecting public health. The 1999-2002 report of the New South Wales Chief Medical Officer concluded that "smoking-related illnesses account for 54,000 hospital admissions annually" resulting in "\$500,000 per day in hospital costs, excluding the cost of treatment". In 2004 the New South Wales Cancer Council found that exposure to passive smoking in licensed premises caused between 73 and 97 deaths per year among the State's 40,000 hospital workers. The National Drug Strategy estimates that in Australia each year exposure to second-hand smoke causes more than 220 deaths from lung cancer, heart disease and respiratory illness.

This bill will reduce those statistics dramatically and will allow expenditure to be redirected to other areas of health care and health promotion. This must be welcome by all members of the House. There is no credible evidence that there will be negative economic impacts as a result of this legislation. In fact, the VicHealth Centre for Tobacco control examined 100 studies, both international and domestic, which assessed the economic impacts of smoke-free policies in the hospitality industry. None of the studies concluded that smoke-free restaurant and bar laws had an adverse impact on revenues or jobs. Rather, some studies showed a positive impact on trade, finding that smoking bans attracted the patronage of non-smokers.

Smokers represent 21 per cent of the Australian population, a statistic that the Government aims to reduce each year. In 2002 a study by the University of California's Centre for Tobacco Control, Research and Education found that total smoking bans in workplaces not only protect non-smokers from passive smoking but also encourage smokers to quit or reduce cigarette consumption. Again, that is an aim that all honourable members of this House must support. The study concluded that smoke-free workplaces are associated with reductions in prevalence of smoking. The Government's initiative to ban smoking in hotels and clubs is an important action towards the reduction of smoking-related health problems in New South Wales. According to the Australian Institute of Health and Welfare, in 2004 the economic and health costs, including absenteeism and low productivity resulting from smoking and passive smoking, are estimated to total \$21 billion a year.

The ban also protects owners of licensed venues from the costs of potential legal action and insurance premium rises. According to the South Australian Smoke-free Taskforce in 2003, "ongoing exposure and mounting precedent will result in higher claims in the future". New South Wales, by this legislation, is also aligning itself with the actions of other States, including Tasmania, which aims to ban smoking in all bars and licensed premises from January 2006. Queensland proposes a ban from 1 July 2006, Victoria proposes a ban from 1 July 2007 and South Australia proposes a ban from 1 October 2007. That is a welcome movement by those other States.

The New South Wales legislation is also consistent with the 2003 recommendations of the National Occupational Health and Safety Commission to eliminate "exposure to environmental tobacco smoke in all Australian workplaces" and the National Tobacco Strategy 1999 to 2002-03 to make "indoor public venues smoke-free environments". New South Wales is also lining up with Australia's endorsement of the World Health Organisation's Framework Convention on Tobacco Control 2003, which states under article 8 that "Non-smokers must be protected in workplaces, public transport and indoor public places". As well, there is strong community support for this legislation. The Cancer Council of New South Wales has conducted studies and found that there is increasing public support. In 2001 a Cancer Council survey found that two-thirds of the public support a total smoking ban. A follow-up study in 2003 found that public support for total smoking bans had increased by 20 per cent. The evidence is clear: Smoky venues cause serious harm to workers and patrons; ventilation and separate smoking areas do not effectively protect people from such harm; and a clear majority of the community favour total bans.

In conclusion, I would like to say as Lord Mayor that, in response to this legislation, the city will develop strategies to respond to the practical implications of the ban. For example, we are going to have to deal with smokers congregating on footpaths outside venues, and we will need to minimise the impacts not only on passers-by who want to use our public ways, but also on residents. We will also need to address the issue of cigarette butts littering our streets. ASH [Action on Smoking and Health] Australia has found that almost 50 per cent of all urban litter is tobacco related, and as sponsors of the Clean Harbours Program, we certainly will want a reduction of cigarette butts going into stormwater and therefore into the harbour. But there will be other ways of doing that. The city will work together with relevant State government agencies and local councils to investigate the best means of responding to these issues. I conclude by commending the Government and the Minister for Health for introducing this long-overdue legislation. I think it will be very much supported by the majority of the people of this State and will lead to a dramatic improvement in our health and opportunities for people to enjoy entertainment precincts.

**Mr DAVID BARR** (Manly) [9.03 p.m.]: I support the Smoke-free Environment Amendment Bill. I congratulate the Government on introducing it. The only point I would make is that it could have been introduced earlier. The issue, quite simply, is one of health. We heard a certain amount of puffery from the honourable member for Lane Cove and the honourable member for Baulkham Hills on all sorts of other matters. In essence, this bill is about health. When Sir Walter Raleigh brought back the tobacco leaf from North America, he did the world a grave disservice. Tobacco smoking was taken up by the British upper class of the time, and the practice filtered down to the middle class and lower class.

**Mr Ian Slack-Smith:** Excuse the pun!

**Mr DAVID BARR:** Yes, excuse the pun. Unfortunately, tobacco became a mass marketed product. If attempts were being made today to put tobacco on the market for the first time, there is no question that cigarettes would not be allowed. But cigarettes came about before we had health departments, government bureaucracies and so on that would vet such substances. Basically, cigarettes contain nicotine as well as myriad other chemicals. They are highly toxic and highly addictive, and cigarette manufacturers are little more than purveyors of a drug of severe addiction, and one that brings about severe ill-health and death. Let us make no bones about that: cigarette smoking leads to ill-health and death—but not just for those who pursue this habit, but also for those who inhale the smoke from cigarettes—smoke that is not even passed through a filter. It is now well documented that passive smoking is a significant health threat, so why should innocent people be exposed to the vices of others? There is no justification whatsoever for that.

People may assert that they have a right to smoke, that it is their free choice. However, when they become ill, they become dependent on the health system—that is, they become dependent on the taxpayer to fund their battles against the serious diseases that they have brought on by their own habits. Furthermore, they impose burdens on their families and friends and on workplaces. So let us not beat around the bush on the issue of health and smoking. It is a very grave problem, and the Government is entirely correct in phasing out smoke in licensed premises. It allows until 1 July 2007 for a full phase-out of the practice, except in high-roller rooms. The honourable member for Port Macquarie foreshadowed that he will move an amendment in that respect. That amendment will have my support. I do not understand why there should be exceptions. I know that the simple reason put in favour of the exception is that high-rollers bring in a lot of money, and some want that money stream to continue. That does not stack up against the logic against the vice of smoking and the ill-health and death that brings about. Whether one is a high-roller or not, that is the consequence. People who work in those rooms will be afflicted by the smoke and the disease that will come from inhaling it.

Australia has made great ground against smoking—much more so than many other countries. But we still have problem areas. Blue-collar workers still tend to be heavier smokers, and there is the worrying trend that more young girls seem to be taking up smoking. In adolescence, smoking was one of the first acts of rejection; people hung out in milk bars and so on and had their first cigarette, adopting exaggerated poses and taking puffs and so on. Unfortunately, from that behaviour, the young people of the fifties developed an addiction, for which they pay the price today. We do not want today's generation to pay the same price of addiction.

One of the distasteful things about the cigarette smoking habit is that people think they can discard their butts anywhere they like. They just toss their butts on the ground, in the expectation—if it should exercise their consciousness—that someone else will be there to pick it up. Research done by University of New South Wales Associate Professor James Orr, among others, indicates a serious problem that comes from throwing cigarette butts on the ground. In the sediment in gross pollutant traps at the end of stormwater drains that catch various bits of debris—about 5 per cent of what is caught by gross pollutant traps is sediment—are measurable quantities of nicotine. That is so simply because cigarette butts are washed down stormwater drains and there is a cumulative build-up of nicotine in those traps. Of course, that finds itself into waters, and nicotine is a poison and it is toxic to fish.

That is a simple, but stark, illustration of how cigarette smoking impacts on other people and on our environment. There is just no excuse to allow this to keep going the way it is. There is no excuse for allowing people to smoke indoors and inflict the adverse effects of their habits on other people, and in so doing inflict ill-health on them. It is that simple. All the wishy-washy talk that we heard from some honourable members cannot overcome the basic fact that smoking is a significant health issue, and it must be overcome. This is terrific landmark legislation for New South Wales. It is entirely reasonable that the smoking ban be enforced by 2007. The Government should put the screws on cigarette companies to ensure that the next generation of Australians do not become addicted to smoking. The Hollywood matinee idols of the 1950s made smoking cigarettes seem

sophisticated. Today insidious marketing is placing cigarette packets strategically close to actors in Hollywood productions in an attempt to glamorise smoking again. However, it is not glamorous. It is dirty and it brings death and destruction. We should do everything we can to phase it out. I support the bill.

**Mr FRANK SARTOR** (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [9.10 p.m.], in reply: I thank honourable members for their contributions. I note the comments that attest to the overwhelming evidence of the dangers of environmental tobacco smoke. As the Premier said when the Government announced its intention to introduce this legislation, this is not an act of villainy or ideology but a practical approach to protecting the health of workers in licensed premises. The bill is a considered, measured and sensible response to a major health danger to our workers. It is a significant step in the Government's planned commitment to protect the New South Wales public from the dangers of environmental tobacco smoke. It also represents a major cultural change in the community. The fact that many workplaces have banned smoking and that the government is now legislating to ban smoking in licensed premises suggests a major change in the cultural approach to smoking.

The bill establishes a phase-in timetable that will begin in January 2005 with the enactment of the provisions of the existing voluntary agreement with the pubs and clubs. The timetable will culminate with smoking bans in all enclosed areas in licensed premises from July 2007. The Government has taken a collaborative approach to this important public health initiative. To maximise compliance with smoking bans the hospitality industry has been consulted throughout their development. As a result of the ongoing consultation process I foreshadow that I will move amendments in Committee to assist the hospitality industry to achieve a smooth transition between the different phases of restrictions. In addition, the Health Department has undertaken to work closely and co-operatively with operators to enforce restrictions, especially in the early stages. Public opinion has been actively sought. Results of surveys show that support has been growing steadily as the early restrictions have come into effect.

Banning smoking in progressive phases, unlike the action of the Victorian and Irish Governments and the action taken in New York and New Zealand, has enabled both industry and patrons in New South Wales to accept and understand the benefits of a smoke-free environment. The careful timing of the implementation of the ban has been essential to the process of changing community and industry attitudes to smoking in enclosed public spaces. It allows people to accept the changes gradually and has led to a high degree of compliance even when the bans were voluntary. We have heard a lot of comment about the financial and economic impacts of the ban. Evidence from Victoria, where the ban affected only gaming rooms, which provide most of the income for the 520 or 540 licensed premises, shows that the ban had a negative impact on revenue to both clubs and pubs and the Victorian Government. Many assertions have been made and anecdotal evidence presented about other jurisdictions.

The official figures in New York and in a number of other jurisdictions show that after a small adjustment patronage in food and beverage increased, which is consistent with the polling by the Department of Health. Anecdotal evidence suggests that smoking bans have led to an economic downturn in pubs in Ireland. However, pubs in Ireland were experiencing other changes before the non-smoking bans were introduced. I suspect that some of the information is confusing the causal effect of those trends. To refute suggestions that the bans will be introduced too quickly and without consultation, I will refer to three newspaper articles from the last decade. An article in the *Sydney Morning Herald* of 1 October 1997 refers to a decision hailed as the beginning of the end for indoor smoking. In that decision the Human Rights and Equal Opportunity Commission found that a Sydney nightclub had discriminated against an asthmatic by allowing smoking. The article concluded with a comment by the President of the Australian Hotels Association [AHA], Richard Mulcahy, which says that he was aware of the judgment and the AHA was considering its position. A report of 3 October 1997 refers to WorkCover and the Sydney Harbour Casino. The article concluded:

In response, Australian Hotels Association national executive director Richard Mulcahy said "time lines" for phasing out smoking in public places had already been set.

"The WorkCover order seems to be trying to overrule the NSW Parliament as there is already legislation in place in terms of how to deal with smoking in hospitality venues", he said.

A further article appeared on 13 December 1999 in which the AHA was quoted as saying:

I suppose we could see the day where hotels may provide smoke-free areas.



A former Minister for Health, the Hon. Andrew Refshauge, organised a working party during his tenure as Minister for Health from 1995 to 1999. Another former Minister for Health, the Hon. Craig Knowles, organised a further working party during his tenure as Minister for Health from 1999 to 2003. In consultation with Minister Iemma I organised another working party last year, which has been involved in a lot of consultation. I have received hundreds of overwhelmingly positive emails since the Premier announced our intention to legislate for smoke-free pubs and clubs. The interesting thing about these responses is the number I have received from licensed premises. Chris Smith, the General Manager of the Pittwater RSL in the electorate of the Leader of the Opposition, was quoted in the *Manly Daily* of 30 October as saying:

We have been expecting it and we have planned for it in our extensions where we have provided smoke-free bars.

Bruce Wood, the Manager of the largest hotel in Maitland and AHA Regional President, said:

We started making changes three years ago. We have been moving towards this change for some time.

The Steyne Hotel in Manly has already increased its smoke-free areas. Its manager, Wayne Ranson, was quoted in the *Manly Daily* on 13 October as saying:

It took a little time for people to warm to the idea, especially smokers who were moved. But I don't think we've had much of a problem.

The General Manager of the Dee Why RSL, Grant Easterby, in the electorate of the honourable member for Wakehurst, said that his club was also catering for smoking bans in redevelopment plans. He said:

We support issues to protect people's health. We need to cater for 23,000 members, not half or a quarter of them.

The owner of the Carlisle Castle Hotel in Newtown, Anthony Hassett, said:

We've had a long lead-up to this ban and we think we are ready for it.

One Dubbo publican went so far as to say that smoking bans had caused hardly a ripple. Similar sorts of comments came from St Leonards, Glen Innes and the Emu rugby club at Orange. The AHA Regional President, Orana region, Tony Fitzsimmons said he was grateful for the ban's phased-in introduction, which he said would allow adjustment to the inevitable restrictions. He also said:

I'm relieved it is being phased in. They are taking a sensible approach by not imposing the total ban until 2007.

I could go on. The simple fact is that although 13 licensed premises supported the ban as quoted in the press and 6 opposed it, such those in Inverell, Hornsby and several other places—and I accept that—it has been supported by all the Liberal Oppositions around Australia. I am pleased that the Liberal Opposition in New South Wales has finally come on board and I congratulate them on that. It is better late than never. The Government's announcement that it intended to legislate for total smoking bans in enclosed areas of licensed premises has received a great deal of support. Patrons, entertainers and staff who have experienced discomfort and illness from environmental tobacco smoke have applauded the ban.

During the second reading stage there was some criticism about provisions being expressed in regulations rather than in the provisions of the bill. One of the requirements of a regulatory regime involves defining the term outdoor public spaces. That will be done by the regulations to allow more time for consultation to take place with the industry on what makes sense. Simple arithmetical rules have been rejected as incapable of taking into account all the possible permutations and combinations involved in a definition, given the various configurations of 3,500 licensed premises in New South Wales. I am also considering guidelines that will address what is meant by the term outdoor public space. That is why the Government is proceeding down the path of regulation. Consultation on such matters is inappropriate while the legislation is before the House. When the bill is passed, the hotel and licensed clubs industry as well as the health industry will be consulted about what they regard as the appropriate manner in which to deal with a definition for outdoor public space.

People have debated the public health benefits of the bill, which are obviously enormous and do not need to be repeated by me. However, there will be a major public advertising campaign involved with each step of implementation of the bill. Major public advertising will deal firstly with Quit and the desire of the Government to reduce the incidence of smoking, which currently is 21 per cent of the population, and to advise people who frequent hotels and clubs about smoking and when the changes will take place. It is my intention to

involve the public as much as is possible. New South Wales has adopted a progressive approach, unlike other jurisdictions, because I believe it is important for regular signals to be given to the community, particularly to people who smoke, to indicate that the rules are changing. Clubs and hotels will have to provide clean air for their patrons and their staff. It is also important for behaviour to change and for environments to be adjusted.

I proffer a comment about local government. The shadow Minister for Health referred to the role of local government. I note the comments made by the Lord Mayor of Sydney, who is also the honourable member for Bligh. It is important for local government to understand that when it comes to protecting the public interest, the health of people who are inside licensed premises is more important than are local amenity issues to do with a footpath. The smoke-free environment issue must be addressed first to ensure that the changes are appropriately phased in and that the timing allows for clubs and pubs to adjust to the changed circumstances that they genuinely have to deal with. I ask all local government authorities that are keen to do the right thing—and I hasten to add that their motivation is unquestionable—to be patient and to proceed very slowly with draconian prohibitions related to the use of footpaths.

If there is a localised problem caused by congregation of smokers on a footpath, local authorities by all means should deal with that, but they should remember that legislation for a smoke-free environment has been introduced in many other jurisdictions without any evidence of major collateral issues emerging. I ask local authorities to proceed cautiously so that the really important change to provide a smoke-free environment can be phased in. Indoor pollution by smoke is a much more important issue than are a few outdoor amenity issues, at least in the short term, but over time all of these issues will be addressed.

In response to the criticism of hypocrisy, I point out the simple fact that although this legislation will be phased in gradually, there could be some financial impacts over time. If there are, they are likely to be in the gaming area, not in the food and beverages area. The Government does not expect there to be any adverse impacts in the food and beverages area, but there may be some in the gaming area. If that proves to be the case, the New South Wales Government will receive less revenue, and so be it. The simple fact is that this legislation concerns public health and it particularly affects workers in clubs and pubs. Contrary to the suggestion that the Government is being hypocritical in relation to this matter, I believe that the Government has tackled this issue as it should, in the public interest, and that is what is important here. I note that many independent studies show that the implementation of legislation of this type does not result in a negative economic impact, but of course there is a risk that there could be some negative impact, at least in the short term.

I take this opportunity to thank people who have agitated for this type of legislation over a lengthy period, including the Australian Medical Association [AMA] and the New South Wales Cancer Council, and in particular a board member of the council, Professor Simon Chapman, who has advocated for this legislation for decades and deserves special mention. He is to be commended for his fearless advocacy against tobacco companies and the effectiveness of the way in which he has highlighted to the public the dangers of tobacco smoking and environmental tobacco smoke. I also thank Dr Andrew Penman, who is a member of the New South Wales Cancer Council. I take this opportunity to also congratulate people such as Joy McKean, who is Slim Dusty's widow, for her campaign, and the George Washingmachines of this world as well as many other entertainers who have supported the Government's move toward a smoke-free environment. Recently I was near the Warragamba Dam for the launch of the Metropolitan Water Plan and I met a young man who told me that he is a musician who works in a prominent Sydney club. He told me that he is pleased that this legislation is being introduced, because his life is hell.

I also thank the Cancer Institute and Professor Jim Bishop and his board for their untiring support and practicality in assisting to bring this legislation forward. The policies and procedures of this legislation are incorporated in the State's cancer plan, which is the first cancer plan of any State in Australia. By implementation of this legislation, we are moving toward achievement of the objects in the State's cancer plan. I also thank the Action on Smoking and Health Australia [ASH] group and all the other advocates who have fought so hard for this very important legislative change. I believe this legislation is extremely significant and that it will improve public health and the health of the people of New South Wales.

**Motion agreed to.**

**Bill read a second time.**

### **In Committee**

#### **Clause 1 agreed to.**

#### **Amendments, in globo by Mr Frank Sartor, agreed to:**

- No. 1 Page 2, clause 2 (1), line 5. Omit "1 January 2005". Insert instead "3 January 2005".
- No. 2 Page 2, clause 2 (2), line 7. Omit "1 July 2007". Insert instead "2 July 2007".
- No. 3 Page 4, schedule 1 [4], proposed section 11, line 12. Omit "means an". Insert instead ", in relation to a club, hotel, nightclub or casino, means the"

#### **Clause 2 as amended agreed to.**

#### **Clauses 3 and 4 agreed to.**

**Mr ROBERT OAKESHOTT** (Port Macquarie) [9.28 p.m.]: I move:

Page 4, schedule 1 [4], proposed section 11, line 13. Omit "or a casino private gaming area".

As I stated during the second reading stage, I believe there is a principle at stake here. If we all agree, as I suspect we do, that smoking is a threat to public health and to the health of the population of New South Wales, surely we need to be consistent in protecting employees and those who frequent premises such as clubs, hotels and casinos throughout this State.

Some myths about VIP rooms and high rollers rooms need to be corrected. They are not necessarily a huge revenue base for the casino or government. Some big whales could go there and rip the rug from underneath a government; significant government revenue is not at stake. Casinos make their money, like bookies, from the mug \$10 punters who do not know exactly what they are doing. I am assuming the actions of the Government in exempting the high rollers room at the Star City Casino are based on trying to protect its revenue base from some big whales going to the only casino in New South Wales versus going to a casino in another State or another country. I suggest strongly that that would not be a big loss, if that is its concern.

Previously I mentioned staff at the high rollers room at the casino; and this is a court case waiting to happen. Under this bill it is acknowledged that a significant issue that needed to be addressed by the New South Wales Government has been addressed. By exempting the high rollers room at the Star City Casino, potentially the House has agreed that that staff are of a lesser category compared to staff at other workplaces. I strongly encourage the Government and the Opposition to consider that point, and consider the worth of the amendment. We are not doing the Star City Casino any favour by granting an exemption from the prohibition on smoking, but we are leaving it open to significant future legal action. I urge the Government to support my amendment. If the Government does not support it, as I suspect, over the coming months I would hope that the Minister considers the rights of the staff in the high rollers room at Star City Casino over any perceived rights of international tourists who might visit that room. I would have thought that the health of New South Wales workers would have taken priority.

**Mr FRANK SARTOR** (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [9.32 p.m.]: I heard the comments of the honourable member for Port Macquarie, and understand where he is coming from. I make it clear that Star City Casino bid for a lot of its rooms to be exempted, but most of that was rejected. The only four rooms involved are the three inner sanctum rooms and the Endeavour Room. The VIP slot room was rejected as a possibility. With staff I visited the casino some months ago and inspected the various rooms. The gaming rooms do not allow smoking at the gaming tables, only in the corners of the room. In my view, it is a matter of time before the prohibition will extend to the casino as well; and that is why there will be annual review of this legislation.

Proposed section 11C makes it quite clear that the Minister is to review the casino's exemption annually, vis-à-vis the competition in other States and Territories. No-one can seriously say that prohibition on smoking in a pub or club in New South Wales will lead to patrons flocking to Victoria, unless they live on the border. I have been involved in a lot of discussions with Victoria and Queensland authorities in an endeavour to align our legislation. No-one can say that there will be a major capital outflow or financial benefit flowing from this State. But, when it comes to the high rollers, it is possible that that may happen. It is my greatest wish that

all States agree on banning smoking in all hotels, clubs, and casinos, and that certainly is my intention. The Government does not wish to expose New South Wales to an unnecessary economic burden disproportionate to that of other States, given that this State, by virtue of the Federal tax system, already excessively subsidises other States—each year \$2.9 billion is transferred to other States. The exemption will be reviewed annually. Proposed subsection 12 (2) states:

An exemption under this Part does not affect any duty a person may have under the *Occupational Health and Safety Act 2000*.

I hope that the casino will make sure it meets that obligation. It has already banned smoking at the tables, and smoking is allowed only in the extremities of those rooms. Hopefully with annual review and movement interstate we will be able to ban smoking completely in the casino. I am not prepared to accept the amendment at this stage.

**Mr ROBERT OAKESHOTT** (Port Macquarie) [9.35 p.m.]: We are so close to seeing the Minister have the courage of his convictions. All the arguments he presented were for consistency of principles in not allowing smoking in any rooms at the Star City Casino, as is the case with any clubs or pubs throughout New South Wales, for exactly the same reasons. I have used the term "VIP rooms", which refers to the Endeavour Room and another room, the name of which I missed.

**Mr Frank Sartor:** It is the three inner sanctum rooms and the Endeavour Room. The VIP slot room has been rejected.

**Mr ROBERT OAKESHOTT:** The Endeavour Room is the high-rollers room, although it is not a VIP room. That suggests, as I suspected, that the Government is concerned about its revenue base.

**Mr Frank Sartor:** And the State's economy.

**Mr ROBERT OAKESHOTT:** I raise the same point. Casinos do not make a great deal of money through the high-rollers room. If that is the argument we have to accept from the Government, I present a counter argument, which is one we have heard repeatedly tonight, about the costs to New South Wales health services of lung cancer, heart disease and associated illnesses related to smoking. I am sure, and am willing to make a high-roller gamble, that the costs to health services far outweigh the benefits of keeping inconsistent policy alive in New South Wales. Here is the chance, once and for all, to introduce consistent policy with the consistent message throughout New South Wales. I will not kick the Minister too hard on this, as I think it is a significant public health initiative and a great achievement that we have come this far. I strongly urge the Minister, the Government and any interest groups that are putting pressure on this matter, to accept the amendment. If they do not accept this amendment, I ask them to accept the direction for consistent policy in any future.

**Mr FRANK SARTOR** (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [9.38 p.m.]: The issue of principle is that we should be absolutely uniform across the State. However, there is only one place in the State that is in direct competition, and that happens to be this place. We are limiting inconsistency as much as possible, and want to phase it out. This is a practical question, and we do not disagree with it directionally, but practically we have to be sensible about it. This is in direct competition with other States. It is not to do with State taxes, it is to do with the State's economy.

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

**Division called for. Standing Order 191 applied.**

**Ayes, 5**

Mr Barr  
Mr Draper  
Ms Moore  
Mr Oakeshott  
Mr Torbay

**Question resolved in the negative.**

**Amendment negatived.**

**Mr FRANK SARTOR** (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [9.44 p.m.], by leave: I move Government amendments Nos 4 to 14 in globo:

- No. 4 Page 4, schedule 1 [4], proposed section 11A, line 19. Omit "**1 January 2005 until 1 July 2005**". Insert instead "**3 January 2005 until 4 July 2005**".
- No. 5 Page 4, schedule 1 [4], proposed section 11A (1), line 20. Omit "1 January 2005 and before 1 July 2005". Insert instead "3 January 2005 and before 4 July 2005".
- No. 6 Page 4, schedule 1 [4], proposed section 11A (2) (d), lines 29 and 30. Omit all the words on those lines. Insert instead:
  - (d) one area used substantially for the purposes of gambling (whether or not with gaming machines), but only in premises where there is more than one such area,
- No. 7 Page 5, schedule 1 [4], proposed section 11B, line 2. Omit "**1 July 2005 until 1 July 2007**". Insert instead "**4 July 2005 until 2 July 2007**".
- No. 8 Page 5, schedule 1 [4], proposed section 11B (2), line 5. Omit "1 July 2005 and before 1 July 2007". Insert instead "4 July 2005 and before 2 July 2007".
- No. 9 Page 5, schedule 1 [4], proposed section 11B (2), line 7. Omit "an exempt". Insert instead "the exempt".
- No. 10 Page 5, schedule 1 [4], proposed section 11B (3), line 8. Omit "An exempt". Insert instead "The exempt".
- No. 11 Page 5, schedule 1 [4], proposed section 11B (3) (a), line 11. Omit "1 July 2005 and before 1 July 2006". Insert instead "4 July 2005 and before 3 July 2006".
- No. 12 Page 5, schedule 1 [4], proposed section 11B (3) (b), line 12. Omit "1 July 2006 and before 1 July 2007". Insert instead "3 July 2006 and before 2 July 2007".
- No. 13 Page 5, schedule 1 [4], proposed section 11B. Insert after line 12:
  - (4) Despite subsection (3), if the total area of all the rooms in the club, hotel, nightclub or casino does not exceed 100 square metres, the exempt area under this section, when expressed as a percentage of the total area of all the rooms in the club, hotel, nightclub or casino, must not exceed 50% on or after 4 July 2005 and before 2 July 2007.
- No. 14 Page 5, schedule 1 [4], proposed section 11B. Insert after line 20:
  - (5) Subject to subsection (3), the Minister may authorise a club, hotel, nightclub or casino to set aside a second room (or part of a second room) as part of the exempt area under subsection (2). The granting of the authorisation and the authority conferred by the authorisation are subject to any requirements set out in the regulations (including with respect to the criteria to be met before an authorisation may be granted).

These amendments follow additional consultation with the hospitality industry. Industry representatives raised concerns about the fact that there are practical difficulties in implementing some of the provisions in the bill. The amendments do not alter the fact that the Government intends this bill to deliver significant health gains by reducing exposure to environmental tobacco smoke. The Government moved the amendments to assist industry with the practical difficulties in the transition from smoking to non-smoking in enclosed public areas. The first amendment relates to the definition of gaming area in the original share-the-air agreement.

The amendment to proposed section 11A (1) and (2) changes the words "gaming machine room" to "gaming area" to more closely reflect the wording of the voluntary joint statement by participants of the Joint Working Group on Smoking in Licensed Premises, or the share-the-air agreement. This will allow operators of premises to continue with the arrangements that they had voluntarily implemented as part of their obligations under the share-the-air agreement. The difficulty with the wording as it had been drafted was that it digressed from what had been agreed to. It was always the Government's intention to stick to the share-the-air agreement. The second amendment relates to the 25 per cent area rule, which will apply from July 2006 to July 2007.

The amendment to proposed section 11B (3) will exempt operators of very small establishments from reducing a smoking area from 15 per cent to 25 per cent between July 2006 and July 2007. Premises where the combined bar rooms, gaming machine rooms and recreation rooms total less than 100 square metres will be able to retain until July 2007 a smoking area that does not exceed 50 per cent of the room. This amendment acknowledges the fact that in very small premises it may be impractical for operators to set aside a 25 per cent smoking area, with the necessary partitions, barriers or spaces, from non-smoking areas. In health terms, the change to the proportion of the area allowed for smoking would be inconsequential. Accordingly, the Government has decided that this sensible and practical amendment will not have unintended consequences for small premises.

The final amendment relates to the single room issue—a second room for small functionally disadvantaged premises. The amendment to proposed section 11B (2) would allow the Minister to authorise a club, casino, hotel or nightclub to set aside a second room for smoking in highly exceptional circumstances. This is intended to allow some small premises with highly unusual configurations and numerous small rooms to designate more than one room as exempt areas provided that the total area of smoking rooms does not exceed the limits set in proposed section 11B (3) (a) and (b). Extremely narrow criteria would be established by regulation, which would have to be met before this provision applied to any premises.

It is not intended that these criteria will permit applications for more than a handful of premises where the rule has substantial unintended consequences, particularly in very small facilities. This amendment will simply allow some discretion in meeting unintended consequences, for example, where the nature of the configuration of a pub or club means that it is completely out of kilter with other restrictions. Finally, amendments have been made to the dates because, over the next few years, 1 July will always fall on a weekend. The amendments to the dates of the first of the month will allow each of the progressive phases to commence on the first working day, that is, the first Monday of each month. As I said earlier, the dates of the first of the month fall on very busy nights or weekends.

That places pressure on staff and disrupts patrons by changing smoking arrangements in the middle of a busy night. Industry representatives have suggested that this may cause difficulty for the enforcement of the bans. I draw the attention of honourable members to the incongruous notion that from midnight on 1 January 2005 we will have a different regime to the regime that applied on 31 December. This reasonable proposition will have no significant effect on the Government's proposals. The amendments will allow the changes to be implemented on the first Monday of the month to ease the pressure on staff and to allow them to make relevant changes to smoking conditions when there are few patrons in the premises. I commend the amendments to the Committee.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [9.49 p.m.]: Notwithstanding what I said earlier, the Opposition was briefed on these amendments today. By and large they appear to be sensible. In the intervening period before the legislation is introduced in the Legislative Council we shall consult interested parties about the impact of the amendments. The Opposition will make a more formal contribution in the other place.

**Amendments agreed to.**

**Schedule 1 as amended agreed to.**

**Schedule 2 agreed to.**

**Bill reported from Committee and report adopted.**

**Third reading ordered to stand as an order of the day.**

## **THREATENED SPECIES LEGISLATION AMENDMENT BILL**

### **In Committee**

#### **Consideration of the Legislative Council's amendments.**

##### *Schedule of amendments referred to in message of 10 November*

No. 1 Page 8, schedule 1. Insert after line 18:

#### **[14] Regulations prescribing criteria under this Part**

A regulation that prescribes criteria for the purposes of section 10, 11, 12 or 13 is not to be made unless the Minister certifies in writing that:

- (a) the criteria are based on scientific principles only, and
- (b) any criteria for listing under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth were given due consideration before the regulation was made.

- No. 2 Page 9, schedule 1 [26], line 17. Insert "every 12 months" after "nominations".
- No. 3 Page 12, schedule 1. Insert after line 23:
- [37] Section 24 (3) (a)**
- Omit "National Parks and Wildlife Service".
- Insert instead "Department".
- No. 4 Page 12, schedule 1 [37], line 28. Omit "3 months". Insert instead "6 months".
- No. 5 Page 14, schedule 1 [50], lines 15-17. Omit "and critically endangered species, populations and ecological communities". Insert instead "species, populations and ecological communities and critically endangered species and ecological communities".
- No. 6 Page 14, schedule 1 [51], lines 22-23. Omit "or critically endangered species, populations and ecological communities". Insert instead "species, populations and ecological communities, or critically endangered species and ecological communities".
- No. 7 Page 14, schedule 1 [52], line 26. Omit all words on that line. Insert instead:
- Omit "of endangered populations and ecological communities".
- No. 8 Page 15, schedule 1 [53], lines 1-2. Omit all words on those lines. Insert instead:
- [53] Sections 37 (1), 40 (1), 41 (1), 43 (a) and 47 (3)**
- Insert "or critically endangered species or ecological community" after "endangered species, population or ecological community" wherever occurring.
- [54] Section 38 Director-General responsible for identifying critical habitat**
- Insert "or critically endangered species or ecological community" after "ecological community".
- No. 9 Page 15, schedule 1 [54], lines 5-6. Omit all words on those lines. Insert instead:
- Insert ", for critically endangered species and ecological communities," before "and for vulnerable species" in the Introductory note to Part 4.
- No. 10 Page 15, schedule 1 [56], line 11. Omit all words on that line. Insert instead:
- Insert "and each critically endangered species and ecological community" after "and ecological community" in section 56 (1).
- No. 11 Page 16, schedule 1 [64], proposed section 90A, line 26. Omit all words on that line. Insert instead:
- and threat abatement strategies and their effectiveness, and
- (d) contains a status report on each threatened species, where information is available, and
- (e) sets out clear timetables for recovery and threat abatement planning and achievement.
- No. 12 Page 16, schedule 1 [64], proposed section 90B, lines 29-30. Omit "As soon as practicable after the commencement of this section, the". Insert instead "The".
- No. 13 Page 16, schedule 1 [64], proposed section 90B. Insert after line 31:
- (2) The Priorities Action Statement must be completed as soon as practicable and no later than 12 months after the date of assent to the *Threatened Species Legislation Amendment Act 2004*.
- No. 14 Page 17, schedule 1 [64], proposed section 90C, line 30. Insert "(being a date that is not less than 30 days after the date of publication of the notice under subsection (1) (a))" after "made".
- No. 15 Page 18, schedule 1 [64], proposed section 90D, lines 1-2. Omit all words on those lines. Insert instead:
- (3) The Director-General must adopt the Priorities Action Statement or amendment (with or without alterations) within 4 months after the end of the period allowed for the making of submissions about the draft statement or amendment.
- No. 16 Page 18, schedule 1 [65], proposed section 113A. Insert after line 25:
- (3) A regulation that provides that development or an activity of a specified type does not constitute development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats,

is not to be made unless the Minister has certified in writing that the development or activity is of minimal environmental impact on threatened species, populations and ecological communities, and their habitats.

No. 17 Page 18, schedule 1 [66], lines 28-32. Omit all words on those lines. Insert instead:

- (a1) clearing of native vegetation as authorised by a property vegetation plan approved under the *Native Vegetation Act 2003*, being clearing that had the benefit of biodiversity certification of the native vegetation reform package under Division 4 of Part 7 when the plan was approved, or

No. 18 Page 19, schedule 1 [67] (proposed section 126C). Insert after line 24:

- (2) The Minister may confer biodiversity certification even if the native vegetation reform package does not comprise all the elements of the package.
- (3) The Minister may, by order published in the Gazette, suspend biodiversity certification of the native vegetation reform package if the composition of the package changes after its certification (for instance by any amendment of the *Native Vegetation Act 2003* or regulations under that Act, or by the approval or amendment of a State-wide standard or target or of a catchment action plan). The Minister may by order published in the Gazette lift any suspension under this subsection.
- (4) The Minister may, in an order conferring biodiversity certification or in another order published in the Gazette, exclude from the certification of the native vegetation reform package any specified class of activity.
- (5) In deciding on any action under this section, the Minister is to have regard to the likely impact of the native vegetation reform package (or any relevant aspect of its operation) on the achievement of the objects of this Act.

No. 19 Pages 19 and 20, schedule 1 [67], line 25 on page 19 to line 5 on page 20. Omit all words on those lines. Insert instead:

#### **126D Effect of biodiversity certification**

While biodiversity certification of the native vegetation reform package is in force, any activity on land within the area of operations of each catchment management authority has the benefit of that biodiversity certification (except any activity excluded from certification under section 126C (4)).

Note. Biodiversity certification has the following effects:

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

No. 20 Page 20, schedule 1 [67], line 6. Omit all words on that line. Insert instead:

#### **126E Suspension of certification in connection with implementation of package**

No. 21 Page 20, schedule 1 [67] (proposed section 126E), lines 7-12. Omit all words on those lines.

No. 22 Page 20, schedule 1 [67], line 14. Omit "or revoke".

No. 23 Page 20, schedule 1 [67], line 23. Omit "or following the revocation".

No. 24 Page 21, schedule 1 [67] (proposed section 126F), line 4. Omit "or revocation".

No. 25 Page 21, schedule 1 [67], proposed section 126F, line 5. Insert "within 14 days" after "given".

No. 26 Page 21, schedule 1 [67], proposed section 126F. Insert after line 9:

- (2) The Minister is to keep a register containing copies of each notice of the grant of biodiversity certification under this Division and of any suspension or revocation of that certification.
- (3) The register is to be open for public inspection, without charge, during ordinary business hours, and copies of or extracts from the register are to be made available to the public on request, on payment of the fee fixed by the Minister.

No. 27 Page 21, schedule 1 [67], proposed section 126G, lines 13-16. Omit all words on those lines. Insert instead:

- (1) The Minister may by order published in the Gazette confer biodiversity certification on an EPI if satisfied that the EPI, in addition to any other relevant measures to be taken, will lead to the overall improvement or maintenance of biodiversity values. Biodiversity values include threatened species, populations and ecological communities, and their habitats.



No. 28 Page 21, schedule 1 [67], proposed section 126G. Insert after line 35:

- (3) In deciding any matter under this section the Minister is to have regard to the objects of this Act.

No. 29 Page 23, schedule 1 [67], proposed section 126J. Insert after line 17:

- (3) The Minister must not extend the period of biodiversity certification of an EPI unless, prior to granting the extension, the Minister:
  - (a) by notice published in a newspaper circulating generally throughout the State, invites persons to make written submissions to the Minister on the proposed extension, and
  - (b) considers any written submissions received before the closing date specified in the notice for the making of submissions (being a date that is not less than 30 days after the date the notice is first published under this subsection).

No. 30 Page 23, schedule 1 [67]. Insert after line 19:

**126K Reassessment of biodiversity certification**

- (1) The Minister is to reassess the grant of biodiversity certification in respect of an EPI following any review of the EPI under the *Environmental Planning and Assessment Act 1979*, or any rezoning of land to which the EPI applies, to determine whether biodiversity certification should be maintained or modified.
- (2) If a local council undertakes a review of a biodiversity certified EPI that applies to land in its area, the council is to notify the Minister of the commencement of that review, and the outcome of that review, as soon as practicable.

No. 31 Page 23, schedule 1 [67], proposed section 126L, line 37. Insert "within 21 days" after "given".

No. 32 Page 24, schedule 1 [67], proposed section 126L. Insert after line 6:

- (2) The Minister is to keep a register containing copies of each notice of the grant of biodiversity certification under this Division and of any extension, suspension or revocation of that certification.
- (3) The register is to be open for public inspection, without charge, during ordinary business hours, and copies of or extracts from the register are to be made available to the public on request, on payment of the fee fixed by the Minister.

No. 33 Page 25, schedule 1 [67], proposed section 126M, lines 5-7. Omit all words on those lines. Insert instead:

- (5) The annual report of the Department is to include an assessment of how any voluntary action taken pursuant to a condition imposed under this section has benefited or is likely to benefit the adversely affected threatened species, including details of how any land or money contributed pursuant to such a condition has benefited or is likely to benefit threatened species.

No. 34 Page 25, schedule 1 [67], proposed section 126N, line 24. Insert "(not exceeding 3 years)" after "period".

No. 35 Page 28, schedule 1. Insert after line 30:

**[74] Section 157**

Omit the section. Insert instead:

**157 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act are being fulfilled and whether the terms of the Act, and any environmental planning instruments granted biodiversity certification under Part 7, remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to the *Threatened Species Legislation Amendment Act 2004*.
- (3) The Minister is to make arrangements for public consultation with respect to the review.
- (4) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

No. 36 Page 36, schedule 2 [11]. Insert after line 12:

**220FD Regulations prescribing criteria under this Part**

A regulation that prescribes criteria for the purposes of section 220F, 220FA, 220FB or 220FC is not to be made unless the Minister certifies in writing that:

- (a) the criteria are based on scientific principles only, and
- (b) any criteria for listing under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth were given due consideration before the regulation was made.

No. 37 Page 37, schedule 2 [16], line 15. Insert "every 12 months" after "nominations".

No. 38 Page 42, schedule 2 [24], lines 11-13. Omit "and critically endangered species, populations and ecological communities". Insert instead "species, populations and ecological communities and critically endangered species and ecological communities".

No. 39 Page 42, schedule 2 [25], lines 14-15. Omit all words on that line. Insert instead:

**[25] Sections 220P (1), 220T (1), 220Y (2) (a)**

Insert "or critically endangered species or ecological community" after "endangered species, population or ecological community" wherever occurring.

**[26] Section 220Q Identification of critical habitat**

Insert "and each critically endangered species and ecological community" after "ecological community" in section 220Q (1).

No. 40 Page 43, schedule 2 [27], lines 3-6. Omit all words on those lines. Insert instead:

- (b1) was authorised by a property vegetation plan approved under the *Native Vegetation Act 2003*, being an act that had the benefit of biodiversity certification of the native vegetation reform package under Division 10 when the plan was approved, or

No. 41 Page 43, schedule 2 [29], lines 15-21. Omit all words on those lines. Insert instead:

- (a) clearing of native vegetation that constitutes a routine agricultural management activity,
- (b) a routine farming practice activity (other than clearing of native vegetation),

No. 42 Page 44, schedule 2 [29], lines 29-32. Omit all words on those lines. Insert instead:

- (3) This section does not authorise the doing of an act:
  - (a) if it exceeds the minimum extent reasonably necessary for carrying out a routine agricultural management activity or routine farming practice activity, or

No. 43 Page 47, schedule 2 [38], proposed section 220ZVA, line 8. Omit all words on that line. Insert instead:

- and threat abatement strategies and their effectiveness, and
- (d) contains a status report on each threatened species, where information is available, and
- (e) sets out clear timetables for recovery and threat abatement planning and achievement.

No. 44 Page 47, schedule 2 [38], proposed section 220ZVB, lines 11-12. Omit "As soon as practicable after the commencement of this section, the". Insert instead "The".

No. 45 Page 47, schedule 2 [38], proposed section 220ZVB. Insert after line 13:

- (2) The Priorities Action Statement must be completed as soon as practicable and no later than 12 months after the date of assent to the *Threatened Species Legislation Amendment Act 2004*.

No. 46 Page 48, schedule 2 [38], proposed section 220ZVD, lines 1-2. Omit all words on those lines. Insert instead:

- (3) The Director-General must adopt the Priorities Action Statement or amendment (with or without alterations) within 4 months after the end of the period allowed for the public comment on the draft statement or amendment.

No. 47 Page 48, schedule 2 [39], proposed section 221NA. Insert after line 25:

- (3) A regulation that provides that development or an activity of a specified type does not constitute development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats, is not to be made unless the Minister has certified in writing that the development or activity is of minimal environmental impact on threatened species, populations and ecological communities, and their habitats.

No. 48 Page 49, schedule 2 [42] (proposed section 221ZG). Insert after line 24:

- (2) The Minister may confer biodiversity certification even if the native vegetation reform package does not comprise all the elements of the package.

- (3) The Minister may, by order published in the Gazette, suspend biodiversity certification of the native vegetation reform package if the composition of the package changes after its certification (for instance by any amendment of the *Native Vegetation Act 2003* or regulations under that Act, or by the approval or amendment of a State-wide standard or target or of a catchment action plan). The Minister may by order published in the Gazette lift any suspension under this subsection.
- (4) The Minister may, in an order conferring biodiversity certification or in another order published in the Gazette, exclude from the certification of the native vegetation reform package any specified class of activity.
- (5) In deciding on any action under this section, the Minister is to have regard to the likely impact of the native vegetation reform package (or any relevant aspect of its operation) on the achievement of the objects of this Part.

No. 49 Page 49, schedule 2 [42], lines 25-39. Omit all words on those lines. Insert instead:

**221ZH Effect of biodiversity certification**

While biodiversity certification of the native vegetation reform package is in force, any activity on land within the area of operations of each catchment management authority has the benefit of that biodiversity certification (except any activity excluded from certification under section 221ZG (4)).

**Note.** Biodiversity certification has the following effects:

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

No. 50 Page 50, schedule 2 [42], line 1. Omit all words on that line. Insert instead:

**221ZI Suspension of certification in connection with implementation of package**

No. 51 Page 50, schedule 2 [42] (proposed section 221ZI), lines 2-7. Omit all words on those lines.

No. 52 Page 50, schedule 2 [42], line 9. Omit "or revoke".

No. 53 Page 50, schedule 2 [42], line 18. Omit "or following the revocation".

No. 54 Page 50, schedule 2 [42] (proposed section 221ZJ), line 36. Omit "or revocation".

No. 55 Page 50, schedule 2 [42], proposed section 221ZJ, line 37. Insert "within 14 days" after "given".

No. 56 Page 51, schedule 2 [42], proposed section 221ZJ. Insert after line 3:

- (2) The Minister is to keep a register containing copies of each notice of the grant of biodiversity certification under this Division and of any suspension or revocation of that certification.
- (3) The register is to be open for public inspection, without charge, during ordinary business hours, and copies of or extracts from the register are to be made available to the public on request, on payment of the fee fixed by the Minister.

No. 57 Page 51, schedule 2 [42], proposed section 221ZK, lines 7-10. Omit all words on those lines. Insert instead:

- (1) The Minister may by order published in the Gazette confer biodiversity certification on an EPI if satisfied that the EPI, in addition to any other relevant measures to be taken, will lead to the overall improvement or maintenance of biodiversity values. Biodiversity values include threatened species, populations and ecological communities and their habitats.

No. 58 Page 51, schedule 2 [42], proposed section 221ZK. Insert after line 29:

- (3) In deciding any matter under this section the Minister is to have regard to the objects of this Part.

No. 59 Page 53, schedule 2 [42], proposed section 221ZN. Insert after line 8:

- (3) The Minister must not extend the period of biodiversity certification of an EPI unless, prior to granting the extension, the Minister:
  - (a) by notice published in a newspaper circulating generally throughout the State, invites persons to make written submissions to the Minister on the proposed extension, and
  - (b) considers any written submissions received before the closing date specified in the notice for the making of submissions (being a date that is not less than 30 days after the date the notice is first published under this subsection).

No. 60 Page 53, schedule 2 [42]. Insert after line 10:

**221ZO Reassessment of biodiversity certification**

- (1) Minister is to reassess the grant of biodiversity certification in respect of an EPI following any review of the EPI under the *Environmental Planning and Assessment Act 1979*, or any rezoning of land to which the EPI applies, to determine whether biodiversity certification should be maintained or modified.
- (2) If a local council undertakes a review of a biodiversity certified EPI that applies to land in its area, the council is to notify the Minister of the commencement of that review, and the outcome of that review, as soon as practicable.

No. 61 Page 53, schedule 2 [42], proposed section 221ZP, line 28. Insert " within 21 days" after "given".

No. 62 Page 53, schedule 2 [42], proposed section 221ZP. Insert after line 34:

- (2) The Minister is to keep a register containing copies of each notice of the grant of biodiversity certification under this Division and of any extension, suspension or revocation of that certification.
- (3) The register is to be open for public inspection, without charge, during ordinary business hours, and copies of or extracts from the register are to be made available to the public on request, on payment of the fee fixed by the Minister.

No. 63 Page 54, schedule 2 [42], proposed section 221ZQ, lines 36-38. Omit all words on those lines. Insert instead:

- (5) The annual report of the Department is to include an assessment of how any voluntary action taken pursuant to a condition imposed under this section has benefited or is likely to benefit the adversely affected threatened species, including details of how any land or money contributed pursuant to such a condition has benefited or is likely to benefit threatened species.

No. 64 Page 55, schedule 2 [42], proposed section 221ZR, line 17. Insert "(not exceeding 3 years)" after "period".

No. 65 Page 55, schedule 2. Insert after line 36:

**[45] Section 290**

Omit the section. Insert instead:

**290 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act are being fulfilled and whether the terms of the Act, and any environmental planning instruments granted biodiversity certification under Division 11 of Part 7A, remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to the *Threatened Species Legislation Amendment Act 2004*.
- (3) The Minister is to make arrangements for public consultation with respect to the review.
- (4) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

No. 66 Page 59, schedule 3.1 [4], lines 4-8. Omit all words on those lines. Insert instead:

- (a2) was authorised by a property vegetation plan approved under the *Native Vegetation Act 2003*, being an act that had the benefit of biodiversity certification of the native vegetation reform package under Division 4 of Part 7 of the *Threatened Species Conservation Act 1995* when the plan was approved, or

No. 67 Page 59, schedule 3.1 [5], lines 13-18. Omit all words on those lines. Insert instead:

- (a2) was authorised by a property vegetation plan approved under the *Native Vegetation Act 2003*, being an act that had the benefit of biodiversity certification of the native vegetation reform package under Division 4 of Part 7 of the *Threatened Species Conservation Act 1995* when the plan was approved, or

No. 68 Page 60, schedule 3.1 [7], lines 7-13. Omit all words on those lines. Insert instead:

- (a) clearing of native vegetation that constitutes a routine agricultural management activity,
- (b) a routine farming practice activity (other than clearing of native vegetation),

No. 69 Page 61, schedule 3.1 [7], lines 19-22. Omit all words on those lines. Insert instead:

- (3) This section does not authorise the doing of an act:

- (a) if it exceeds the minimum extent reasonably necessary for carrying out a routine agricultural management activity or routine farming practice activity, or

No. 70 Page 66, schedule 3.3, lines 4-14. Omit all words on those lines. Insert instead:

- (4) If the clearing of any native vegetation has the benefit of biodiversity certification under Division 4 of Part 7 of the *Threatened Species Conservation Act 1995* and also the benefit of biodiversity certification under Part 7A of the *Fisheries Management Act 1994*:
  - (a) an application for development consent for clearing is not required to be accompanied by a species impact statement or statements (as would otherwise be required under section 78A of the EPA Act), and
  - (b) the Minister is not required to consult with the Minister administering the *Threatened Species Conservation Act 1995* and the Minister administering the *Fisheries Management Act 1994* (as would otherwise be required under section 79B of the EPA Act).

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [9.51 p.m.]:  
I move:

That the Legislative Council's amendments be agreed to.

**Mr MICHAEL RICHARDSON** (The Hills) [9.52 p.m.]: I will not detain the Committee for longer than is absolutely necessary. Some 70 amendments have resulted from the great winnowing process in the Legislative Council, during which some 200 amendments were moved. I sat in on a lot of the debate in the upper House and I am not sure that every member of the Legislative Council knew what he or she was voting for or against during consideration of the bill, which lasted for a couple of days. I am pleased to say that the Government accepted 11 of our amendments, although we think it could have been more generous. By moving those amendments we intended to make the legislation more robust and better able to do its job, which was also the Government's stated intention. Some of the amendments that the Government rejected would have strengthened the legislation and outcomes for the environment.

I am particularly disappointed that the Government chose to reject our amendments that would have allowed the Minister in exceptional circumstances to seek a second opinion on a listing from the Biological Diversity Advisory Council [BDAC]. The Government claimed in another place that our amendments would require the BDAC to act as a review body for the Scientific Committee's listing of decisions in cases where it is asked to do so by the Minister and would elevate the BDAC so that it duplicates the role of the Scientific Committee. That was not the Opposition's intention. In fact, the amendments would have allowed the Minister to seek advice from the BDAC in a handful of cases only.

Instead of his simply referring a controversial nomination back to the Scientific Committee for consideration, it would have provided a mechanism for circumventing the process. Under our proposal, if the BDAC had confirmed a listing it would have stood and there would have been no yo-yoing to and from the Scientific Committee and no political pressure brought to bear on the Minister by vested interests. That is what I was talking about earlier when I said that I believe that our amendments would have provided greater surety and certainty for everyone—for developers, farmers, conservationists, scientists and for the environment.

Many of the Opposition amendments that the Government accepted relate to endangered populations. I am pleased that the Government recognised the wisdom of the arguments put by the Hon. Rick Colless in this regard. He said that he believed what was proposed originally was an oversight, and seven or eight amendments to the legislation deal with this issue. The bill did not classify the category of "critically endangered population", and the amendments moved by the Hon. Rick Colless and passed by the upper House deal with that issue. Amendments Nos 17, 18 and 19 will allow the biodiversity certification of individual catchment action plans in advance of the certification of the entire native vegetation reform package, and allow the Minister to confer biodiversity certification even if the native vegetation reform package does not comprise all elements of the package.

Farmers were concerned specifically that they would be able to prepare and have their property vegetation plans certified only when the catchment action plan for the particular area in which they live was certified. Under the original legislation, that could not take place until all elements of the native vegetation reform package were completed. In essence, the Government amendments have gone further in that biodiversity certification can now be granted when an unspecified number of elements have been completed. That begs the question—and a number of people both inside and outside Parliament have asked me this—exactly what does biodiversity certification mean? What is the Minister saying when he signs off on an element of the package or

the total package? Indeed, how can the Minister sign off on the package when an unspecified number of elements of that package are not complete and have not been signed off on?

Our amendment specifically targeted the problem facing farmers that not all catchment management authorities would perform as one. Some would drag the chain in terms of completing their catchment action plans and many other elements of the native vegetation reform package would not be completed. We wanted to provide certainty for farmers so far as their property vegetation plans were concerned and ensure that, once the catchment action plan was signed off on and biodiversity certified, the property vegetation plan could also be signed off on and farmers could be allowed to get on with their job of growing food and creating wealth for the State of New South Wales.

The Minister might correct me if I am wrong, but the Government's amendments water down the original legislation to a far greater extent than the proposal presented by the Opposition in the other place. In the Legislative Council the Minister claimed that our amendment would undermine the bill's provisions relating to biodiversity certification. I maintain that the amendments that have been passed by the Legislative Council in fact undermine the bill's provisions to a greater extent than our proposal. How do the Opposition proposals undermine the bill's provisions relating to biodiversity certification when the Government's amendments do not? Excuse my cynicism, but the difference is that one amendment was proposed by the Opposition and the other by the Government. Amendments Nos 21 to 24 abolish the Minister's right to revoke biodiversity certification, an issue of concern to farmers. New amendment No. 26 passed in the upper House states in part:

- (2) The Minister is to keep a register containing copies of each notice of the grant of biodiversity certification under this Division and of any suspension or revocation of that certification.

That conflicts with the other amendments that have been passed by the upper House. The Government intends either to abolish the Minister's right to revoke biodiversity certification so that he would simply be able to suspend it until they get it right, or it does not. But the Government cannot have it both ways. The words "revoke" or "revocation" ought to be removed from the amendments and, indeed, from the legislation if that is the Government's intention. Amendment No. 27 improves and clarifies the purpose of biodiversity certification in a fairly substantial way. The amendment states:

- (1) The Minister may by order published in the Gazette confer biodiversity certification on an EPI if satisfied that the EPI, in addition to any other relevant measures to be taken, will lead to the overall improvement or maintenance of biodiversity values.

That is certainly an important component of the legislation. It was the Government's expressed intention—and it was certainly ours—that ultimately this bill will lead to an improvement in biodiversity values and a reduction in the number of vulnerable threatened and critically endangered species. Many of the amendments passed by the upper House seem to be a clear case of dotting the i's and crossing the t's. That includes amendment No. 28, which states:

Page 21, schedule 1 [67], proposed section 126G. Insert after line 35:

- (3) In deciding any matter under this section the Minister is to have regard to the objects of this Act.

I hope that in dealing with any matters associated with threatened species the Minister would have regard to the objects of the Act. It is totally superfluous for Parliament to insert that type of clause into any legislation. Obviously the objects of the Act have to be taken into account, no matter what the legislation might be. The same is true of amendment No. 25, which relates to notice of the granting or suspension of biodiversity certification being given within 14 days. Many of the minor amendments appear to have been drafted by the Environmental Defender's Office [EDO]. I wonder why the EDO does not become a wholly paid-up subsidiary of the Minister's office because it certainly does an awful lot of work fine-tuning the Government's environment legislation.

The EDO finds it necessary to do that because the Government does not get this sort of complex legislation right the first time. That is why the original threatened species legislation has been amended and why this bill so fundamentally changes the way in which we will handle threatened species in the future in this State. Equally, amendments have tended not only to dot the i's and cross the t's, they have been very proscriptive, including amendment No. 29, which states in part:

- (3) The Minister must not extend the period of biodiversity certification of an EPI unless, prior to granting the extension, the Minister:

- (a) by notice published in a newspaper circulating generally throughout the State, invites persons to make written submissions to the Minister on the proposed extension, and
- (b) considers any written submissions received before the closing date specified in the notice for the making of submissions ...

The Opposition supports consultation but some of these amendments take the consultation process to the nth degree. Indeed, if the Government had accepted the Opposition's idea that the Biological Diversity and Advisory Committee, as it is now constituted, could have performed a more significant role, perhaps some of these additional clauses might not have been needed. Amendments Nos 40 to 42 and 67 to 69 create the new concept of the clearing of native vegetation that constitutes a routine farming practice activity. The Opposition believes that the Government has dealt with concerns raised by the New South Wales Farmers Association in a clumsy way. The Opposition's amendment was superior in that it added to proposed section 118G:

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

The new category of a routine farming practice activity has never been adequately explained, certainly in debate in Parliament. It is important and appropriate for the Minister to do so in reply. Many honourable members want to know exactly how the Government anticipates that proposed new sub-section 118G (1) will work. The Opposition also moved an amendment in the Legislative Council that would have deleted from subsection 118F (2) (1) the word "imminent", so that it would have read "any activity reasonably considered necessary to remove or reduce a risk of serious personal injury or damage to property". Once again the rejection of that amendment has not been satisfactorily dealt with. We are concerned that farmers in particular may not be able to mitigate against damages or, indeed, against prosecution under the occupational health and safety legislation because they are only able to carry out these activities if they can remove or reduce an imminent risk of serious personal injury or damage to property. That becomes a defence under the legislation but the Opposition believes that the word "imminent" should not be included in that subsection.

In the other place the Hon. Rick Colless also moved an amendment to delete the words "in the Western Division as a qualifier for air strips" in proposed section 118G (2) (i). The Minister wrote to me a lengthy letter explaining that this relates to the long distances involved in the Western Division and the fact that often there was no practical alternative to the use of light aircraft to get from point A to point B, and that it related also, of course, to the low population densities in the Western Division. I am prepared to accept this explanation, as I would hope is the Hon. Rick Colless. This was an issue that he felt strongly about, and there was considerable debate on it in the upper House. Another of the Coalition amendments that the Government accepted was amendment No. 35. This relates to a review of the legislation. The amendment provides that the Minister is to review the Act. The amendment inserts a new section 290 to provide, in subsections (1) and (2):

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act are being fulfilled and whether the terms of the Act, and any environmental planning instruments granted biodiversity certification under Division 11 of Part 7A, remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to the *Threatened Species Legislation Amendment Act 2004*.

The best thing to be said for the Government's management of the debate on this legislation is that it was prepared to accept that Opposition amendment providing for a review. There is absolutely no question that a review will be needed. I have expressed the hope that this legislation will work better than the previous Threatened Species Act to maintain biodiversity and to remove the threat to the vulnerable endangered species in this State. I remain highly sceptical about the way the Government is going about doing that because, superior as this bill might be to the previous legislation, it is based on the premise that the Government will do the job. We on this side of the House are concerned about biodiversity and the conservation and preservation of our environment. We certainly are concerned to ensure that no more species of this State are made extinct. I still question whether this Threatened Species Legislation Amendment Bill will achieve that aim. This legislation is certainly superior to the legislation that was brought into this Chamber about a month ago, but we will keep our fingers crossed as to the final outcome. [*Time expired.*]

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [10.12 p.m.]: The Nationals remain concerned about the whole issue of threatened species in New South Wales. Naturally, from the point of view of farmers and landholders of regional and rural New South Wales, but also those in coastal New South Wales—coastal development being extremely important to The Nationals—there must be the right balance in legislation relating to threatened species and, for that matter, native vegetation, to ensure that farmers may remain

productive by working and developing their own lands, whilst at the same time pursuing conservation objectives. Farmers and landholders also must have available to them provisions relating to subdivision and residential land, as is the case on the New South Wales coast, where a number of concerns are held, particularly since the abolition of the Coastal Council.

The Nationals have watched carefully the passage of this legislation and have spoken in both Houses when it has been debated. We note that a great number of amendments have been moved and a smaller but significant number made to the legislation that was originally put before this place. Again I make the observation that, in relation to these sorts of issues we are trying to get the right balance between productivity of farming land and conservation issues. I repeat that the great majority of farmers are interested in conservation. They are also striving to achieve a balance in development, particularly along the coastal strip. But, again, the Government seems to have got it wrong. The legislation presented in this place was amended substantially by Government, Opposition and crossbench amendments. There was, therefore, understandable concern about the quality of the original legislation and the extent of negotiation entered into by the Government on this critical legislation.

I will now address specifically issues related to primary producers, because The Nationals traditionally have been the political party representing the farmers of this State. Bear in mind also that The Nationals are concerned about development issues on the North Coast in particular, but also in relation to the South Coast and, for that matter, the City of Sydney, where development seems to have escaped much of the scrutiny provided by this bill and other legislation. Though this legislation contains some positive measures for primary producers of this State, The Nationals are of the view that the Government did not go far enough in freeing up the restrictions placed on the farming community.

The New South Wales Nationals sought to introduce into the bill a further two key amendments that would have relaxed the imposition that the Act has on farmers attempting to get on with their job of producing the food, fibre and building materials on which this State survives. First, The Nationals moved to have the New South Wales Scientific Committee answerable to the Minister by granting the Minister the power to refer a decision back to the Biological Diversity Advisory Committee, and if the committee recommended that the decision be reversed, then the Minister could reject the final decision of the Scientific Committee. This process could greatly enhance the accountability of the Scientific Committee and cause it to be far more circumspect about the decisions it makes, sometimes based on dubious scientific evidence. The New South Wales farming community has long called for such accountability.

Second, The Nationals attempted to make the Property Vegetation Plan, as required under the Native Vegetation Act, the absolute pinnacle of approval that farmers should require, and that such approval should not be able to be challenged in any circumstances. Although the new bill is an improvement on the parent Act in this regard, it still contains conditional approvals, and the Minister for the Environment still has the power of veto over the work that a farmer may wish to carry out on his land. The end result for New South Wales farmers continues to be a convoluted process of planning, certification and regulation, which is confusing, costly and time-consuming for the farmer and will be of little benefit to threatened species.

In addition, the Government also has relieved itself of responsibility for preparing and implementing species recovery plans for species that are under threat. The Nationals also sought to clarify a number of inconsistencies in the bill which farming and associated industries are confused about. The first of those relates to the description of routine agricultural activities, with many activities that are day-to-day activities not allowed to be categorised as routine. Such normal farm duties as spraying weeds that are not listed under the Weeds Act may not be classified as routine activities. Here we have a level of red tape relating to the huge number of weeds in various regions of this State, at a time when the Government and government departments may be behind the eight ball in terms of the growth and influence of weeds in various areas of the State. Here we are continuing to impose a convoluted regulatory process—red tape, if you like—upon farmers.

The Nationals attempted to have this clarified by granting to the Director-General of the Department of Primary Industries, as the lead agency on agricultural matters, the power to determine what is a routine agricultural activity. Unfortunately, the Government chose to oppose the suggestion. The second issue related to the construction, operation and maintenance of airstrips, which is considered to be a routine activity in the Western Division but not a routine activity in the Central and Eastern divisions of the State. Farmers at Nyngan can construct, operate and maintain an airstrip on their properties, but farmers at Narromine and Coonamble cannot maintain their airstrips without the threat of being prosecuted under the Threatened Species Conservation Act.



The Government rejected the opportunity to clarify that problem, and the same problem exists under the Native Vegetation Act. Although The Nationals welcome some of the amendments introduced by the Government and some of the consultation that has taken place with the New South Wales Farmers Association we believe that the Government has not gone far enough to resolve the imbalance between development of agricultural properties and concerns about the impact on threatened species. The bill, as amended, presents farmers with a significant amount of red tape—or should I say green tape—to overcome.

**Mr ANDREW FRASER** (Coffs Harbour) [10.21 p.m.]: The Minister for the Environment and I have engaged in adversarial debate across the Chamber on many of these threatened species, native vegetation and environmental matters.

**Mr Daryl Maguire:** That's the understatement of the year.

**Mr ANDREW FRASER:** My colleague said that is an understatement, and I agree. I am amazed that the Government would introduce legislation that attracted 200 amendments and accept 70 of them. It indicates that the Government is not examining the issues that need to be dealt with.

**Mr Alan Ashton:** It is listening.

**Mr ANDREW FRASER:** The honourable member may say that, but if he were to look at development in country areas he would realise that, as I have said in this House many times, when a problem is discovered in Sydney it is fixed in the bush. The Government admits that no old growth is left in Sydney and the majority of native species has been lost, so to salve its conscience it decides that rural landholders, such as me, will be penalised by this type of legislation. I draw the attention of honourable members to regulations introduced with much fanfare by the Minister for Infrastructure and Planning last week. He claimed that it was fantastic that the regulations were in the public arena for discussion and that the farming community supported them. He read into *Hansard* media releases from the New South Wales Farmers Association and the Forest Products Association. But the regulations have deferred until January 2005 the clearance distances for infrastructure on any properties other than those in the Western Division.

The Minister for Infrastructure and Planning told us only half the story, and what we have before us is only half the story. The real strength of the legislation will be in the regulations imposed upon landowners and small landholders across regional and rural New South Wales. People in Sydney will be able to do whatever they want on their properties regardless of property vegetation plans. But in the bush onerous regulations will be placed on private landowners, who thought at one stage that they had some sort of freehold rights. For the past nine years most areas of land reserved by the Government have been either under private ownership or forestry management and ownership. They have been deemed to be in such pristine condition that they could be transferred to the National Parks and other management regimes. For generations they have been well preserved by conservation-oriented but not preservation-oriented regimes.

It is frightening to think that even though the Government accepted 70 amendments and considered 200, at the end the day the strength of the legislation will be in the regulations. I do not want any threatened or endangered species to be damaged or harmed in any way, shape or form, nor do any of my constituents. But I suggest to the Minister, as I suggested in the second reading debate, that the regulations he will add to the legislation may encourage some farmers, private property owners and developers to adopt a shoot, shovel and shut up mentality. We want integrated development—whether it be farming, residential or commercial—within our communities. We want to ensure that humans and our native species can live side by side, and we will work to ensure that happens. The Government, in its rush to appease the Greens and thank them for their preferences in a number of electorates at the last election, is doing a disservice not only to the landowners but to all the people of New South Wales.

It is sad that the agricultural activities that most farmers deem to be routine are not defined in the native vegetation legislation. Minister Knowles ignored my repeated requests to guarantee a definition of what constitutes routine agricultural maintenance activities and clearance distances for infrastructure in areas east of the Western Division. The regulations so lauded by him in the House last week are yet to be defined. The Minister will receive a report by 2005 with no promise that the regulations will come before this House or undergo any further public consultation. That is a demonstration that the Government is not serious about true consultation with the farming and development communities in New South Wales. It is sad. The Minister for the Environment would concede that preservation could sometimes cause a great loss of biodiversity. Preservation has resulted in the build-up of native and natural fuels on the forest floor. When fires occur biodiversity is destroyed.

I again draw to the attention of honourable members the Bobo fires in 1994, when the Coalition was in government. The National Parks and Wildlife Service knew it had been burning for eight weeks before anything was done about it. We had a scorched-earth policy from Ebor right through to Armidale. I was devastated by the amount of native flora and fauna destroyed in the fire. We must accept that we have altered the landscape in New South Wales and, indeed, the whole of Australia. We have allowed native weeds and plants to take over and create fire hazards. To some extent that can be controlled by grazing, but grazing was stopped. The fire in the Guy Fawkes River National Park devastated the native flora and fauna. We did the community a disservice. Under this bill we could again face those sorts of problems. We must start to talk about management to make sure that what is left is not necessarily preserved but protected so that we have something to leave to the next generation.

I commend State Forests of New South Wales, which is now subsumed under the Department of Primary Industries, and the farming community for their stewardship of this State's natural resources. The shadow Minister for the Environment and I went to the Pine Creek State Forest, which is now part of the Bongil Bongil National Park. We witnessed the effects of a koala management plan in a managed, working forest that has resulted in the preservation of the largest colony of koalas on the North Coast. However, I fear the future under the management regimes of this Government. If management practices such as controlled hazard reduction burnings are not adopted it will take only one hot, hard fire going through that area to wipe out that koala colony.

The Minister for the Environment lives in the Blue Mountains, but I invite him to come out to the bush on the North Coast. I know the Minister is sick and tired of hearing me ask him to do so, but I wish he would come up to the North Coast and commend some of the farmers for the voluntary preservation and conservation techniques they have adopted. I ask the Minister to visit the North Coast and assist the farmers to get on with their job without regulating them to such an extent. Under the Native Vegetation Act and the Threatened Species Act they will be fined, penalised and hindered for doing what they have done best for generations: preserve their land in a condition that enables them to pass it on to future generations while simultaneously looking after native vegetation and native fauna. Their efforts are directed towards ensuring that future generations will be able to look back on the management of natural resources in this State with a measure of pride. In the Minister's rush to please the Greens, he has done this State a great disservice.

**Mr BOB DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [10.31 p.m.]: When the Threatened Species Legislation Amendment Bill was last before the Legislative Assembly I indicated that before debate commenced in the Legislative Council I would speak to various groups that have an interest in it. I also indicated that any sensible suggestions made by interest groups would be taken on board and that the bill would be amended accordingly. That is what has happened. For the record, I point out that approximately 200 amendments were moved in the upper House, but 70 were accepted, 22 were agreed with the New South Wales Farmers Association and another 11 were agreed with the Opposition. Several Opposition members seemed to be objecting to the fact that I accepted an amendment either moved by the Opposition or proposed by the New South Wales Farmers Association. Fortunately, the Farmers Association is not objecting. I quote from a letter that I received on 21 October from the President of the New South Wales Farmers Association, Mr Mal Peters:

I am writing to thank you for the amendments you are proposing to introduce with respect to the Threatened Species Conservation Act, which will go a long way to addressing farmers' major concerns of the original Bill.

The letter goes on to thank me and my staff for the work we undertook in relation to this matter. The letter also states:

I look forward to working with you on any subsequent regulations and/or other matter relating to this Bill.

I make that point merely to correct—or perhaps apply an antidote—some of the things that have been said, especially by The Nationals. Of course, in the other half of the 70 accepted amendments the Government accepted arguments put by the conservation movement. I think this means that the Opposition and the Farmers Association got more amendments accepted than the Government and the conservation movement. The amendments were accepted to improve the functioning of the legislation. I assert with some precision that the Government did not accept from either the New South Wales Farmers Association or conservationists amendments that would have fundamentally altered the thrust of the Government's reforms, or shifted the balance that this bill achieves in one direction or another.

I refer to some of the matters raised by members opposite. The first matter, which is closely related to a concern expressed by the Farmers Association, concerns the biodiversity certification of the native vegetation

reform package. The matter was raised by the honourable member for The Hills and by the New South Wales Farmers Association when debate began in the other place. The Farmers Association questioned whether certification of the native vegetation reform package, as proposed when the legislation went before the Legislative Council, would be able to be issued to allow catchment management authorities [CMAs] to issue single, integrated property vegetation plans [PVPs] at the time the Native Vegetation Act commences. The bill, as it was drafted, requires the Minister for the Environment to certify the package as a whole, as defined in section 126B of division 4 and section 221ZF of division 10 of the bill as it then was.

All of the components of the package defined in paragraphs (b), (c) and (d) of those sections may not be finalised before 1 February 2005, which is the expected date of commencement of the Native Vegetation Act and its regulations. As a consequence, the Minister for the Environment and the Minister for Primary Industries would not be in a position to certify the package to allow CMAs to begin using PVPs that would be exempt from the regulatory provisions of the Threatened Species Conservation Act and the Fisheries Management Act. It is the Government's policy that the new integrated PVP system should commence on 1 February 2005. Following discussions involving the Farmers Association and my colleague the Minister for Infrastructure and Planning, and Minister for Natural Resources, I asked Parliamentary Counsel to draft amendments that would enable Ministers to certify the package, even if all the components of the package defined in paragraphs (b), (c) and (d) of section 126B and section 221ZF were not finalised at the time of certification.

The exact intention of that amendment is to achieve the flexibility that is required to enable the Ministers to certify the package no later than the end of January 2005, based on paragraph (a) of section 126B and section 221ZF, and the guidelines provided for in paragraph (d) that are in existence at the time, or exclude from certification any specified activity or land. That will allow the Ministers to confer certification even if the protocols and guidelines relating to specific activities are not finalised—for example, guidelines relating to private native forestry. Those amendments also provide for Ministers to suspend certification of the package, if subsequent changes are made to the package that have not been approved by the Ministers. The amendment as passed effectively ensures that the Ministers must certify subsequent components of the package, as defined in paragraphs (b), (c) and (d) of section 126B and section 221ZF, as they are finalised or changed.

To some extent, I apologise to the Committee for engaging in a discussion of the matters contained in this bill in great detail. However, I want to demonstrate that the Government paid the closest attention to the requirements of the New South Wales Farmers Association and ensured that biodiversity certification for the native vegetation reform package—after amendments that I have mentioned were passed—could be sufficiently flexible to meet the needs of the farming community across the State. I refer briefly to the amendments moved by the Opposition and raised by the honourable member for The Hills concerning the obtaining of a second opinion from the Biological Diversity Advisory Council. Although I appreciate that the amendments the Opposition moved in this respect were intended to create greater accountability for the scientific process, I believe that the amendments would have only complicated the listing process by in effect duplicating the function of the Scientific Committee.

The amendments that the honourable member referred to would have meant that two bodies of scientific experts would have been involved in listing decisions instead of one body. The proposal would have allowed Ministers to reject proposed listing decisions based on a Biological Diversity Advisory Council recommendation made on scientific grounds. That would be rightly recognised as diverging the independence of the Scientific Committee, and for that reason the amendments cannot be supported. Several members opposite referred to routine agricultural activities and routine farming activities and quite a few, particularly those representing The Nationals, appeared to be hopelessly confused about the provisions that have been included in the bill in that respect. The New South Wales Farmers Association raised concerns about the way in which the bill as originally drafted would require the development of a regulation to deal with non-native vegetation-related routine agricultural management activities [RAMAs].

The New South Wales Farmers Association expressed concern that the original bill would require a definitive list of RAMAs to be included in the regulation, and that that list would, in effect, be impossible to achieve. It would be a list that was never finished, an endlessly accreting list. Following discussions with the New South Wales Farmers Association the Government agreed to an amendment that would refer to such non-native vegetation activities as a "routine farming practice activity, other than clearing of native vegetation". That will provide a far simpler system and is an approach that the New South Wales Farmers Association has accepted. It will enable the regulation to be drafted in such a way that it will deal with what activities are not covered in the definition of a routine farming practice activity, rather than those that are covered.

In consequence, that list will be very short, as it is not the Government's intention to intrude the Threatened Species Conservation Act into what are obviously routine farming activities such as spraying a paddock, collecting domestic firewood or shifting rocks that pose a hazard to the everyday work of the farming community. The bill will address farmers' long-held concerns about the application of environmental legislation to day-to-day farming activities. The bill does not reverse the onus of proof where it makes routine agricultural management activities a defence to prosecution under the current Act. Routine agricultural activities are already a defence to prosecution under the existing Act and in practice there will be no difference between the current Act and the bill in that regard.

Finally, I assert again that biodiversity certification and the PVPs proposed in the bill, and legislation previously introduced by my colleague the Minister for Infrastructure and Planning, will provide security to carry out farming activities without the need for further approvals. The Government is committed also to that outcome, and through the bill and that introduced by my colleague we have delivered on that commitment. Farmers will be able to request expert staff from their local CMA to come onto their property and use the new PVP developer to analyse and plan for native vegetation management. If the farmers' plans meet the necessary standards, they will be issued with a PVP which can last up to 15 years. While ever that PVP is in place a farmer will not have to worry about getting any other approvals for any on-farm work.

The PVP will have embedded within it all the necessary approvals under the threatened species legislation. In other words, the bill provides a mechanism to switch off threatened species regulation for farmers who hold a PVP from their local CMA. This will create a level of certainty that is without precedent in this area of natural resource management. However, switching off threatened species legislation is not something that the Government takes lightly. It is essential that there be proper checks and balances to ensure that threatened species issues are addressed adequately by the CMAs. Threatened species are not a renewable resource—as the honourable member for Coffs Harbour has so eloquently argued, when they're gone, they're gone.

The checks and balances provided through the mechanism of biodiversity certification of the native vegetation reform package allow the Government to ensure that threatened species issues are properly addressed. Under the bill a PVP will not become void if biodiversity certification is suspended. In fact, once approved they continue to be in force for up to 15 years. Removal of certification does not retrospectively invalidate a PVP or its effect of switching off threatened species legislation. I wanted to be clear on this point: the bill does not undermine that certainty and security provided to farmers already holding a PVP approved during the time in which certification was in place. For all the huffing and puffing of The Nationals opposite, I cannot see how it can be seriously argued that the Government has done anything but a very good thing with this bill, in ensuring that farmers have a level of certainty that they could never previously achieve, while on the other hand ensuring that threatened species are better protected than ever before. I commend the Legislative Council amendments.

**Motion agreed to.**

**Legislative Council's amendments agreed to.**

**Resolution reported from Committee and report adopted.**

**Message sent to the Legislative Council advising it of the resolution.**

### **BILLS RETURNED**

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

Health Legislation Further Amendment Bill

### **SPECIAL ADJOURNMENT**

**Motion by Mr Bob Debus agreed to:**

That the House at its rising this day do adjourn until Wednesday 17 November 2004 at 10.00 a.m.

**The House adjourned at 10.50 p.m. until Wednesday 17 November 2004 at 10.00 a.m.**

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