LEGISLATIVE ASSEMBLY

Wednesday 23 February 2005

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

Mr Speaker offered the Prayer.

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT JUDICIAL REVIEW

Personal Explanation

Mr BARRY O'FARRELL, by leave**:** Yesterday during question time the Premier misrepresented me when he claimed that, as a member of this Parliament's Committee on the Office of the Ombudsman and the Police Integrity Commission, I have supported findings by Mr McClintock, who conducted a review into the Independent Commission Against Corruption [ICAC] that would take members of Parliament out of the scope of the ICAC. The Premier's words were:

> That is not what you said when you were on the committee. You said the reverse.

The committee's records and files will demonstrate that that is not true. The committee circulated a draft submission on the draft report to members on 5 January. That report highlighted for Mr McClintock's benefit that the recommendation in relation to members of Parliament had not come from the committee but had in fact come from independent submissions of Australian Labor Party members of this House. In response to that draft I sent an email message to the committee on 7 January 2005 indicating that I welcomed its clarification because I opposed Parliament being taken from ICAC's scope. Once again the Premier has given a strong and detailed misleading to this House.

PARLIAMENTARY ETHICS ADVISER

Appointment

Motion, by leave, Mr Carl Scully agreed to:

That:

(1) the appointment of Mr Ian Dickson as Parliamentary Ethics Adviser, which expired on 22 February 2005, be extended on a month-by-month basis until superseded by further resolution of the House;

(2) any extension be for a maximum of 12 months; and

(3) a message be forwarded to the Legislative Council requesting that it pass a similar resolution.

MARINE SAFETY AMENDMENT (RANDOM BREATH TESTING) BILL

Second Reading

Debate resumed from 8 December 2004.

Mr PETER DEBNAM (Vaucluse) [10.03 a.m.]: At the outset I indicate that the Opposition will not oppose the bill. However, I will bring to the attention of the House a couple of issues that warrant a response from the Minister during his reply. The object of the bill is to enable random breath testing of persons operating vessels, to prohibit persons under 18 years from operating vessels while they have any alcohol present in their blood, and to increase the penalties for offences under the Act involving the presence of certain prescribed concentrations of alcohol in the blood of persons operating vessels in line with the penalties for offences involving prescribed concentrations of alcohol under the Road Transport (Safety and Traffic Management) Act.

It is fair to say that no reasonable person would have any objection to this bill. Obviously it is designed to improve marine safety. However, while increasing penalties is all very well—it is standard action from the

Carr Government whenever it is trying to achieve a change in public behaviour—I again suggest to the Government that such a policy has little impact if there are no resources to apply to policing the legislation. In the end result, the effectiveness of this bill will depend on whether the Government applies resources to educating the public about it and enforcing the legislation.

While I acknowledge that the fundamental purpose of the bill is to implement random breath testing, I am not sure how that will operate on waterways. It will be interesting to hear an explanation from the Government about how it intends to implement the bill. The provisions state that a person who is operating a vessel, or who was operating a vessel, will be able to be breath tested. However, if the vessel is moored, berthed or at anchor, persons on the vessel will not be subject to testing. I am not quite sure what that means: I assume a police officer will have to see the person operating a vessel before the person is tested, even if the vessel is moored, berthed or anchored by the time the police officer gets to it. That matter warrants some explanation from the Government. Having said that, I again observe that aspects of the legislation will be difficult to implement. I conclude by expressing surprise that this legislation was not introduced earlier, given that it is intended to improve marine safety. I look forward to the Minister's comments in his reply.

Mr ALAN ASHTON (East Hills) [10.06 a.m.]: I welcome the support of the Opposition for the Marine Safety Amendment (Random Breath Testing) Bill, which emanates from the Alcohol Summit that was held a couple of years ago. The summit recognised that although governments of all persuasions have taken steps to control inappropriate drinking and the effect of alcohol consumption on our roads—a matter that is being debated in newspapers in relation to P-plate drivers—there has not been a breath testing regime for waterways.

It is great fun for people to participate in boating and water skiing. I live near the Georges River and daily I see people enjoying themselves in fast pleasure craft such as jet skis and in rowing boats and kayaks, particularly on weekends, and sometimes I observe behaviour on the waterways that is inappropriate. While that behaviour may not be caused by the consumption of alcohol or at least consumption that is not over the limits that have been set for people who are in control of a vessel, that is not the issue—stupid behaviour by motorists who have not consumed any alcohol at all is often observed. However, statistics reveal that since 1992 more than 25 per cent of all boating fatalities reported by the New South Wales Maritime Authority involved alcohol, and in a quarter of the deaths in which alcohol was a factor a blood alcohol concentration of 0.15 per cent was found. Even low levels of alcohol consumption can impair the ability of a person to control a vessel on rivers and other waterways with dramatic effect.

The Government's intention is to ensure that anyone who is piloting, steering or exercising control over a vessel, or a person supervising a juvenile in control of a vessel, can be subject to random breath testing. I have been on boats when a person has said, "Let's give the young bloke a go. Let him take control and steer us towards East Hills or Lugarno on the Georges River." That is not normally a problem; it is how young people learn to navigate and operate a watercraft. It becomes an issue when the supervising adult, who has an alcohol reading of 0.08, tells the young bloke, "I know you are aged 9 or 10 but just drive this 60-foot cruiser back to the berth or the mooring." That would be totally inappropriate. A person in control of a vessel must not tell a person under the age of 18, "Just take it in, look after it and see how you go."

A person supervising a juvenile is in control and could be random breath tested. People in control of boats that are towing bigger boats, or people on waterskis, aquaplanes or paraflying devices, and people acting as observers for safety reasons, can also be breath tested. There is not much point in the person navigating the boat being completely sober when the observer is under the weather. It has been found that in some major accidents in Australia's maritime history allegations were made about captains of boats that may have been subject to—

Mr Peter Debnam: They are ships.

Mr ALAN ASHTON: We always have this debate. A big, big boat is a ship. I do not want to involve the navy in this debate but 40 years ago allegations were made about accidents involving some of our major ships that were controlled by navy officers. The incident involving the *Voyager* and the HMAS *Melbourne* is one example. In other incidents people have sailed ships into bridges in Melbourne and Hobart. Those examples are extreme. In this bill the Government is responding to what has been an issue for some time. Some of the boats I see going past where I live are literally travelling faster than cars are allowed to travel on the roads. Pleasure craft can literally go faster than the speed at which cars are allowed to travel on the roads in the area where I live, and they travel up the Georges River at speed. I want to know that the people in control of those vessels are sober at all times.

The bill provides for the random breath testing of observers on vessels when towing is involved. The role of observers is to watch the person being towed and to report all matters affecting them to the operator of the vessel. Observers are also required to tell the driver about other vessels approaching from behind, and they must be familiar with the standard hand signals associated with on-water activities. They must remain alert and keep a constant lookout by sight and hearing. Together with the master of the vessel, the observer is responsible for the safety of the boat and the persons being towed. Therefore, excessive alcohol consumption would diminish the observer's judgment, compromise the safety of not only those on board the vessel and the person being towed but others on the water. Given the important function of observers, it is considered appropriate that they be subject to the same random breath testing requirements as the operator of the vessel.

In considering this amendment to the Marine Safety Act the Government also considered the random breath testing of people being towed by a vessel. For example, if the person who is doing the towing is in control of what they are doing but the person being towed is not—that can include the simple events of waterskiing or wake boarding—they must ensure that they remain the appropriate distance from other people and objects in the water, such as swimmers and other vessels. When returning to shore they must do so in a manner that does not adversely affect the safety of others in the vicinity. Such high-performance activities require care and vigilance. Participants must contend with variables such as weather changes, submerged objects in the water, wash from other vessels, and other water users who may be transiting the area.

Obviously, if people are greatly affected by alcohol their motor skills are diminished, their reaction times are slower and their vision and focus are reduced. There is also a sense of outright bravery that comes with having too much alcohol on board. Three or four years ago there was a tragic incident at Picnic Point where I live. A young woman was killed while waterskiing. She completely underestimated the amount of room needed to make a sharp turn into the creek; she went straight ahead onto land, hit some rocks and was killed. I am not implying that the family involved in that incident, tragic as it was, had anything to do with alcohol at the time. I do not remember reading that. The point is that there is greater potential for such an accident if someone is under the influence of alcohol, whether it be the driver of the boat or the waterskier.

During consultation on the bill—the Government consults with organisations about such Acts of Parliament—the Boating Industry Association expressed concern because it naturally felt that the legislation would further impinge on civil liberties or the right of people to enjoy the water without feeling that they will be chased up and down the Georges River or on the harbour by the water police. Many people opposed random breath testing when it was first introduced. I can remember the club and hotel industries saying that it was an outright invasion of civil liberties, and that people would think of all sorts of sneaky ways to get home if they had too much to drink. Now we accept random breath testing. Generally speaking, most people do the right thing, yet the figures for the Christmas holidays and long weekends reveal that people still speed and are over the alcohol limit. Usually, those two things are tied together.

The Boating Industry Association argued its case but now accepts, on the grounds of general boating safety, that the good of all people using our waterways is not guaranteed—we can never guarantee everything—but is better protected by random breath testing. I appreciate the association's support for this legislation. Including passive craft is important. "Passive craft" is a term for boats that do not have powerful engines and the like. Although these random breath testing provisions will focus primarily on people who operate powerful craft, for which the potential for problems is much greater, passive craft such as canoes and kayaks are also included as they are classed as a "vessel" under the Maritime Safety Act.

I am happy that passive craft are included because people still row their boats on the Georges River. At the moment a group of rowers use the river; I do not know whether they are training for the Olympics but they are a standard eight with the cox coaxing them up and down the river. Members of the public, neighbours, relatives and friends, have turned up at times and put their kayak or canoe in the water. Sometimes the craft is loaded with three or four children and two adults, and it almost sinks. They do not put on life vests before setting off for the middle of the Georges River. If a very big boat comes along—some boats on the river can be as big as this Chamber—its wash could literally sink the kayak or canoe. We cannot legislate for stupidity.

Mr Peter Debnam: Against stupidity.

Mr ALAN ASHTON: The honourable member's interjection is appropriate. I will break with all conventions of a Labor member and recognise the importance of the interjection. We cannot legislate against stupidity, but it is important that we do everything possible to ensure that people are safe on the water. In the past at Christmas time I have seen people having parties next to the river. They have a few drinks and then decide to go out on a boat and have some fun.

Some people feel it is inappropriate for their friends or relatives to comment on their use of alcohol when boating. But they may realise the seriousness of driving a boat under the influence if they know they may be breath tested and liable to prosecution. A person driving a powered boat on the Georges River may be doing the regulation 7 knots—although boats often travel two or three times that speed—and hit a non-powered boat, such as a kayak, rowing boat or sailing vessel, resulting in a tragic accident. The driver of the powered vessel may feel he was more at fault than the person rowing a small boat. But if the rower is under the influence of alcohol and over the limit the accident was not the fault of the driver of the powered craft. The operator—driver, navigator, controller—of any watercraft can be tested for alcohol.

I am sure all members have been on boats to go fishing or visit various parts of our waterways. The Georges River—which surrounds my electorate, particularly after the redistribution—is an iconic place and people come from all over the area to use its facilities. It is incumbent upon them to use it responsibly. I appreciate the Opposition's support for the bill. I take on board the question raised by the Opposition about penalties. At times it seems there are never enough water police patrolling the waterways. But when an offence occurs the court must impose the appropriate penalty. Although members speak about appropriate fines and penalties and the Parliament increases the penalties that can be imposed, the court must set an example by imposing the appropriate fines and penalties against offenders. [*Time expired.*]

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.21 a.m.], in reply: I thank all speakers for their contribution to the debate and their recognition that this is important safety legislation. Boats are now capable of high speeds. Many people do not realise that the stopping and turning abilities of boats are far different from land vehicles and that their own abilities are diminished when under the influence of alcohol. As to the Opposition's questions about education programs, breath testing procedures and how police will determine whether a boat is in use or simply at mooring, I have an undertaking that the Minister's office will provide information on those matters. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CIVIL LIABILITY AMENDMENT (OFFENDER DAMAGES) BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.24 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Civil Liability Amendment (Offender Damages) Bill introduces minor amendments, mostly of a procedural nature, to clarify the operation of part 2A of the Civil Liability Act 2002. Part 2A, Special Provisions for Offenders in Custody, was inserted into the Act by the Civil Liability Amendment (Offender Damages) Act 2004. When the Civil Liability Amendment (Offender Damages) Act 2004 was passed by Parliament, a senior officers interagency working party was formed to establish the administrative arrangements for the operation of the Act—principally, the procedures for obtaining a medical assessment of permanent impairment using the WorkCover Guidelines, and for disputing and appealing against a medical assessment. The Civil Liability Amendment (Offender Damages) Act 2004 has commenced. This bill will not affect the operation and principal functions of the scheme. It will simply make minor consequential amendments to part 2A to clarify its operation and simplify certain processes, as identified by the working party.

I now turn to the detail of the bill. Schedule 1 [1] extends the definition of an "offender in custody" to include persons who are attending a place in compliance with the requirements of a community service order, as well as persons who are performing community service work. This is a commonsense provision which extends the operation of the offender damages scheme to persons who are injured after arrival at a work site but before commencing community service work, and to persons who are injured when reporting to an office of the Probation and Parole Service as required by a court—for instance, being assaulted there by another offender. Schedule 1 [2] omits section 330 of the Workplace Injury Management and Workers Compensation Act 1998 from the part of that Act imported into part 2A of the Civil Liability Act 2002. Schedule 1 [3] provides that the

Minister administering the Crimes (Administration of Sentences) Act 1999 may, by order published in the gazette, issue guidelines in respect of the same kinds of matters for which the guidelines may make provision. The Minister may also apply, adopt or incorporate, wholly or in part or with or without modifications, the provisions of the WorkCover Guidelines.

The WorkCover Guidelines are issued under part 7 of chapter 7 of the 1998 Workers Compensation Act, and are therefore imported into part 2A of the Civil Liability Act 2002 by section 26D (1). The WorkCover Guides for the Evaluation of Permanent Impairment, which provide for the medical criteria by which impairment is to be assessed, can be applied to part 2A, Medical Assessments, either without modifications or with very minimal modifications. The WorkCover Medical Assessment Guidelines, which provide for the administrative process of obtaining and disputing a medical assessment, will require a number of modifications and additions before they can be applied to part 2A. For example, matters for which guidelines might be issued include security arrangements for an inmate undergoing a medical assessment, including provisions for correctional officers, who may accompany an offender undergoing a medical assessment.

Schedule 1 [5] makes it clear that in section 67 (4) of the Workers Compensation Act 1987—imported into the Civil Liability Act 2002 by section 26I—a reference to "the Commission" is taken to be a reference to the court. Schedule 1 [6] provides for the payment of interest on amounts of damages withheld from offenders pending the finalisation of a provisional order for victims compensation restitution and that a protected defendant may require the Public Trustee to hold the withheld amount on its behalf. The protected defendant must require the Public Trustee to hold the withheld amount if the offender requests it. This provision ensures openness and transparency. Sometimes an order for victims compensation restitution may be made for a lesser amount than a provisional order for restitution. For instance, a provisional order for restitution in which an offender is jointly and severally liable with co-offenders for the full amount of compensation paid to a victim may be replaced by a final order for restitution under which the offender is solely liable for a lesser amount. The amendments clarify the payment of interest in such circumstances. The remaining amendments are procedural in nature. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

COURT SECURITY BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.29 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Minister previously announced his intention to introduce court security legislation. The Court Security Bill is designed to ensure greater protection for court facilities and the people who use them. Presently, sheriff's officers rely upon the inherent jurisdiction of the court and limited legislative powers in exercising court security functions. By contrast, the Court Security Bill provides a sound statutory basis for the exercise of court security powers in New South Wales courts. The bill provides court security officers with a range of new powers that are specifically directed at ensuring the secure and orderly operation of courts.

These include powers of search and seizure, a prohibition on bringing certain restricted items into court premises, a requirement to provide identification details in limited circumstances, and the power to give directions where a person's behaviour intimidates or harasses other people in court premises. The judiciary has an important role relating to security and the conduct of proceedings in the courtroom. The provisions of the bill do not derogate from the inherent power of the judiciary to control the conduct of proceedings. The power of the court concerning contempt of the court is not diminished by the bill. Indeed, the bill bolsters the courts' powers by providing that a judicial officer may order that members of the public, or particular individuals, be denied entry or leave the court premises. Such an order may be made where it is necessary to secure order and safety in court premises. A penalty of up to $5,500 applies for contravening such an order.

It is a fundamental element of our justice system that the public has a right of access to courts of law. The bill reinforces the public's right to enter and remain on court premises subject to certain necessary qualifications, such as compliance with security arrangements. The role of the media in reporting court

proceedings is also recognised in the legislation. The bill accommodates the practice of members of the media of recording interviews on the steps of the court. Of course, media activities must be conducted having due regard to other people wishing to attend court. Thus, while journalists may enter an exterior area of the court premises for the purpose of making a media report, they must not obstruct or impede access to the court building. This concession does not apply to the use of recording devices inside the court building.

Mobile telephones may be used as phones inside court premises. However, the use of cameras and mobile telephones to record images or sound inside the court building is an offence. Where a recording device is used in contravention of the legislation, the device and any associated film, tape or other recording medium may be confiscated. The prohibition is a general security measure and is designed to prevent people inappropriately photographing witnesses or recording proceedings. The needs of the legal profession are also addressed. The bill provides for exemptions regarding the use of dictaphones by members of the legal profession outside the actual courtroom. The use of recording devices may also be authorised by a judicial officer or in other prescribed circumstances.

The bill makes it an offence to be in possession of certain restricted items in court premises. A "restricted item" is a prohibited weapon within the meaning of the Weapons Prohibition Act and any knife that is not otherwise caught by that Act. Firearms covered by the Firearms Act are also classified as restricted items for the purposes of the bill. A person who illegally attempts to bring a restricted item into court premises may be subject to a fine of up to $11,000 or a term of imprisonment of up to two years, or both.

The bill also incorporates the concept of an offensive weapon as defined in the Summary Offences Act. Whereas restricted items cover particular types of weapons, an "offensive weapon" covers anything that is made or adapted for use for causing injury to a person, or intended to be used to injure or menace a person, or damage property. The prohibition on possessing a restricted item or an offensive implement in court premises does not apply where the item is an exhibit in court proceedings, is in the possession of police, a custodial officer, or a court security officer, or is brought into court premises at the direction of a judicial officer.

Honourable members will appreciate the need to be proactive about court security. To ensure that the restrictions set out in the bill can be enforced court security officers are provided with a range of powers, including the power to search people and to stop and search vehicles entering court premises. Searches of people entering court premises may be conducted by requiring a person to walk through an electronic scanner or by passing an electronic metal detection device over the person's outer clothing. Where a security officer has reasonable grounds for believing that a person may be in possession of a restricted item or an offensive weapon the officer may conduct a personal search. This may involve security officers quickly running their hands over the person's outer clothing or the removal and examination of overcoats, hats, shoes or held bags. Failing to comply with a requirement to undergo a search or deposit an item, or immediately leave the court premises, will constitute an offence carrying a maximum penalty of up to $550.

The search provisions of the bill contain a number of safeguards consistent with the Law Enforcement (Powers and Responsibilities) Act. These safeguards include a requirement that a security officer must ask for the person's co-operation. As far as is reasonably practicable the officer must also inform the person to be searched as to whether they will be required to remove outer clothing, such as overcoats, during the search and why it is necessary to do so. A personal search must be conducted as quickly as possible with minimal invasiveness and in a way that provides reasonable privacy. Special protections are included in the bill for searching children. Where children are under the age of 12 years, the legislation provides that they must be searched by a female officer. Children under the age of 12 years entering court premises must also be in the company of a responsible adult.

When conducting a search of a person a court security officer may ask the person to produce for inspection an item the officer believes on reasonable grounds is a restricted item or offensive weapon. The officer may also ask questions about the item that are reasonable in the circumstances. The person may be required to deposit with a security officer any item that an officer believes on reasonable grounds is a restricted item or an offensive weapon. Such items may also be confiscated. In certain limited circumstances court security officers may also require a person who is on court premises to provide their name and address and reason for their visit to the court premises. Such particulars may only be required where the officer believes on reasonable grounds that the person has committed an offence on court premises or is carrying a restricted item or offensive implement. It is an offence not to comply with the requirement or to provide particulars that are false or misleading.

In exercising these powers court security officers must identify themselves as security officers. Court security officers are required to carry identification at all times while exercising their functions under the legislation. Officers must also give reasons for exercising a power, and a warning that a failure to comply may be an offence. There have been a number of instances where real and potential acts of intimidation and other forms of confrontation in court premises have been directed at prosecution witnesses, victims or their families. This kind of behaviour is totally unacceptable and has the potential to undermine the administration of justice.

The bill seeks to address this situation by providing court security officers with a power to give a direction to a person or a group of people. The provision is based upon provisions of the Summary Offences Act. A direction may be given where the officer has reasonable grounds to believe that a person's behaviour is obstructing another person, constitutes harassment or intimidation of another person, or is likely to cause fear to another person of reasonable firmness. A direction must be reasonable for the purpose of reducing or eliminating the obstruction or other relevant behaviour. Failure to comply with the direction without reasonable excuse is an offence and may result in a penalty of up to $2200.

The bill also empowers a court security officer to arrest a person in court premises without a warrant if the person is in the act of committing an offence under the legislation or if the officer believes on reasonable grounds that they have committed an offence. A power of "hot pursuit" has been included in the bill. That is, court security officers may pursue a person who has absconded from the court premises in an attempt to avoid arrest. Where court security officers effect an arrest they must hand the person over to a police officer or bring them before an authorised justice as soon as practicable. An officer may use such force as is reasonable in exercising powers under the proposed legislation.

The safeguards previously outlined apply to the giving of directions and the exercise of power of arrest under the legislation. That is, an officer must identify himself or herself as a court security officer, give reasons for exercising the power, and give a warning that a failure to comply may be an offence. The information must be provided at the time the power is being exercised. Where a court security officer is exercising a power of arrest the information must be provided prior to the exercise of the power if it is practicable to do so. If not, it must be provided as soon as it is reasonably practicable after arrest. The powers provided in the bill may generally not be exercised in respect of a judicial officer or a person being dealt with by a police officer unless the officer has requested the security officer's assistance. Nevertheless, the powers may be exercised where the security officer is acting at the direction of a judicial officer.

Court security officers may also exercise their powers to prevent a person from causing harm to himself, herself or another person, or causing damage to property, or to prevent a person escaping from lawful custody. Where proceedings are being conducted in a courtroom the powers may only be exercised if the security officer is satisfied there is an emergency and there is insufficient time to obtain a direction from the presiding judicial officer.

Sheriff's officers currently perform court security functions. The bill provides that the Sheriff may appoint other persons who are licensed under the Security Industry Act 1997 to carry out security activities under the legislation. I wish to assure honourable members that any personnel appointed by the Sheriff to perform court security functions will receive appropriate training before being permitted to undertake such duties. Other provisions in the proposed legislation make it an offence to obstruct or impersonate a court security officer, allow penalty notices to be issued for minor offences under the legislation, and allow for signs relating to court security to be erected.

As outlined in the second reading speech, the Sheriff Bill 2005 provides for an amendment to the Ombudsman Act to enable complaints to be made to the Ombudsman regarding the conduct of sheriff's officers, as well as court security officers in certain circumstances. Complaints handling will also be addressed in updated training guidelines that are being developed by the Sheriff. The proposed legislation is designed to provide a balanced approach to the conduct of court security and is in line with legislative provisions in other Australian jurisdictions. There has been extensive consultation with members of the judiciary and the legal profession on the bill. The bill will commence once training for court security staff and regulations are completed. The public must feel confident that court facilitates operate in a safe and secure way. The Court Security Bill is a significant and positive move towards ensuring the secure and orderly operation of courts. I commend the bill to the House.

Debate adjourned on motion by Mr Steven Pringle.

DISTINGUISHED VISITORS

Mr SPEAKER: I have much pleasure in welcoming to the public gallery Mr Hamlaoui Mekachera, Secretary of State for Veterans Affairs of the French Republic.

SHERIFF BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.45 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Sheriff Bill 2005 repeals and replaces the Sheriff Act 1900 with new, updated legislation. The office of Sheriff is one of the oldest continuing offices in English law, with its history extending back into the Middle Ages. It was first established in Australia by letters patent known as the Charter of Justice, issued in 1823. The Charter of Justice carries over certain common law powers of the Sheriff under English law. Subsequent legislative powers built upon these powers, culminating in the Sheriff Act 1900. While the Sheriff's role in New South Wales has changed over the last century, the Sheriff remains responsible for three key areas, namely, juries, the security of the courts, and the enforcement of court orders. The Sheriff's responsibilities concerning juries are fairly well laid out in the Jury Act 1977.

The new Court Security Bill 2005 provides a statutory basis for the exercise of security powers in New South Wales courts. Certain other Acts confer functions on the Sheriff, such as the enforcement of civil judgments under courts legislation. The activities undertaken by sheriff's officers in these areas of responsibility are quite distinct. The Sheriff Bill recognises these varied functions and provides that the Sheriff has, and may exercise, such functions as are conferred under any Act or law. The bill provides that the Sheriff may delegate his or her powers and also provides for the exercise of the Sheriff's functions by an alternate in legal proceedings to which the Sheriff is a party. The court or the Coroner may order that the Sheriff's functions are to be exercised by an alternate where the proceedings may affect the Sheriff's interests.

This may, for example, include proceedings to enforce a judgment or any inquest or inquiry under the Coroners Act 1980. Both police and correctional services officers are required by legislation to take an oath or make an affirmation of office. In undertaking their various statutory functions, sheriff's officers exercise some powers that are analogous to those of police officers and correctional officers. The Sheriff Bill introduces a similar requirement for the Sheriff and each sheriff's officer to take an oath or make an affirmation. The requirement has important symbolic value and reflects the significant role sheriff's officers have in carrying out duties in the public interest. The bill contains a number of protections relating to the role and office of the Sheriff.

It will be an offence to hinder or obstruct the Sheriff, sheriff's officers, or other persons exercising the Sheriff's functions. A penalty of up to $11,000, 12 months imprisonment, or both, may apply for a breach of the provision. The existing Sheriff Act 1900 provides that it is an offence to impersonate the Sheriff or an officer of the Sheriff. The new bill builds upon this provision to further protect the integrity of the office of the Sheriff. A person exercising the Sheriff's functions will be required to carry and produce on demand a certificate of identification in the prescribed form. Under the legislation it will be an offence for a person who is not a sheriff's officer to wear or possess a sheriff's officers' uniform. The use of Sheriff's insignia, other than in the course of exercising the functions of the Sheriff, will be an offence.

There are a number of exceptions to the restrictions on the wearing or possession of sheriff's officers' uniforms or insignia. These include circumstances where the Sheriff has given authorisation or for the purposes of public entertainment. The carrying on of an activity under an operating name that includes the word "Sheriff" will also be prohibited under the legislation, unless the Sheriff consents to its use. The proscriptions as to the wearing or possession of sheriff's uniforms and use of the term "Sheriff" parallel similar restrictions relating to police officers contained in the Police Act 1990. The bill abrogates the provisions of the Charter of Justice that provide for the appointment of the Sheriff and sheriff's deputies.

The Sheriff is currently appointed and holds office under the provisions of the Public Sector Employment and Management Act 2002. The reference to sheriff's deputies in the charter is also redundant as this position no longer exists. The Sheriff Bill also amends the Ombudsman Act 1974. Currently, the conduct of sheriff's officers is excluded from the coverage of the Ombudsman Act. The amendment will enable complaints to be made to the Ombudsman regarding the conduct of sheriff's officers as well as court security officers. The exception is where the officer's conduct is engaged in at the direction of a court, or a judge or magistrate presiding over proceedings before a court. In addition, the handling of complaints relating to sheriff's officers will be addressed in updated training guidelines that are being developed by the Sheriff. The bill updates the provisions underpinning the role of the Sheriff and sheriff's officers. The legislation, which complements the Court Security Bill, will commence as soon as the regulations and new guidelines are finalised. I commend the bill to the House.

Debate adjourned on motion by Mr Steven Pringle.

TRANSPORT ADMINISTRATION AMENDMENT (TRANSPORT LEVY FOR MAJOR EVENTS) BILL

Bill introduced and read a first time.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Transport) [10.49 a.m.]: I move:

That this bill be now read a second time.

The Government has provided special public transport services to Sydney Olympic Park since 1998 for events such as the Royal Easter Show, rugby league State of origin and grand final matches, rugby union tests and Sydney Swans games. These transport services were a crucial factor in the tremendous success in transporting spectators to the Sydney 2000 Olympic Games and the 2003 Rugby World Cup. Whilst these services have been generally well patronised by the people of Sydney and visitors, there has been a downward trend in public transport use since the Sydney Olympics. A corresponding increase in car use has placed additional pressure on the road network surrounding Sydney Olympic Park resulting, at times, in unacceptable traffic congestion and delays to event patrons and other road users. Sydney Olympic Park, its tenants, and the travelling public rely on the provision of accessible and affordable public transport and the Government is committed to continuing to provide these vital services.

Given the success of combined event-transport ticketing for the Sydney 2000 Olympic Games, this bill provides for an integrated ticket whereby the cost of public transport, or a transport levy, is included in the ticket price of major events. Benefits of the levy include a reduced day-out cost for the majority of people attending the event, the convenience of one ticket, increased public transport use, and a reduction in car use that means reduced traffic congestion and ensures the continuing provision of high-standard public transport services. The transport levy allows the cost of transport to be spread across all patrons attending the event. This concept was applied to the 2003 NRL Grand Final and a number of events during 2004 including the Royal Easter Show, rugby union tests, and rugby league State of origin and grand final matches. Under the integrated ticket model ticket holders can travel to and from the event by train, bus or ferry.

Train travellers can use any CityRail service from as far as Newcastle, Dungog, Scone, Richmond, Lithgow, Goulburn, and Bomaderry. Patrons can also use any of the services on the major event bus route network and regular Sydney Buses and Sydney Ferries services. The integrated ticket has been well accepted by event patrons, event organisers, venue managers and transport operators. Until now the event and transport integrated ticket has been applied under an administrative arrangement. This has meant that the transport levy has been subject to goods and services tax. Establishing the transport levy via legislative amendment will provide an exemption from GST on the levy. Obtaining an exemption from GST will increase the funding available to assist in meeting the cost of providing public transport services for major events. This in turn will ensure that the transport levy amount can be kept to a minimum.

Introducing legislation for the transport levy will also ensure that the levy is not caught under the provisions of the Trade Practices Act 1974 in relation to products being bundled together. This is the case with the transport levy, whereby the cost of transport is bundled with the event entry component on a single ticket. The Transport Administration Amendment (Transport Levy for Major Events) Bill is modelled on the successful

arrangements used during the Sydney 2000 Olympics, which were underpinned by the Olympic Roads and Transport Act 1998 and the Sydney Organising Committee for the Olympic Games Act 1998.

The Transport Administration Amendment (Transport Levy for Major Events) Bill provides for a transport levy to assist in meeting costs arising out of the provision of public transport services for major events; enables particular events to be declared for which a transport levy will apply—initially, the events will be those held at Sydney Olympic Park but in future the levy could be applied to other events if considered appropriate; provides certainty for event organisers and venue managers in respect of the provision of event public transport services; provides assurance for Government in relation to income and payment for the services; and allows for flexibility in regard to the level of transport services to be provided for each event.

The bill allows the Director-General of the Ministry of Transport to negotiate and enter into an agreement with a major event organiser or venue manager in respect of the amount of a transport levy—the event organiser may choose to apply different levy amounts depending on ticket category; payment of the levy by the event organiser; allowing the event organiser or venue manager to require all or any of the patrons of the event to pay the transport levy. This includes inclusion of the levy in membership or benefit prices, the level of public transport services provided for an event, the sale and use of tickets to major events as tickets for public transport services, the issue of event tickets by transport authorities and other transport providers, the collection and payment of the levy, and the provision and liability for costs of public transport services.

In addition, the bill prevents agreements and the conduct of parties entering into agreements from contravening part 4 of section 51 of the Trade Practices Act 1974, which relates to restrictive trade practices. The bill will ensure that the Government can continue to provide high standard transport services for major events, and I commend it to the House.

Debate adjourned on motion by Mr Steven Pringle.

STANDARD TIME AMENDMENT (CO-ORDINATED UNIVERSAL TIME) BILL

Bill introduced and read a first time.

Second Reading

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [10.56 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Standard Time Amendment (Co-ordinated Universal Time) Bill amends the New South Wales Standard Time Act 1987 to replace references to "Greenwich Mean Time" with "Co-ordinated Universal Time". Co-ordinated universal time has replaced Greenwich Mean Time as the international time standard. There is a fundamental difference between the ways in which time is measured under these two time scales, and I would like to outline it briefly for the information of honourable members. Greenwich Mean Time is a solar time scale, based upon the rotation of the earth. Each new day is defined as beginning "at the moment of mean midnight on the prime meridian of longitude", which runs through the Royal Observatory in Greenwich, England. This definition was agreed to at the International Meridian Conference in 1884.

However, scientists and technologists recognise the considerable drawbacks of measuring time based on the erratic motion of the earth, the rate of which fluctuates by a few thousandths of a second a day. By contrast, Co-ordinated Universal Time is maintained by highly accurate atomic clocks and is accurate to approximately a nanosecond—or one billionth of a second—per day. The use of Co-ordinated Universal Time was strongly endorsed in 1975 by the Fifteenth General Conference on Weights and Measures. The Metre Convention, a diplomatic treaty signed by Australia in 1947, gives authority to the General Conference on Weights and Measures to act in matters of world metrology. To determine the international standard Co-ordinated Universal Time, the Bureau of Weights and Measures co-ordinates data from atomic clocks located in timing laboratories around the globe, including the Australian National Measurement Institute and United States Naval Observatory.

The Commonwealth National Measurement Act was amended in 1997 to require the Chief Metrologist to maintain Co-ordinated Universal Time, as determined by the International Bureau of Weights and Measures. In many countries Co-ordinated Universal Time is distributed by standard radio stations that broadcast time

information. Co-ordinated universal time is also closely tied to the time scale of the satellite-based global positioning system. We live in a globally connected electronic society. The adoption of the reference to Co-ordinated Universal Time is in keeping with modern scientific practice and is highly significant in terms of modern technical applications requiring accurate synchronisation. Examples of such applications include electricity distribution, high-speed computer networks and precise navigation. Both business and the community need to be certain about the terminology used in standard time legislation and equivalent legislation.

The Standing Committee of Attorneys General agreed last year to introduce amendments to standard time Acts, or equivalent legislation, to define standard time in terms of Co-ordinated Universal Time. To avoid confusion and allow sufficient time to facilitate the change to Co-ordinated Universal Time, State and Territory Ministers agreed to adopt the reference to Co-ordinated Universal Time on a uniform basis. Ministers also agreed to commence the relevant amendments to legislation on 1 September 2005. This date is one month prior to the earliest start-up date for beginning of the daylight saving period in 2005. Co-ordinated universal time is a more precise means of measuring time and is the legal reference time scale for Australia. It is the only time scale supported by a technical infrastructure. The proposed legislation updates the New South Wales Standard Time Act to reflect the internationally accepted time standard. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

BUSINESS OF THE HOUSE

Private Members' Statements

Leave granted for private members' statements to be noted until 1.00 p.m.

PRIVATE MEMBERS' STATEMENTS

WESTERN SYDNEY ARTS FUNDING

Mr PAUL GIBSON (Blacktown) [11.01 a.m.]: Only a few weeks ago I had the pleasure of attending the launch of Artfiles 2005. Artfiles is a database for artists that acts as a go-between for artists from non-English speaking or low socioeconomic backgrounds, for example, and instructs them how to proceed when they have completed their works of art. It provides information about where their art may be displayed, sold and so on. Artfiles is a great initiative funded—together with art generally in Western Sydney—by the Community Cultural Development [CCD] Board and local councils. However, the Western Sydney Regional Organisation of Councils [WSROC] and other sections of the arts have expressed concern that this funding may be stopped. Western Sydney has been an arts powerhouse in recent times. These days more people pursue and patronise the arts than attend games of rugby league, rugby union and soccer. Whereas once councils in Western Sydney would build football fields on most corners of their municipalities these days they are looking to construct galleries where artists can display their works.

As I have said, half of the funding for the arts in Western Sydney is allocated through the Community Cultural Development Board. However, just before Christmas the Australia Council—the Federal arts funding and advisory body—announced its organisational restructure. Among the major changes is the abolition of the new media and community cultural development boards. WSROC acknowledges the Australia Council's need for internal review as a means of improving efficiency and relevancy. However, it is concerned that the proposed model will impact unfairly on greater Western Sydney communities and arts development. Community cultural development is a keystone practice in Western Sydney and WSROC is concerned that the loss of the Australia Council's CCD Board will disadvantage the region's communities. Community cultural development describes the direct and creative participation of ordinary people in making their own culture. Proven CCD outcomes include reduced social isolation, crime prevention and urban regeneration and community wellbeing. CCD is also the strongest Federal Government arts funding category for Western Sydney. Since 2000 almost half the funding this region has received from the Australia Council has come through the CCD Board.

Not all communities and artists enjoy equal access to the Australian arts industry. Language is a major barrier, as well as lack of peer support networks for underresourced communities, such as indigenous, refugee, newly arrived and migrant communities. Dissolving the CCD Board and its specialist staff will mean that there

is no entry point for these communities, effectively excluding them from applying for whatever funding may be available. Local government is already a substantial contributor to local cultural development. If the dedicated CCD funding and expertise of the Australia Council is eliminated, local arts organisations and individuals will rely more heavily on local government, stretching councils' already limited resources.

The new Australia Council model was developed without sector consultation or a formal review process despite funds being allocated by the CCD Board for a review last year. Certain things must happen. First, the Australia Council should distribute a position paper on the new model. This will enable an effective and informed response from the community. Secondly, there should be a six-month moratorium on the restructure, enabling the Australia Council to, thirdly, conduct a formal six-month CCD sector review and, fourthly, consult formally with the CCD sector. Finally, it should be noted that cultural development in Western Sydney has benefited greatly from proactive State Government initiatives, such as the Western Sydney Arts Strategy of 1999. WSROC has just completed a complementary report, entitled "Authoring Contemporary Australia: A Regional Cultural Strategy for Greater Western Sydney", to guide cultural development over the next 25 years. These initiatives are gaining momentum and if the Australia Council proposal is implemented the region's cultural sustainability will be in grave danger. [*Time expired*.]

CARLINGFORD PUBLIC SCHOOL

Mr ANDREW TINK (Epping) [11.06 a.m.]: I wish to raise some concerns about Carlingford Public School in my electorate, which substantially burnt down shortly before the end of 2003. There has been a long delay in repairing the main administration block, which was essentially completely gutted by fire, and this is causing increasing concern to the school and local communities. As a result Radio 2GB made some inquiries of the Department of Education and Training and, I am afraid to say, was told a pack of lies. On 11 February the radio station broadcast the departmental advice that because the school suffered an arson attack it took time for the police to investigate the incident and for the insurance company to come through. I checked with detectives at Eastwood police station, who told me that all police investigations were suspended on 2 April last year. So the information then available was exhausted and there were no further leads. In other words, the police investigation has been over for almost a year. It is a lie that a current or even relatively recent police investigation is holding up progress on this matter.

The radio station also stated that the department was waiting for the insurance company to come through. That is the second lie. The Department of Education and Training does not have an insurance company; it is a self-insurer. A section of the department may be devoted to insuring the rest of the department but that business is conducted by a managed fund. No separate insurance company is involved. Radio 2GB broadcast that information in good faith, but it was based on a lie. The third lie was the department's claim that the building is historic. It is an old building that is important to the area but it is not historic in the sense that the rebuilding work would or should be delayed for almost a year and a half. The best information I have received is that the building was built in approximately 1934. Except for members who represent newer electorates, I imagine most members in this House would have several school buildings in their areas that were built at that time in that style. So I cannot believe there are heritage reasons for delaying the rebuilding in this case.

The final lie, and probably the most capable of weight and precision, was that there was a development application before Parramatta City Council. I rang my contacts in Parramatta council and was told there was no development application before the council. Those four lies have caused great anger. On 16 February, a few days later, the Minister for Education and Training was interviewed by Ray Hadley on Radio 2GB. Ray Hadley said, "So I have been lied to." Regrettably, that is the case with regard to those four matters, and I take a really dim view of that. There are priority lists for work to be done at schools. I would like to think that a school that has had its main building burnt down would be given priority, but there may be reasons for a delay. But it is totally unsatisfactory, and something I cannot accept, that the department at some level—and I do not blame the new Minister—has been prepared to tell a series of lies, which were broadcast over a radio station to probably one million people in Sydney, to get itself off the hook.

If lies have been told in an attempt to crisis manage the concern that has been raised in the media about the delays, what faith can any of us have in the Minister's statement that a development application will be lodged fairly soon and that work will start mid year, and in the other promises she gave to Mr Hadley as a result of advice she has received from her department? I sincerely hope the Minister kicks a few heads over this matter, because the way it has been handled up until now is not good enough. All honourable members expect better. If a development application has not been lodged, no departmental officer should pretend that it has been lodged. And no departmental officer should pretend that police are still investigating a matter if that is not the case. It is totally unsatisfactory. We expect work to start soon.

CLUBSNSW CARLENNIUM

Ms MARIANNE SALIBA (Illawarra) [11.11 a.m.]: In order to rattle the pockets of honourable members and encourage them to open their wallets and let out some moths, I bring to the attention of the House the ClubsNSW Carlennium, a car rally that has taken place in the Illawarra each year for five years to raise money for the Shepherd Centre. This year the honourable member for Wollongong and I have entered a car which we have called "Pollies Revvin' U". The Shepherd Centre assists deaf and hearing-impaired children across New South Wales and the Australian Capital Territory to speak and communicate in a normal hearing world. Many of the children who attend the Shepherd Centre are severely handicapped, with Down syndrome and associated problems.

These very special children integrate into normal hearing society through family education and playgroups and are given every opportunity to experience normality and acceptance from a very early age, leading to high self-esteem and a personal pride in their achievements. The car rally will leave the Illawarra on Friday 4 March and will take place on 5 and 6 March. Participants have no idea where they are going—although there have been a few hints—or what the route involves. It is a weekend of great hilarity. We want to raise as much money as we possibly can and have a good time enjoying each other's company.

I acknowledge a number of community members who are involved in the event. Jennifer Symes is the executive director; Tony Reagan the event director; Rod Cunich the director, road officials; Norm Brown from the NRMA; Bob and Susan Coombes, administration officials; David Brown, clerk of the course; and a special mention to the Shoalhaven and Kiama District Auto Club Inc., which provides the insurance for cars to go on the road. I know that we will need insurance! This year's rally is called the Shake, Rattle and Roll Legend's Tour. Day one is the Elvis Presley and rock legends day. Day two is song themes, such as *Itsy Bitsy Teeny Weeny Yellow Polka Dot Bikini*, *Blue Suede Shoes*, et cetera. Day three is the Indy grand prix day. I hope they do not see my driving: Mrs Jack Brabham might be doing her bit to make sure that the Indi grand prix day is a great day.

This event is well supported by the people of the Illawarra and New South Wales. I note that the honourable member for Burrinjuck said she has been involved with the rally in the past. It is a great event. I have written to all honourable members and asked them to dig into their pockets and support the day. I would appreciate any sponsorship that we can get as the pollies in the parade. I look forward to having a great weekend with the organisers. I understand that judges can be bribed, so we will be taking along some bottles of parliamentary wine to ensure that we get the opportunity to reach our destination without too much difficulty. We are looking for a stuffed bird and some large amounts of cash to decorate our car. Any donations will be greatly appreciated and if anyone can assist in that regard it would be more than welcome. I congratulate the organisers. I congratulate ClubsNSW on its commitment to the Shepherd Centre. I hope that the event is a success and I know that the money raised will be put to good use in giving these children an opportunity to be part of the normal hearing world. I congratulate those people.

BURRINJUCK ELECTORATE HEALTH SERVICES

Ms KATRINA HODGKINSON (Burrinjuck) [11.16 a.m.]: I refer to the very serious issue of health services in my electorate of Burrinjuck. The first line of the Southern Area Health Service Yass Draft Health Services Plan 2005-10 states:

> The purpose of this plan is to work with the community to develop plans for a comprehensive, functionally integrated quality health service that meets the needs of the population.

Fine words, but they do not reflect the reality of what is happening at this moment in planning for the future public health needs of the Yass community. I am extremely concerned about the lack of any real and demonstrated commitment by the Greater Southern Area Health Service to work with the Yass community to develop these plans. I also firmly believe that few, if any, members of the Yass community are happy with the level of consultation and response to the expectations of the community that the Greater Southern Area Health Service has shown so far. The 1999 report of the New South Wales Ministerial Advisory Committee on Health Services in Smaller Towns, chaired by Ian Sinclair, the former Leader of the National Party, came to the conclusion that "each community had its own unique features and requirements and that one standard model is not the solution. "

In response to this report the Southern Area Health Service produced a Clinical Services Plan, commonly called the Cranny Report. The unfortunate result of this report was that the health service adopted as

a preferred model a hub-and-spoke system for every community in the more than 50,000 square kilometre area that stretched from Young to the Victorian border. The hub-and-spoke model has the effect of cutting back support for existing services in smaller centres such as the operating theatre and birthing centre at Yass hospital and the operating theatre at Crookwell hospital. The demonstrated actions of the Greater Southern Area Health Service directly contradict the New South Wales Government's September 2002 response to the Sinclair report.

The response stated, on page 3, that three fundamental issues to be addressed would be attracting and retaining health care professionals, providing certainty and security for services in rural areas, and providing services closer to where rural people live. I have yet to have explained to me how closing birthing units and operating theatres and forcing patients to access these facilities at least 60 or 70 kilometres away in the Australian Capital Territory—which faces its own extreme patient pressures—or Goulburn is providing services closer to where rural people live. Yass is a growing and vibrant community, which deserves a level of public medical services that cannot be provided under the clearly inadequate hub-and-spoke model.

Because the community of Yass was so disappointed with the Greater Southern Area Health Service's lack of response to the community's concerns, it has banded together to draft a proposal which will provide better health for the community and better access to health facilities. That proposal, developed under the auspices of the Yass Valley Council, and with extensive input from the local community, will be considered by council at a meeting tonight.

What the community of Yass wants and needs can be summarised as follows: a new purpose-built integrated health complex in Yass by 2010; the continuance of the hospital with its emergency department, with adequate staffing and appropriate equipment maintained to current standards; the reinstatement and upgrade of the operating theatre to provide surgical procedures: maintenance of acute high-dependency services and upgrade of the equipment, with a life cycle maintenance program; x-ray services to be available five days per week with emergency on-call provisions; retention of the maternity birthing suite and ongoing maintenance of equipment; immediate appointment of a fully funded full-time community midwife, who will provide antenatal and postnatal care programs and an outreach service; a community nurse who will be available seven days a week; additional palliative care funding; access to a mental health team 24 hours a day, seven days a week; an augmented medical transport system for patients in outlying villages; maintenance of the Dental Health Program; and a range of early intervention programs to tackle areas such as drug and alcohol abuse, diabetes, smoking, breast cancer and other public health issues.

Most of these areas of significant need for the Yass community have been allowed to decay because of lack of funds for maintenance or for upgrading of ageing facilities. By doing this, the then Southern Area Health Service created a self-fulfilling prophecy that allowed it to claim that the facilities were underutilised and should be closed. Greater Southern Area Health Service seems intent on continuing the push to try to force the inadequate one-size-fits-all, hub-and-spoke model of health services. I reiterate what the Sinclair report concluded: "each community had its own unique features and requirements and that one standard model is not the solution." The Greater Southern Area Health Service bureaucracy is not trusted by the doctors and nurses who staff the service's facilities. It is not trusted by the community of Yass to listen to its concerns. Why? Simply because of its continued and demonstrated failure to respond to the needs and wishes of the community.

I call on the Minister for Health, in the strongest possible terms, to listen to the needs and aspirations of the Yass community and to give them the public health facilities that the people need—not some one-size-fits-all system that some Health Department bureaucrat wants Yass to squeeze into. This is an extremely serious issue facing the community of Yass. It seems that the whole of Yass is behind the push by Yass council to make sure that the health needs of Yass are fully met. [*Time expired.*]

LITHGOW LIBRARY LEARNING CENTRE

Mr GERARD MARTIN (Bathurst) [11.21 a.m.]: Today I wish to speak about a very important event that took place at Lithgow on 9 February last: the opening by the Premier of the new Lithgow Library Learning Centre. This event coincided with the 125th year of continuous library service in Lithgow. This event resulted from a major investment by Lithgow City Council. I congratulate mayor Neville Castle and the council for continuing the work, which started when I was a member of council. In those early days we worked very hard to get this learning centre. Finally, with a grant of $200,000 from the State Government, and with council spending more than $1 million, Lithgow now has a magnificent integrated, state-of-the-art library.

The function commenced with a welcome to country on behalf of the Aboriginal people of the area, the Wiradjuri and the Kamilaroi, by Sian Towers, followed by a number of speeches, including those by

representatives of the New South Wales State Library and the mayor. I introduced the Premier, who departed from his prepared script and spoke off the cuff. He gave a very illuminating address, which explained the essence of the library. A magnificent colour photograph on the front page of the *Lithgow Mercury* of 10 February shows the Premier reading to a group of children during his speech.

The Premier commented on the very comprehensive stock in the Lithgow library—a library that has been operating continuously for 125 years. Les Petocz, who was librarian for 25 years, and for much of the time that I was mayor of Lithgow, had made unique acquisitions for the library. In the stack, an area at the back of the library, are some priceless books. The Premier was amazed that it included a comprehensive collection on the history of the American civil war, as well as a number of Roman and Greek classics, together with their translations into English. In fact, universities around Australia borrow from the collection. It is quite unique for a country town to have a library of such an eclectic nature.

The learning centre also incorporates a technology centre, as well as a dedicated homework area in which students, particularly schoolchildren, can study in relative peace and quiet, with supervised help. This is a facility that council has focused on, in the knowledge that from time to time some children, for whatever reasons in their home environment, need a quieter place to study. The library has moved from the traditional library, which was presented to the community early this century by the Hoskins family of Lithgow, of steelworks fame. It is now situated in the former Woolworth's department store, within the central business district, which is a more accessible location, and Woolworth's are building a new $11 million complex, also in the central business district. I was pleased to see Les Petocz at the opening of the library, even though he has been retired for 17 years.

Another person who deserves great credit for her efforts is Penny Hall, the current librarian. Under the new local government structure she holds the title of Community Services Manager. Penny is a very committed and passionate person. Her drive has kept many councils and past mayors focused on the library. When I was a member of council she was incessant in her representations about this project and its working in with the New South Wales Library. Penny and the dedicated staff can feel very happy with the events of 9 February—the fruition of many years work, and servicing the greater Lithgow community. Being a regional library, it also serves the Rylstone-Kandos area and provides an outreach and travelling library service. The people of the area can be very satisfied that they now have a first-class library learning centre. This was a red-letter day in the history of Lithgow.

P-PLATE DRIVERS FORUM

Ms GLADYS BEREJIKLIAN (Willoughby) [11.26 a.m.]: I am pleased to report to the House that on 9 February 2005, at the Chatswood Dougherty Centre, I held a P-platers forum, which locals, especially young people, were invited to attend and give their views on proposals that are available for public comment at this stage. I thank Ian Luff, a professional driving instructor and motivational speaker, for his excellent presentation. I thank also the Chatswood Chamber of Commerce, and in particular its president, Ed Mozzoni, for sponsoring the event; Inspector Kim Campbell and traffic Sergeant Julie Underwood of the North Shore Local Area Command, who were on hand to answer any questions about current laws; Cassie Knox, of the Willoughby Council Youth Centre; and the many young people who attended and, frankly and maturely, gave their views on the current proposals.

The impetus for the forum was the fact that many young people contacted my office once the current proposals became public. Consequent upon that contact, I wrote to all young people in my electorate, asking them for their views and inviting them to attend the forum. I was absolutely inundated with faxes, telephone calls and emails from young people wishing to express their views. It was most encouraging to see how many young people wanted to comment on this issue. The evening commenced with Ian Luff—who, as I have said, is an exceptional speaker and a professional driving instructor—commenting frankly and informatively on the importance of driver attitude. He also presented a video to demonstrate how having young people with the wrong attitude behind the wheel represent a danger to themselves and to society.

The community has until 28 February to comment on the current Roads and Traffic Authority proposals, so I want to take this opportunity officially to place on the record the views that have been brought to my attention by the Willoughby electorate. On the evening of the forum we went through the discussion paper, and everyone had an opportunity to air their views. Firstly, in relation to increasing the mandatory period of supervised driving from 50 to 100 hours for learner drivers, the comments included: only if professional instruction was involved, because there was no point in repeating bad habits learnt in the first 50 hours. Many young people also said they wanted to take professional instruction, but that it did cost quite a lot of money.

Increasing the mandatory tenure period for a learner's permit from six months to 12 months and potentially extending it from three years to five years was not necessarily seen as a good thing because it would drag out the process of learning safe driving over a longer period. Most people at that meeting felt that the current times allotted for learning to drive were sufficient. Increasing the provisional licence age to 18 got a big "No"; it was not supported. Many young people indicated that they needed their licences for work purposes, to help with family responsibilities and to pursue a social life. Driver education in secondary schools received strong support. That concept is supported strongly by the Opposition. Reducing the number of passengers for P1 drivers under the age of 26 had a great deal of support. Practically every single young person who contacted me seriously opposed the introduction of a curfew for P1 drivers; they thought it was unreasonable. However, they acknowledged that a reduction the number of passengers was perhaps a good idea.

The use by P-plate drivers of high-powered vehicles stimulated a lot of debate. Many acknowledged that high-powered vehicles generate wrong attitudes, especially in novice drivers. However, people felt that further work should be done to promote debate on this point because, as I was told during the meeting, the Holden Commodore, which has a V8 engine, is the most commonly purchased car in Australia. People thought that a number of issues needed further discussion before a final decision was made. I again place on the record my gratitude to the many young people who participated and the local community leaders who supported the event. I was extremely encouraged by the views of many of the young people at the meeting. The three main points that came out of the meeting were opposition to curfews, strong support for education in high schools and the need for further discussion about high-powered vehicles.

BIRUBI POINT SURF LIFE SAVING CLUB

Mr JOHN BARTLETT (Port Stephens) [11.31 a.m.]: Today I want to praise the workers involved in the second-stage expansion of the Birubi Point Surf Life Saving Club. The club was formed in the early 1990s by the late Peter Broadfoot and his wife, Shirley. During the club's probationary period they operated out of the back of the old truck that went backwards and forwards to the beach. The first stage of the surf club, which consisted of a clubhouse, a kiosk and an area for a boat shed and public amenities, was constructed by council in 1999. The second stage of the building was completed recently. I congratulate Rob Duff, President of the Birubi Point Surf Life Saving Club, on all the work, time and effort he put into the extension, which was funded partly by $40,000 raised from raffles. However, the total cost of the extension was well over $80,000. Half of the cost of the extension was donated in either goods or work by 23 local businesses—a fantastic effort.

In alphabetical order I will acknowledge some of the many who contributed. Brian Cromaty from Cromaty Turf donated all the turf for the project. Wayne Drew from the Drew Construction Group supplied the formwork and the concrete roof, which cost about $16,000. He returned $8,000 to the club. Gerrard Bowen from DARACON Quarries donated all of the safety fencing and the rocks. Warwick Pretti from Hunter Valley Concrete Pouring Services Pty Ltd did all the pumping free of charge and, through his involvement with Salamander Bay Rotary, he obtained a $5,000 defibrillator for the club. Matt and the boys from Nelson Bay Electrical Services supplied and fitted all the electrical services at no cost. Terry Bender from Port Hunter Fire and Fabrication, the father of a little nipper, provided the steel galvanised columns and security gates free of charge. Jackie George from Salamander Sand and Soil donated much of the landscaping supplies.

The Birubi Point Surf Life Saving Club now has more than 100 patrolling members. On any Sunday at least 150 nippers and parents are on the beach. Rob Duff believes that the total membership of the Birubi Point Surf Life Saving Club is now between 300 and 400. The club sits on the Birubi Point headland and looks south down Stockton Bight along a 30-kilometre long beach. The view from the clubhouse is absolutely sensational. Stage three of the project will be a $750,000 extension, which will go completely across the roof of the existing building. It will consist of a club room, a kitchen, a lookout for the surf lifesavers, a restaurant and a function room. When stage three is completed the surf club will make a huge financial contribution back to the community to thank them for their involvement to the project. I commend all those involved with the project.

KEMPSEY WOMEN'S REFUGE

Mr ANDREW STONER (Oxley—Leader of The Nationals) [11.36 a.m.]: The Kempsey Women's Refuge in Kempsey provides an essential service to women in need of support. Increasing levels of domestic violence and overstretched police resources is one of the reasons a 24-hour service is needed at the refuge. I have received a number of expressions of concern from community advocates and organisations dealing with domestic violence that recognise the urgent need for the Kempsey Women's Refuge to return to a 24-hour service. The refuge is a four-bedroom facility with access to a further six exit houses. Due to constant funding

constraints it has lost the ability to provide a 24-hour service. The impact of the new gaol at Kempsey is likely to demonstrate that this loss of service cannot continue. Currently the service has a limited capacity to accommodate more clients.

A disturbing report by the Australian Institute of Health and Welfare shows that homeless services nationwide are operating to capacity and turning away many people each day, including children. Domestic violence, unemployment and the drought in rural areas have contributed to increased pressure on services. The shift to towns of low-wage workers who lived on farm properties also has increased domestic violence. That has resulted from financial distress, rising real estate prices and the toughening of tenancy criteria. All of those matters have contributed to domestic violence, separation and homelessness. Indeed, the Department of Community Services is aware of the increasing need for housing support in the Kempsey area to the extent that an annually constituted forum meets regularly to assess housing needs in Kempsey and facilitate a joint response from all stakeholders.

The social plans of Kempsey Shire Council have always identified domestic violence against women as a major issue in the Kempsey shire. The Many Rivers Violence Prevention Unit was set up because of the high number of Aboriginal women who are victims of domestic violence. Although all workers are on call, there is no-one to prevent a victim of from being followed and assaulted before staff arrive. When a woman is in crisis she needs to feel safe. The Society of St Vincent de Paul Kempsey service finds it extremely hard to accept that the refuge is no longer operated as a traditional 24-hour service. There are also concerns about the lack of food at the refuge.

Sister Cabrini, a Sister of Mercy, worked at night at Catherine McAuley House when it was a 24-hour service operated under the auspices of the church because she found that fights broke out at night and that was the time when a good listener was most important. The local police in Kempsey have a strong working relationship with the refuge. Kempsey District Hospital and/or the police are likely to refer women and children to the refuge at any time but, as honourable members would know, referrals to a refuge rarely occur during daylight hours. The Kempsey Women's Refuge presently does not have the resources to provide overnight supervision and, therefore, an appropriate level of security.

The former Minister for Community Services acknowledged community concern for women and children in Kempsey and surrounding areas who are victims of domestic violence, or who are homeless but since March 2004, only $87,850 has been provided to support the service. Consequently, the Kempsey Women's Refuge is staffed from 8.00 a.m. until 8.00 p.m. Monday to Friday, with a worker on call throughout the night and on weekends. Clearly the reduced access hours cannot be allowed to continue. Sadly, the Kempsey Women's Refuge is an essential service that is in great demand in Kempsey owing to poverty, high levels of unemployment and high levels of domestic violence. The fact that it is not accessible and not properly supervised during the night is a crying shame and highlights the urgent need for additional funding. The service should be supported to provide accommodation and support for women who are victims of domestic violence.

Domestic violence is a statewide problem; it is not confined to Kempsey. However, Kempsey stands out because the refuge that was previously available on a 24-hour basis is operating at a reduced level of access and support merely because of a reduced level of funding from the Government. I urge the Minister to lift funding constraints and provide sufficient resources that will enable the refuge to resume its operations on a 24-hour basis.

INDIAN OCEAN TSUNAMI

Mr KEVIN GREENE (Georges River) [11.41 a.m.]: Yesterday the Premier moved a motion of condolence for victims of the tsunami disaster. During my speech I will focus on community fundraising events in the Georges River electorate that have been held in support of tsunami victims. In early January, Neil and Megan Saintilan, supported by Oatley Lions and Lugarno Lions, organised a tsunami picnic among the Oatley community and the support for the event was absolutely amazing. Approximately 2,000 people attended and more than $20,000 was raised, despite the event having been organised in only a few days. The amount raised, particularly in a holiday period, speaks volumes about the level of community support for the cause. Unfortunately, I was unable to attend because I was away at the time, but I know that Federal parliamentary representatives Darryl Melham and Robert McClelland attended, as well as many Hurstville city councillors.

The Lugarno Lions, which is very supportive of any charitable cause, supported the tsunami relief appeal by organising a number of bucket collections. Members of the club stood in Riverwood and Roselands

shopping centres on a number of Saturday mornings, and the collection raised close to $25,000 in a period of weeks. I congratulate the club on its efforts not only in regard to support for tsunami victims but also on its overall support for charity fundraising. Recently I was the guest of Mr Harry Solomons, who is the proprietor of the Kingsgrove Sports store as well as being one of Sri Lanka's best exports to Australia. Harry runs a successful business and his support for cricket has been outstanding.

Harry invited me to attend a function organised by the Sri Lanka Cricket NSW in support of Cricket Aid. The event was attended by four very well-known Sri Lankan cricketers, Muttiah Muralitharan, Russell Arnold, Chaminda Vass and Kumar Sangkkarra, who spoke brilliantly on behalf of Sri Lanka at that function. The guest speaker for the function was Mr Alan Jones, the well-known radio commentator. Alan was an outstanding keynote speaker, despite having been invited to participate at very short notice, and demonstrated great empathy not only for the Sri Lankan people but for people through the whole region who suffered the impact of the tsunami. I congratulate the President of the New South Wales Sri Lankan Cricket Association, Mr Palitha Wijesena, on the organisation of the event. It was also great to witness the strong support for the event from Cricket NSW, which was represented by executive members Mr Bruce Collins and Mr Jon Jobson. Cricket NSW donated $75,000 to the appeal and the funds raised will spent on an orphanage and on repairing villages, particularly around the Galle area.

Harry Solomons also organised a walk in Centennial Park to support the Sri Lankan relief appeal. Although his first attempt was washed out on one of the few days that Sydney had rain, Harry typically backed up and eventually raised many thousands of dollars in support of his Sri Lankan community. On Saturday the St George Central Rotary Club will hold a Balinese function at the Marana Hall in support of tsunami relief and I hope that the function also attracts enormous community support. It is a great privilege to be able to inform the House about charity fundraising events that have been held in the Georges River electorate in support of tsunami disaster relief. The tsunami was a tragedy that touched all of us and I take great consolation from being able to report on the community spirit and support for victims that is widespread in the Georges River electorate.

KURNELL PENINSULA SAND EXTRACTION PROPOSAL

Mr MALCOLM KERR (Cronulla) [11.46 a.m.]: I am pleased to follow the honourable member for Georges River, who referred to community spirit because community spirit has been very evident in relation to a proposal for sand extraction at Kurnell by Rocla Limited. Both the Federal parliamentary representative for Kurnell and I have collected a number of signatures for a petition. I lay those documents on the table of the House for the information of honourable members. I will canvass a number of issues that relate to the sand extraction proposal. I prepared a submission on the environmental impact statement [EIA] in which I addressed the historical and cultural values, community consultation, planning, the potential impact upon Towra Point Nature Reserve, transport and Captain Cook Drive, Aboriginal heritage, zoning, ground water, coastal stability and natural heritage.

I draw to the attention of the House that the additional heavy vehicle movement on Captain Cook Drive that will be created by the project is of major concern. The EIS has relied on a 2001 traffic study and maintains that a single one-day traffic count in August 2004 confirms that traffic volumes are either of the same order or slightly higher than the August 2004 traffic volumes. The study concluded that on an average weekday a total of 13,237 vehicles use Captain Cook Drive east of Elouera Road. However, the Roads and Traffic Authority published data shows that the annual average daily traffic along Captain Cook Drive west of Gannons Road was 36,052 vehicles per day, a massive difference of 22,815 vehicles. Even though these counts were undertaken in two different locations, it is inconceivable that 22,815 vehicles vanished in a two-kilometre stretch of road with no major intersections. That volume of traffic may be only slightly lower than the volume of traffic referred to in petitions that are currently being presented to the House.

In my submission I covered additional matters, including national and natural heritage. This is not only an issue for my electorate, the shire or the State, but a matter of national and international concern, as is the environmental issue of the condition of the Bate Bay beaches and the sand replenishment at those beaches. Sutherland Shire Council has convened a committee under the chairmanship of Councillor Spencer. I would like to know when the committee last met, when it is likely to meet again and how often it meets. The council has hired consultants to report on the state of the beaches. We are all waiting anxiously for the consultants' report to ensure the sand replenishment of those beaches. I know that all members who enjoy a day at the beach want the State Government to meet its responsibility and introduce initiatives for the replenishment of those beaches.

KURNELL PENINSULA SAND EXTRACTION PROPOSAL

Mr BARRY COLLIER (Miranda) [11.51 a.m.]: The sand dunes of the Kurnell peninsula once towered above Bate Bay to the north of Cronulla and Wanda beaches. These golden giants were the backdrop for iconic films, such as, *40,000 Horsemen* and *Mad Max*. The Wanda sandhills were a simple recreational wonderland for children—occupying a warm, very special place in the personal and family histories of many shire residents, including mine. The pristine, golden giants are all but gone. They have been replaced by a moonscape, pockmarked with deep sinkholes and filled with saltwater and pollutants. The sandminers have seen to that. Kurnell has been supplying sand to the shire and Sydney for more than 40 years. We in the shire believe that Kurnell has done enough. We believe this assault on the birthplace of Australia, on our heritage, on our culture and on our history cannot continue. Sandmining, we believe, must come to an end on the Kurnell peninsula.

Rocla Ltd has lodged an application with the State Government to extract an additional 4.5 million tonnes of sand from Kurnell, thereby extending its activities on the peninsula for another 20 years. The company wants to backfill the void left by its dredging with material such as crushed concrete and possibly acid sulphate soils and eventually create an industrial park on the site. This proposal amounts to environmental vandalism and must be rejected by the State Government. The Minister must say "No" for a host of a very sound reasons: environmental, ecological, social, historical, cultural and heritage. I have written to the Premier and the Minister for Infrastructure and Planning, and Minister for Natural Resources and I have personally lodged 12 objections to the Rocla development application [DA] with the Department of Infrastructure, Planning and Natural Resources [DIPNR].

If approved, the Rocla plan will mean the removal of the last exposed sand dune clearly visible from Cronulla and from as far away as Brighton-le-Sands. Changes to the ground water flows, as a result of Rocla's dredging and backfill, will have an adverse effect on the delicate, finely balanced mangrove and marine environments of Quibray Bay and Towra Point Nature Reserve. They will also adversely affect the internationally recognised Ramsar wetlands, which are only 100 metres from the project site. The proposal will mean increased accident risks, as there will be additional heavy vehicle traffic of up to 504 truck movements every weekday and 266 on weekends on the Captain Cook Drive, Kurnell's only access road. I am advised that 30 major accidents occurred on that stretch of road in 2004.

The Rocla proposal threatens a 2,000-year-old Aboriginal midden, which is believed to be the largest in the Sydney region. Its dredging and plans for an industrial estate also pose an unacceptable threat to the endangered green and golden bell frog. The proposal is completely incompatible with the heritage listing by the State Government in 2003 of the Cronulla dune and Wanda Beach. But there's more! If approved, the proposal increases the potential for ocean breakthrough and the isolation of the Kurnell township. It will mean also that Rocla has no incentive to explore new technology or to locate and develop new sources of much-needed sand supply to provide for the increase in Sydney's population of 1,000 people per week.

But there are another 7,632 reasons for the Government to say no to Rocla and its proposal. That is the number of signatures of shire residents on a petition calling on the State Government to reject Rocla's latest plan and to end sandmining on the peninsula once and for all. I have presented the petition to Parliament and a copy was presented to the planning Minister at Wanda on Monday. The 7,632 signatures were collected in just three weeks, and are just a small sample of the deep-seated anger among my constituents about the Rocla proposal and the continued destruction of the Kurnell peninsula. Everyone who signed the petition laments the destruction of the golden giants and wants an end to this continued assault on their heritage and personal family histories. I lay the petitions on the table.

I call on the Government to say "No" and to take steps to put an end to Rocla's sandmining on the peninsula. I should add that Kurnell peninsula is not in my electorate of Miranda; it is in the State electorate of Cronulla, which has been held by the present sitting member for the past 20 years. It is also in the Federal electorate of Cook, which has been held by the Liberal Party for 30 years consecutively and is presently held by the Hon. Bruce Baird. Yet Kurnell is near and dear to the hearts of many of my constituents. I have called on the honourable member for Cronulla, Mr Baird and the local mayor—all Liberals—to work with me in a bipartisan way to oppose Rocla and end sandmining on the peninsula. I have even provided each of them with a copy of my personal submission to DIPNR, without their having asked for it.

The Liberals have had electoral responsibility for the peninsula for a total of 50 years, during which time much of the destruction of the Kurnell peninsula has occurred. One would think they would take the hand of bipartisanship that I have repeatedly extended to them. After all, the Kurnell issue will be resolved only by

State and Federal governments working together. After numerous published letters and statements by Mr Baird in Federal Parliament, he was quoted in the *St George and Sutherland Shire Leader* yesterday as rejecting my offer of bipartisanship. So be it. I will continue to oppose Rocla and work to end sandmining on the Kurnell peninsula for those who really matter, that is, my constituents.

CROWN LAND ENCLOSURE PERMIT RENTALS

Mr IAN ARMSTRONG (Lachlan) [11.56 a.m.]: I raise a subject that has probably elicited the greatest response I have had from landholders in my electorate for at least the past 10, perhaps 20, years. The subject has greatly affected all landholders, whether they have small holdings of 10 hectares or larger ones of 3,000 or 4,000 hectares. In correspondence from the former Department of Land and Water Conservation [DLWC] landholders were told they must either pay a massive increase in rental for Crown lands that are enclosed within their freehold or leasehold boundaries or take up an offer to purchase the lands. If they are not prepared to do so, they will be required to fence off the lands.

I will paint a verbal picture of those lands. When the lands across the State were surveyed, every independent block had to have ingress and egress access. Over the years, with the amalgamation of blocks, the subdivision of lands and the development of roads and lanes, many of the ingresses and egresses were not necessary. Further, although the surveyors did an excellent job, because of the shape of a block or its proximity to a creek, river or hill, it was impractical to include some parcels of land in adjoining land. Therefore, those parcels of land were left as island blocks that belonged to the Crown. Members would appreciate that any land in New South Wales that has never had title issued on it belongs to the Crown; the Crown has sole responsibility for it.

Traditionally, over the years, those lands have been rented by the landholder whose land encompasses it. If a landholder decides he or she cannot afford to pay the new rental charges or cannot afford to purchase the land they will be forced to put a fence around it. If the landholder owns a paddock of 200 hectares with a patch of 5 hectares of Crown land in the middle, he will be required to fence it off. In such cases, who will control the noxious weeds and feral animals? Who will protect the habitation and the environment? What will prevent the Crown from calling for tenders in the local paper for an independent lessee? What would prevent the Crown in the future from converting the land to freehold land and selling it off? An independent lessee would require access to the land. A landholder who owns 200 hectares may suddenly find that land in the middle of his paddock, Crown land that he has rented for years, will be occupied by a person who wants to use it on weekends or to run a few goats.

Will the Crown accept full responsibility for its lands once they are fenced out? Who will be responsible for fire maintenance and control on those blocks of land? I have a letter from a well-known farmer in the Murringo district, near Young, about an issue that the honourable member for Blacktown understands very well. The farmer said he has nine road enclosures on his property and that it will cost him in the vicinity of $40,000 to buy and close them. No doubt that figure does not include legal charges or any other unforeseen costs. He said he would be prepared to purchase them but cannot afford those sorts of ridiculous costs.

It is rubbish for the Government to state that it will cost just $350 a year to administer each road. Every year the Government sends out a notice for the rent. Does it cost $350 each year to send out such a notice? Why does the Government need that money? Is it just another money-grabbing exercise? Will the Government have a management plan under the new catchment management authorities and who will be responsible for that plan? Every landholder will be required to develop a catchment management authority land plan. I look forward to the Government implementing plans for each of these blocks—blocks ranging from two or three square metres through to 30 or 40 hectares.

As New South Wales is the fastest growing landholder, that is what this Government will do. This is nothing more than a money grab by a government that will go down in the history of this State as the hungriest and poorest manager of State funds. This Government, which has received more income from taxes, charges, levies and GST than any other government in the history of this State, is now saying that it needs this money as it has budgetary problems. If the Government wants co-operation from landholders it has to be fair. It must recognise that it cannot manage the lands that it has, let alone the lands that farmers will be forced to fence in. [*Time expired.*]

WAGGA WAGGA ELECTORATE SPORTING FACILITIES

Mr DARYL MAGUIRE (Wagga Wagga) [12.01 p.m.]: I raise a major concern for the Wagga Wagga community. Wagga Wagga, which provides a myriad of services to the Riverina community, including sporting facilities, is known as the city of good sports. For over 30 years the Wagga Wagga Leagues Club has provided the Eric Weissel Oval and Allen Staunton Oval for use by the community. Those facilities were used as training grounds by young rugby league players and for match games. In June 2004, when the club went into receivership, those two essential sporting ovals were put at risk. The receivers have been unable to attract a buyer to whom they can sell the club and the properties as a going concern, and they have indicated that the assets will now be auctioned.

The Allen Staunton Oval provides eight fields for senior and junior rugby league training and the local regional junior rugby league competition. In summer it is used as a junior cricket training and playing facility. Wagga Wagga City Council currently has a week-to-week lease of Allen Staunton Oval and maintains it jointly with the help of Wagga Wagga Junior Rugby League. The Eric Weissel Oval, one of the best rugby league stadiums in country Australia, has been used for group 9 competition games on a weekly basis during the football season and the group 9 grand final; junior rugby league grand finals; the Hardy Shield schoolboy competition; National Rugby League [NRL] trial games; the recent Brumbies versus Waikato Chiefs games; City versus Country rugby league; the Australia versus Papua New Guinea test match; and community events such as Walk Against Want.

The Eric Weissel Oval has cricket nets that are used as a practice venue for a local cricket club. The oval has also been used for the 2005 national schoolboys titles and interdivisional country league games. It is the only facility in the southern part of the State that is capable of holding events such as the Brumbies trial match, NRL trial games, and test matches that attract crowds of 6,000 to 10,000 people. The next closest venue is in Canberra, 260 kilometres to the east. The loss of this facility will impact on commercial activity. For example, the Brumbies match brought many visitors and hence an injection of tourism and retail funds to the local community. Land is currently zoned as open space, private recreation, and council permission would be needed for alternative land use.

I understand that Australian Rugby League is preparing a submission to seek funding to acquire both sites. If it is successful it proposes to create a community trust to manage the sites. That proposal is fully supported by the city council, residents of the region and me. Wagga Rugby League Inc. also has future plans to develop the facilities, in particular Weissel Oval, into a more multi-user complex, but the assets first need to be retained. I appeal to the Premier to respond to representations that will be made to him by the rugby league. As I said, Wagga Wagga is known as the city of good sports.

Our city and region have produced great footballers such as the Mortimers, Eric Weissel, and Sterling, who have played on those grounds and on fields around the world. Thousands of kids have learned to play football and to enjoy the sport. I know that the Premier takes a great interest in State of Origin games. Many of the players who have come from Wagga Wagga and who have played on those fields have competed in State of Origin games. The Premier takes great pride in contests of that nature. People have a yearly bet on the raising of the flag on the Sydney Harbour Bridge or in Brisbane when New South Wales or Queensland wins. I want the Premier to take a special interest in this issue.

Our region and the sport of rugby league cannot afford to lose this precious oval and training ground. Like most members in this place I enjoy and have an interest in the game of rugby league. If this ground is lost, kids in this region will have nowhere to go. A major facility that can accommodate up to 10,000 people will be lost to our community. That ground could be used for some sort of housing development and we will have nowhere else to hold major events. As I said earlier, Canberra is the nearest venue. I appeal to the Premier to take this submission seriously and, for the sake of the game, to help retain those fields.

BANKSTOWN CITY COUNCIL AUSTRALIA DAY CELEBRATIONS

Mr ALAN ASHTON (East Hills) [12.06 p.m.]: I refer today to an Australia Day function held at Paul Keating Park in Bankstown, which most appropriately dominates the centre of Bankstown. On Australia Day this year we welcomed new citizens to Australia at a citizenship ceremony and there were great presentations by various dancers and singers. The formalities took place early in the morning and in the evening there were fireworks displays and entertainment for young and old alike at Garrison Point. I pay tribute to Bankstown City Council, Mayor Helen Westwood, Deputy Mayor Tania Mihailuk, and the staff and officers of the council for

organising that event. I recognise the role of Councillor Richard McLaughlin as master of ceremonies, a role that he was born to play.

It is worth mentioning some of the awards, given the quality of nominations. I refer, first, to organisation and individual nominees for the community services award. They included the Matong Day Care Club, Brian Beatson, Wal Browning, Chung Dang and John Hanrahan. All those people played various roles in the city of Bankstown over the many years in which they have been involved. The organisation award went to Matong Day Care Club. That club, which was formed in 1994, provides an opportunity for reminiscing and social interaction for elderly and housebound members of the local community. Members enjoy a variety of activities, from light exercise, entertainment and a game of bingo, to simply enjoying some companionship over a meal. For 18 continuous years Chung Dang has given many hours as a dedicated volunteer martial arts instructor at the Bankstown Police and Community Youth Club, which I know is dear to the hearts of many members in this place. I congratulate Chung Dang on his award.

Countless numbers of people in any community do good work, and this year's nominees for the Volunteer of the Year Award were Bill Creighton, for his 20 years involvement at St Christopher's Church; Joyce Gimbert, for her work at the Red Cross shop in Padstow—I am patron of the Padstow Red Cross—Lyndall Grant, a school teacher who helps out at Revesby South Public School and probably spends more time there than many teachers; Coralie Mahoney and Phil Mahoney, with whom I taught years ago, for their involvement with St Therese Catholic Church; Bill Prichard, for his involvement in the Matong Day Care Club; and Frederick Salter.

Dianne Wright-Smith won the award. Dianne cares for children who can no longer live at home, many of whom have long histories of abuse and trauma and require lots of tender loving care. Her role as carer is demanding and involves many visits to Westmead children's hospital, taking children in her care to medical appointments. Whenever Dianne comes to see me she always has at heart the best interests of those under her care.

The nominees for the Young Citizen of the Year Award were Kevin Brouwer; Laura Cupples; Mehal Krayem, a school captain at Picnic Point High School last year; Matthew McFadyen; Jack Mannix, also a school captain at Picnic Point High School last year; and Duy Nguyen. Matthew McFadyen won the award. Last year Matthew, then aged 22, set off to sail to the South Pole and survived the capsizing of his boat and other difficulties. He has gone on to become a good motivational speaker and represents Bankstown very well.

Nominees for the Australia Day Award for Citizen of the Year were Meli De Dear; Connie Grieb; Thomas Lennox; Noel Scanlon, who is President of the Bankstown Trotting Club; Wendy Tierney; and Cuiyang Zhang. The winner was Wendy Tierney, who gives her time freely and is very passionate about giving children the opportunity to experience music and dance. She is also the mother of a couple of members of the group Human Nature. She has always had the attitude, "Believe in your dreams and perform." I congratulate all those involved with the Australia Day awards ceremony at Bankstown.

TRIBUTE TO MS PEGGY McKAY AND MR DAVID McKAY

Ms PETA SEATON (Southern Highlands) [12.11 p.m.]: Members of the McKay family from the Southern Highlands have made great contributions to Australian culture, and the late Hon. Tom McKay was very well known for his contribution in this place. Today I would like to honour the memory of two more remarkable people from the McKay family in the Southern Highlands. Peggy McKay passed away in November last year and was well known and loved by everyone in the arts community in the Southern Highlands, and indeed in many other parts of the State. Most will know her as the driving force in the Berrima District Arts Society [BDAS]—where I first met her—which is based in the wonderful gallery at Short Street in Bowral and is the catalyst for many local art exhibitions and prizes.

Although Peggy's passion was evident at those events it was while on a visit to the Southlands dairy with Julia McKay—a passionate Southern Highlands woman who was then trying to achieve a new value-adding dairy industry in our area—that I was privileged to see the house-cum-gallery on that magnificent family property. It was a living gallery full of wonderful art, some of it Peggy McKay's own sculpture and some a sculpture garden, where every vista revealed another fantastic piece of work. The beauty and grace of Peggy McKay was captured by one of our most respected local artists, Mr Don Talintyre from Bundanoon, in his recent portrait of her in later years.

BDAS is a focus for many local artists and we are lucky to have the Sturt Gallery and a wonderful group of artists working out of the TAFE in Moss Vale. Many artists who work privately in the Southern Highlands consider BDAS to be a place where they can work with other artists and exhibit their art. The vibrant art community in the Southern Highlands owes a great deal to this amazing woman, and all those who enjoy visual arts will join me in honouring Peggy McKay's life and contribution.

Another very modest but highly influential McKay is the late David McKay, who passed away recently, leaving an enormous gap in the Australian motor racing world, and of course in his family and for his beloved wife, Annie. David's achievements as one of Australia's motor racing pioneers are well known, including his participation in the early Redex trials. He took Australia to the world stage of motor racing in Europe and America, where he built a deserved reputation as a gentleman who would accept the umpire's decision at all times—even when, on one occasion, it cost him victory. This is a measure of the man, as all who were privileged to have known him will understand. I know that the Hon. Catherine Cusack in another place and her family, longstanding friends from the motoring industry, will testify to that. What looked perhaps like a glamorous and rather movie star life in the south of France and the European capitals was, I am sure, a lot of hard work. That work helped to put Australia on the world motoring map and contributed to the motoring industry in this country, which provides jobs for thousands of Australians.

In addition to David McKay's contributions and pioneering work in sports journalism and the motoring sector in Australia, his primary passion was always to put constructive pressure on manufacturers, politicians and anyone else who could play a role in road and motoring safety. In this, he was successful in influencing vehicle design improvements, which save many lives. In recent years he was a strong advocate for introducing driver training and road safety awareness at kindergarten age, believing, quite rightly, that civility and respect for others on the road or anywhere else starts at the earliest age. Although David did not live to see his vision adopted entirely, I have no doubt that the revolution he started will be completed as the current debate on younger driver safety correctly occupies more time in the national consciousness and as people want to see practical, workable improvements made.

In his later years David worked very hard to have his voice heard on this issue. He was certainly much listened to and his ideas are being implemented by many, including me. I have given a commitment to Annie, his wife, that I will continue to see David's work progressed. To Annie, his daughter and others in David's family I give a commitment to do what I can to advance David McKay's vision. I, together with many others in this place, support the need for increasing young driver education, and David can take credit for a good deal of the incremental shift in thinking on these issues.

WOLLONGONG CAR THEFT

Ms NOREEN HAY (Wollongong) [12.16 p.m.]: On 3 February this year I attended the official launch of Wollongong City Council's Operation Bounce Back, which is a public-private partnership initiative designed to combat car theft in Wollongong. The council, the National Motor Vehicle Theft Reduction Council [NMVTRC], NSW Police Lake Illawarra area command, the NRMA Insurance, the GIO, and car immobiliser installation companies have joined forces to work on reducing car theft in Wollongong.

The Wollongong local government area was identified as being one of 20 councils Australia-wide with a high instance of vehicle theft. I am sorry to note that Wollongong is recorded as having one of the highest instances of car theft in Australia, with 1,505 cars stolen in 2003-04. According to current census data, this means that approximately one out of every 44 households in the Wollongong local government area was directly affected by car theft. This is higher than the national average of one in 70 households, as identified by the NMVTRC. To this end, I am happy to report that a working party comprising representatives of the council's community safety and road safety teams, local police, insurance companies and the Department of Juvenile Justice has been formed and is working towards reducing this statistic.

Local volunteers in policing are currently conducting audits of vehicles parked at identified hot spots and feedback is given to the owners of vehicles that are considered to be parked in a manner that makes them a more attractive target for theft. The majority of older vehicles that are stolen are used to commit a crime and are known as opportunist thefts. Opportunist thieves are looking for vehicles that are easily accessible and will not attract undue attention when broken into.

What is so unique about Operation Bounce Back is that prevention is the key to it. The project will take a three-layered approach: first, target at-risk groups in specific forums as a prevention initiative; second, target

victims of car theft in specific suburbs and encourage them to install immobilisers; last, generalist community education across the local government area—multi media using literature from NMVTRC. The success of the project depends on a sound partnership between the stakeholders. The first part of the project will commence with identifying 100 vehicles as high risk, that is, either having been reportedly stolen or stolen once or twice or having no effective security system, and fitting them with immobilisers by accredited companies.

The second phase of the project, the community awareness and education component, will see information distributed to community, police, insurance and service outlets, plus repeated media messages that compliment existing initiatives such as Carsafe and Kidsafe. The final phase of the project is aimed at at-risk youth and is part of a wider intervention program. It is focused on providing hard facts about the consequences of car theft and promoting the concept of making better choices for life. Literature and information will be made available to youth workers and caseworkers with the Department of Juvenile Justice and local schools. It is about empowering youth to make more informed and appropriate choices, and this particularly important part of the project will no doubt tie in with other youth initiatives as crime is usually linked to much wider issues than stealing a car.

All those involved, particularly the local area police commands, are to be commended for what is in my view, a groundbreaking initiative targeting prospective criminals. The concept of intervention with young people, engaging in dialogue prior to their involvement in crimes such as car theft, together with exposing victim impacts, often on those not unlike themselves, is magnificent. It is pleasing to see the realisation by agency leaders that proactive intervention and providing alternative directions to young people is a realistic option and I would encourage other electorates to embrace similar initiatives if the opportunity presents.

COUNTRYLINK RAIL SERVICES

Mr GREG APLIN (Albury) [12.21 p.m.]: In business throughout this State we recognise good service. Sometimes it is community service organisations, at other times it is business houses and various promotional bodies that recognise service at particular functions. They reward good service, recognise it, and promote it because it brings back customers time and time again. It is good for business. It is also good for human relations. So why does CountryLink fall down time and again in this department? How can we possibly hope to promote its services and generate increased customer capacity if we fail to honour the essential message of customer service? To illustrate the point, one of my constituents wrote:

> It is not my habit to complain, I just feel that it is warranted. I have to take issue with the rail services and the staff. On Dec 23rd—

Let us take note of the date—

> I took a relative to board the XPT. It was 1 hour late—

That is unfortunately not an uncommon occurrence—

> On Friday 24th Dec I was to travel to Wagga on the XPT & on arrival 20 minutes early I discovered it was 50 minutes late. With now 70 minutes till train departure time I approached the luggage room attendant to deposit my luggage. A young traveller approached ahead of me & he wished to book his luggage on to the train [also]. He was refused because he was too late. He asked why too late as the train was 70 minutes away but was told it must be checked in 30 mins prior to train departure time printed on the ticket—

And so it is—

> I was amazed & disgusted. Xmas Eve and the luggage already booked stood on a trolley 3 feet from us. I believe the attendant is wrongly informed and should be ignored. It is this attitude which is the real reason for discontent with rail travel. More co-operation is [sorely] needed. It seems incredible but the XPT was 1¼ hrs late arriving in Wagga for my return trip on Sunday 26th Dec. I wasted more time waiting for trains than actually travelling but the attitude of that luggage attendant put a sour note on Xmas.

This is not an isolated experience and that is why I bring it to the attention of House, because attention must be paid by CountryLink and its management to this deplorable state of affairs. Another constituent wrote:

> … I need to tell you why I was travelling to Sydney by train, something I have never done before and, at this point in time, never intend to try again.

That is our real problem in trying to market CountryLink: people are turned off the service because of their experiences. She wrote:

> Our 14 year old daughter had been accepted into a special course at the UNSW. This course started at 8.30am on Thursday, 20th and finished at 4:30pm on Friday 21st. It is pretty difficult to get into these courses and we were thrilled she was accepted. The course is not cheap … we had to pay the fee and we had to stay overnight in the city and had travel costs to consider as well. We thought we could travel up overnight, catch a city bus out to the University, stay in the city overnight, spend a little time looking around after the course had finished and catch the 8.45pm train home again on Friday night. My husband was unable to accompany us, so this seemed a safe and economical way for us to travel.

Well, good planning, but this is the reality:

> I arrived at the Albury Station at 10.45pm ready for the 11.15pm train to Sydney. When I approached the only person on duty that night, she informed me that the train had been cancelled due to an accident between the XPT and a freight train.

Those sorts of things happen but her complaint deals with what followed. She wrote:

> This lady had absolutely no idea when the accident had occurred, what was happening with buses, and could give us no information whatsoever. She simply said she should know something by around 12 midnight or 12.30 and we should call then … We live very close by, so decided to go home and ring at 12.15 am. This I did, only to be informed that we had just missed a bus which had come from somewhere south and was heading off to Sydney. She also said that she had asked the bus driver to wait a while as she had passengers who would be ringing for information very soon and who wanted to get on that bus. The bus driver refused to wait … and left with only 4 passengers … who were stranded at the station. When I questioned this, mentioning the fact that she had said she knew nothing and yet a bus was already on its way, her response was that she had not been informed of the bus and only knew of its existence when it arrived at the station. How is this possible in our age of communication?

Something is sorely wrong with CountryLink and action needs to be taken immediately to correct that situation.

HUNTER COAL AND IRON ORE EXPORTS

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [12.26 p.m.]: Australia is in an unprecedented period of exporting our major commodities of coal and iron ore. The Federal Government and State governments are looking at the capacity of our export ports to handle that huge demand, no more so than in the Port of Newcastle. Coal is king in the Port of Newcastle. The huge expansion of the coal industry in the Hunter has been a matter of recent great interest, particularly the Newcastle *Herald* report about the impact of coalmining in the Hunter, but over time there has been heightened interest in the capacity of the port to handle coal exports.

The record of growth within the port has been impressive. The throughput of the Port of Newcastle was some 69 million tonnes in 2002, 74 million tonnes in 2003, 78 million tonnes in 2004, and it is expected to be some 84 million tonnes in 2005, which is an impressive outcome that has been achieved without a huge amount of infrastructure investment but, in particular, with very good planning by all participants in the coal chain. I refer to Port Waratah Coal Services, the Newcastle Port Corporation, Queensland Rail coming in, Pacific National, the Australian Rail Track Corporation and the Rail Infrastructure Corporation, who have worked together to attempt to maximise the flow of coal through the port.

All of that, of course, is quite apart from the massive investment quite clearly required. Now that the ARTC has taken over the management and responsibility of the coal lines, quite significant investment will soon be under way. In particular, I mention the substantial separation that will occur in the Sandgate area of Newcastle. A matter discussed this week with my parliamentary colleagues and the ARTC, the Labor task force, was the work that will take place in the Sandgate area to enable the coal tracks coming down the Hunter to cross over for entry into Port Waratah, and particularly into Kooragang Island, to enable coal trains to operate far more efficiently, without impacting on passenger services. Obviously, that work will increase the capacity of the port.

However, the current name plate capacity of Port Waratah Coal Services is some 89 million tonnes. At current rates of loading undertaken, PWCS advises that with its current loading capacity it potentially can load at 100 million tonnes. At the moment, of course, a quota system is operating. I understand the coal chain currently has a capacity of about 84.3 million tonnes. So a lot of work is being done. It is interesting that the Federal Government is having a close look at the whole issue of increasing port capacity. I would have to say a combination of State, Federal and private sector investment is required, as well as co-operation, if we are to achieve the potential of our ports.

It is interesting that today's *Newcastle Herald* discusses a whole range of inquiries that are going on. Three Federal government departments are investigating so-called bottlenecks in the Hunter as a result of concerns that have been raised by major customers in Japan, Taiwan and Korea. It must be said that this is a complex issue. Investment is required in coal loader heads at the coalmines, in addition to the investment now being undertaken through the ARTC. And, of course, we must consider increased efficiencies in the port.

COFFS HARBOUR BYPASS

Mr ANDREW FRASER (Coffs Harbour) [12.31 p.m.]: This afternoon I wish to raise yet again the issue of the proposed Coffs Harbour bypass. In doing so I note that we now have in the other place a new Minister, the Hon. Michael Costa. I ask the Minister to come and view for himself the area affected by this proposal. The proposal put forward by the Roads and Traffic Authority has been severely criticised by a cross-section of the Coffs Harbour community. So far as I am concerned, that proposal is totally unacceptable.

When the proposal was first developed the Chinderah to Yelgun bypass had not been opened. The opening of that bypass has brought an immense increase in the number of heavy vehicles travelling the Pacific Highway. This, in itself, poses grave dangers to motorists not only within the boundaries of the city of Coffs Harbour but also on the stretch of the Pacific Highway from Bonville through to Woolgoolga. The chosen route follows the coastal plain and is between the mountains and the sea. That route would sterilise any future development for industrial, residential or farming use. The estimated cost of the proposal is some $900 million. We need to improve the road between Coffs Harbour and Woolgoolga. I suggest the Minister redo the cost-benefit analysis that showed the selected route as the preferred route, because I believe the large increase in the number of heavy vehicles would alter that analysis substantially.

I commend Steven Moody and Wilson Dale on a recent presentation that they gave to the Coffs Harbour City Council showing a $2.4 billion adverse effect if the current route is proceeded with. The Carr Government has allocated over the past few years—although the item appears to have dropped out of the budget papers—some $270 million for the upgrade of the Pacific Highway between Sapphire and Woolgoolga. I suggest that the Government use that money in the short term to upgrade the road, especially those sections currently consisting of two lanes. They are dangerous. That is demonstrated by a number of incidents, one in which a semitrailer jack-knifed and blocked the highway, creating havoc on that narrow stretch of coastal plain road.

In the interim, I suggest the Government look at upgrading the existing route, widening it to four lanes where feasible, and possibly reducing the speed limit to ensure against fatalities on that strip. That would be at least an interim solution to a long-term problem. It is absolutely pointless to proceed with a $900 million proposal that will have a $2.4 billion detrimental effect on the economy of the Coffs coast area. We need to look at a far western bypass. A couple of options are being put forward. One is for a coastal ridgeway, which would go through State forests. The Minister for the Environment might note that it goes through a couple of national parks.

Personally, I do not believe the gradients on that route, and problems that it would create by going through national parks, would ever see it come to fruition. But there are options for the route as an extension of the Summerland Way from the back of Grafton through to Kyogle and then down the back of Coffs Harbour and possibly out through the area of Fridays Creek. There are variations to that route that I believe could be acceptable but have not been explored or properly investigated by the Roads and Traffic Authority. That is the one that I would prefer. This is a valley area that does not have a large population and, whilst it would affect some farming properties and communities, I believe it would have less adverse impact and provide much more benefit to the Coffs Harbour community in years to come simply because it would allow the flood plain to continue to be used for farming as well as for proposed residential development.

Unfortunately we are not able to establish tick gates and say we do not want any more people, and we do need land for development. There are proposals—once again, I would suggest, somewhat controversial—to expand the Moonee area. But, depending on how dense the population will be there, no matter what happens, the highway from Woolgoolga to Coffs Harbour will need to be upgraded. My suggestion to Mr Costa is that he come up and look at the area, and talk to the people concerned. The council and others are willing to come to Sydney to talk to the Minister if he makes the time available. I believe there are other, more appropriate solutions rather than the one proposed by the Roads and Traffic Authority. The community should be listened to. I implore the Minister to take those other solutions into account before a final decision is made.

DUBBO MOBILITY PARKING SCHEME PERMITS

Mrs DAWN FARDELL (Dubbo) [12.36 p.m.]: I wish to address the House on an issue that has occurred in the Dubbo electorate that impacts on all people with disabilities. My constituent Jennifer Kellaway has fought a battle against a bureaucracy that, despite continual assurances to the contrary, effectively has discriminated against her on the basis of her disability. Jennifer is a double amputee, and this disability has

required that she hold a mobility parking scheme [MPS] permit to ensure that she is able to participate fully in our community.

Jennifer is an articulate woman with strong notions of equity. Changes to the requirements for the parking scheme made in September 2003 have offended Jennifer, and I share her viewpoint; she has a right to be offended. When seeking renewal of her permit for the scheme, Jennifer was informed that she needed to provide a medical certificate every three years confirming her disability and that a $30 administration fee would be charged for the application. As a double amputee, Jennifer lives with the permanency of her disability every day, and to be asked to provide a medical certificate every three years is insulting. When Jennifer raised this matter with the Roads and Traffic Authority and requested that the authority accept the endorsement on her licences that states she must wear prosthetic limbs when driving, she was informed that privacy issues prevented the RTA from doing this.

Jennifer was unwilling to take what she considered to be a backward step by reapplying for the permit, and her mobility parking scheme permit lapsed. This led to the parking fine. Through the then honourable member for Dubbo, Tony McGrane, these matters were placed before the Minister. Unfortunately, due to the untimely passing of Mr McGrane, the matter was not resolved. Jennifer visited my office last December to ask that I take on the matter. I took it on not only for Jennifer but for all those who are in the same situation. I referred Jennifer to the Western New South Wales Community Legal Service, which is part funded to take on cases where social equity issues are involved, of which there are many. This service has championed Jennifer's case and as late as yesterday an offer had been made to waive the parking fine and the need for a medical certificate if she pays the application fees.

I am sure this offer has been made as a genuine attempt to resolve Jennifer's concerns. However, the principle of equal access for the disabled has been bypassed once again. The able-bodied do not pay a fee for parking in the street, nor should the disabled. Claims that the $30 charge is a reasonable administrative fee ignores the fact that it applies only to the disabled and, therefore, it is discriminatory by nature. As a society we have accepted that it is wrong to place barriers in the way of the disabled, and that discrimination in any form is unacceptable. The $30 application fee for the mobility parking scheme permit must be abandoned immediately, as should the requirement for a medical inspection for irreversible disabilities.

A GAGGLE OF AUNTS LAUNCH

Ms PAM ALLAN (Wentworthville) [12.41 p.m.]: Last Sunday I had the opportunity of launching a book by one of my constituents, Srini Peries. Srini and her husband, Tony, arrived in Australia from Sri Lanka in 1973. Although she and Tony lived initially in Melbourne, after a period of working in Melbourne they settled in Sydney. She studied at the University of Western Sydney, Hawkesbury campus, where she undertook a creative writing course that set her on the path of writing small articles. She is now a member of the women's writers group at the Rozelle Writers Centre, which I visited last Sunday for the first time. I was impressed by the centre, and I am delighted that the Hon. Bob Debus—who was formerly Minister Assisting the Premier on the Arts, and would be familiar with the work of the centre—is in the Chamber. The book, *A Gaggle of Aunts*, is a wonderful read. I purchased an extra copy to donate to the Parliamentary Library.

During my research into the background of these types of publications I found out that if a book is published in New South Wales the publishers are obliged to present a copy of it to our library as well as to the State Library. However, this book, like so many self-published works, was published overseas in Sri Lanka. Therefore there is no obligation on the publisher to provide the Parliamentary Library with a copy of it. I had discussions with members of the Parliamentary Library because I was curious to find out what percentage of our relatively new Australians are writing memoirs, pieces about their early lives, or their lives in transition from being citizens of other countries to being citizens of Australia. I found that although there is a substantial holding of works published by publishing houses in the State Library of New South Wales, neither the State Library nor the Parliamentary Library necessarily collects these works.

I am sure my experience would not be atypical. Probably many members of Parliament have constituents who self-publish or publish works about their lives. When one reads a work like *A Gaggle of Aunts* one learns of a lot about the experiences and the lives of these people before they came to Australia. Srini came from quite a large, very privileged family in Sri Lanka. My third birthday, 4 February 1956, was Srini's wedding day, which is written up at great length in the book. At Srini and Tony's wedding in Colombo their guests included the Ceylonese Prime Minister and Ceylonese Governor-General, which is an example of the strata of society in Ceylon from whence they came. The book is an entertaining read about her family and the collection

of characters that made up her extended family. It is also about life in Ceylon prior to the 1960s and 1970s—festivals, costumes and food. Various events are described in wonderful detail, such as the trip with her family to the Taj Mahal. Many Ceylonese and Indian families make a pilgrimage to the Taj Mahal as a vital part of their development.

Srini was privileged to attend a boarding school in England. She went to Lourdes with her mother. These experiences are written in a very entertaining and humorous way. Srini and her husband, Tony, are very active in community politics in Australia on behalf of the Sri Lankan community. Srini is an active member of the Toongabbie branch of the Labor Party. She is involved in various community groups. Until she invited me to launch her book I did not know that she was a writer. I certainly did not know of her commitment to participate in the Rozelle Writers Centre women's group until I visited the centre last Sunday. I was most impressed with her fellow female writers who attended the launch. These dedicated women regularly attend the centre to discuss their work and empower each other to write further. I congratulate Srini on her wonderful book. I urge our libraries to extend their holdings with similar books.

NORTHERN BEACHES HARD SURFACE NETBALL COURTS

Mr DAVID BARR (Manly) [12.46 p.m.]: One of the vexed issues that faced the last Warringah Council, the council that was sacked, was the hard surfacing of John Fisher Park for netball courts. It was a hot topic in the local community at Curl Curl, which was strongly opposed to anything that would change the character of the fields in John Fisher Park and impact adversely on Curl Curl Lagoon due to run off from the hard surfacing. An administrator, Mr Dick Person, was appointed to take over from Warringah Council. The general consensus is that he has been doing a pretty good job, and I certainly subscribe to that point of view. Mr Person pulled the plug on the John Fisher Park proposal and made a commitment to find a suitable site for a centralised facility for netball, a big brave call and a big undertaking when one considers that a centralised facility requires 40 hard- surfaced sites plus appropriate car parking facilities.

Obviously the people of Curl Curl were very pleased that John Fisher Park was to be saved from becoming a centralised facility. The question is where a centralised facility is to be placed. The administrator is recommending Nolan and Passmore reserves, which are part of District Park in Manly Vale as the appropriate site. The proposal is for 40 hard-surface courts along the foreshore of Manly Lagoon, or the catchment into the lagoon plus car parking facilities for more than 400 cars. This would totally and dramatically change the nature and character of the park in a totally unacceptable way. The local residents are in an uproar, and justifiably so, about the proposal because what is now a pleasant green area with cricket fields and fields for other sporting activities, such as soccer, will be changed completely. Once the area is changed to hard surface it will be limited to restricted activities. It also has serious repercussions for Manly Lagoon.

A couple of years ago the University of Western Sydney published a report on the health of Manly Lagoon, recommending an integrated catchment management approach to the lagoon. The report stated that, notwithstanding all the good works that had occurred in the lagoon between the two councils, Warringah and Manly, and government departments—the Department of Planning as it was, now the Department of Infrastructure, Planning and Natural Resources—the quality of the lagoon has not improved. Hence the call for integrated catchment management. The proposal to hard surface such a large area in the catchment totally goes against the recommendations of that report, and it has upset Manly Council. It is fair to say that at times sovereign nations have gone to war over water issues, and although the two councils involved have not gone to war, there has been a war of words, particularly on the part of Manly Council. Although I do not think that is necessarily helpful, Manly Council is justified in pointing out that the proposal is inappropriate for such a sensitive area.

I call upon the administrator to pull the plug on the proposal and conduct a re-evaluation of some of the sites that were originally considered, including a couple of sites at Terrey Hills. All the sites that were considered have suitability issues and none was perfect. The issues relate to the type of landfill that was used and, in relation to Nolans Reserve, the impact on the local community, but obviously there will have to be a trade-off in costs. If an appropriate site is able to be found it will be worthwhile persevering with it, even if it involves increased costs, as a longer-term strategy to ensure avoidance of a dramatic and deleterious effect on Nolans and Passmore reserves will diminish the amenity and enjoyment of the area for all the local residents. I urge the administrator to pull back from the proposal. I previously have called for the catchment of Manly Lagoon to be under the care and control of one council. I reiterate my call because I believe it should be under the care and control of Manly Council.

ROTARY INTERNATIONAL 100TH ANNIVERSARY

Mrs JUDY HOPWOOD (Hornsby) [12.51 p.m.]: I am grateful for the indulgence of the House in allowing me to draw attention to an issue of great importance to my electorate. At the outset, I acknowledge that on 23 February 2005 we commemorate 100 years of Rotary International community activity. One hundred years ago Paul Harris organised the establishment of Rotary, which has become an amazing worldwide organisation. I am a very proud honorary member of the Hornsby, Waitara and Berowra Rotary clubs and I acknowledge the presidents of those clubs: Robert Holder, the President of Hornsby Rotary Club; Simon Bryan, the President of Waitara Rotary Club; and Stephen Hopwood, the President of Berowra Rotary Club.

I also acknowledge the work of Bruce Allen, the District Governor of District 9680, and thank him for his generous encouragement over recent months. I would like the House to note two Rotary dinners that will be held this evening, one will be attended by Waitara and Berowra club members at the Epping RSL, where the Federal Attorney General, the Hon Philip Ruddock, will be the guest speaker, and the other, at the Hornsby RSL, which will be addressed by the Federal Minister for Education, Science and Training, the Hon. Brendan Nelson.

Rotary clubs carry out various projects, but one in particular has made a fantastic impact on my electorate. The Clarke Road School for Special Purposes has been supported by Pennant Hills Rotary Club and Ku-ring-gai Rotary Club, which are not part of my electorate but has nevertheless made a great contribution. The Clarke Road School is attended by intellectually disabled children. I congratulate David Forsythe of Ku-ring-gai Rotary Club on being the main driving force of the project and commend the presidents and members of both clubs for their untiring support. The Clarke Road School for Special Purposes has a wonderful principal in Tony Brain.

Last Sunday I attended a celebration to mark the creation of the barbecue area as a culmination of the efforts of both clubs. In a combined fundraising effort, $42,000 was collected by Ku-ring-gai and Pennant Hills Rotary clubs. Specifically, Pennant Hills Rotary Club paid for the resurfacing of the tennis court. The work that was carried out was quite amazing. A shed was dismantled, a barbecue was built, the space around it was paved and chairs and tables were provided. Lawn was laid, shrubs were planted and a sign was erected outside the school—a changeable streetside notice board that tells the story of the wonderful barbecue area that is used every week. I quote from the diary of David Forsythe, the husband of the Hon. Patricia Forsythe, a member of the Legislative Council. He said:

> We have developed a relationship with one of the special schools for intellectually disabled children—

that is, the Clarke Road School for Special Purposes—

> To date we have provided prize funds and a variety of sporting equipment, such as basketball hoops, soccer goals and balls. However, through this contact we have come to realise the incredible stress on staff, families and resources that exists in the environment.

Months ago the Rotary Club decided to put together a hands-on project. It co-opted the support of many people from the clubs that I have mentioned and also many parents and staff. David Forsythe continued:

> We have formed a liaison group to work with the school and parents to prioritise and plan what is now our club's Centenary Project.

It was wonderful to be a part of the group that celebrated the centenary project. The food was fantastic, the ambience was amazing and everyone was willing to participate in this wonderful project that I am sure will be used often in the future.

Private members' statements noted.

[*Madam Acting-Speaker (Ms Marie Andrews) left the chair at 12.56 p.m. The House resumed at 2.15 p.m.*]

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

Mr SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

Office of the Governor
Sydney, 23 February 2005

I, Professor MARIE BASHIR, AC, in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose

of the election of a person to fill the seat in the Legislative Council vacated by the Honourable Michael Egan, and I do hereby announce and declare that such Members shall assemble for such purpose on Wednesday the twenty third day of February 2005, at 4.00 pm in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the President of the Legislative Council.

MARIE BASHIR
Governor

I direct that the joint sitting with the Legislative Council in the Legislative Council Chamber for the election of a member of the Legislative Council be set down as an order of the day for 4.00 p.m. today, as appointed in Her Excellency's message dated 23 February 2005.

BUSINESS OF THE HOUSE

Routine of Business

[*During notices of motions*]

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

Later,

Mr SPEAKER Order! I call the honourable member for Wakehurst to order for the second time. I was not able to hear the motion of which the honourable member for Liverpool gave notice. I ask him to read his motion again. I warn all members that I will call them to order if they disrupt the member while he is giving notice of his motion.

[*Interruption*]

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

Mr Andrew Fraser: Point of order: In line with your previous rulings about the length of motions moved in this House, I draw your attention to the length of this notice of motion and ask you to rule it out of order.

Mr SPEAKER: Order! I will continue to listen to the notice of motion and make a decision about it at a later stage after consultation with the Clerks.

PUBLIC ACCOUNTS COMMITTEE

Government Response to Report

Mr Carl Scully, by leave, on behalf of Mr Bob Carr, tabled the Government's response to report No. 146 entitled "Inquiry into the NSW Ambulance Service—Readiness to Respond" tabled on 3 June 2004.

WATERFALL RAIL SAFETY INVESTIGATION

Government Response to Report

Mr John Watkins, by leave, tabled the Government's response to the report entitled "Waterfall, 31 January 2003, Rail Safety Investigation—Final Report", tabled on 17 February 2004.

PETITIONS

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Malcolm Kerr** and **Mr Steven Pringle**.

Kurnell Sandmining

Petitions opposing sandmining on the Kurnell Peninsula, received from **Mr Barry Collier** and **Mr Malcolm Kerr**.

Bungonia Quarry Construction Application

Petition opposing the application to construct a quarry at Ardmore Park, Bungonia, received from **Ms Katrina Hodgkinson**.

Yass District Hospital

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

Breast Screening Funding

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

Mental Health Services

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

Cremorne Community Mental Health Centre

Petition requesting the retention of the Cremorne Community Mental Health Centre, and the upgrading of the facilities at Chatswood, received from **Mrs Jillian Skinner**.

Armidale and New England Hospital Intensive Care Unit

Petition requesting funding for the establishment of a level 4 intensive care unit for Armidale and New England Hospital, received from **Mr Richard Torbay**.

Road Tunnel Air Filtration

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

Old Northern and New Line Roads Strategic Route Development Study

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

Forster-Tuncurry Cycleways

Petition requesting the building of cycleways in the Forster-Tuncurry area, received from **Mr John Turner**.

Newcastle Rail Services

Petitions requesting the retention and improvement of Newcastle rail services, received from **Mr Bryce Gaudry**, **Mr Jeff Hunter**, **Mr John Mills** and **Mr Milton Orkopoulos**.

Country Rail Booking Offices

Petition opposing the closure of country rail booking offices, received from **Mr Andrew Stoner**.

Adult Training, Learning and Support Program

Petition opposing changes the Adult Training, Learning and Support Program, received from **Mrs Judy Hopwood**.

Skilled Migrant Placement Program

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

Mature Workers Program

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

Colo High School Airconditioning

Petition requesting the installation of airconditioning in all classrooms and the library of Colo High School, received from **Mr Steven Pringle**.

Dunoon Dam

Petition requesting the fast-tracking of plans to build a dam at Dunoon, received from **Mr Thomas George**.

Isolated Patients Travel and Accommodation Assistance Scheme

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

Water Carting Restrictions

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

Hawkesbury Electorate Sewerage

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

Glenorie and Galston Sewerage

Petition requesting the delivery of sewerage services to the Glenorie and Galston districts, received from **Mr Steven Pringle**.

Sydney North-west Electricity Supply

Petition requesting assessment of the electricity supply to the north-west region of Sydney to avoid the incidence of brownouts and power outages, received from **Mr Steven Pringle**.

Lismore Fire Service

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

Water-Access-Only Property Policy

Petition requesting a review of the water-access-only property policy, received from **Mrs Judy Hopwood**.

Sullage Removal Subsidy

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

Hawkesbury-Nepean River System Weed Harvester

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

BUSINESS OF THE HOUSE

Withdrawal of Business

General Business Notices of Motions (General Notices) Nos 9 and 11 withdrawn by Mr Paul Lynch.

General Business Notice of Motion (General Notice) No. 18 withdrawn by Mrs Jillian Skinner.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [2.34 p.m.]: I move:

> That the General Business Notice of Motion (General Notice) given by me today [Crown Land Enclosure Permit Rentals] have precedence on Thursday 24 February 2005.

I seek precedence because this motion is vital to 32,000 landholders across the State, mainly in rural and regional areas. These hardworking people, many of who are still reeling from the drought, are now receiving exorbitant bills in the mail from the Labor Government. These landholders have paper roads on their properties—survey anomalies that were created at the time of the first surveys on the assumption of closer settlement that never eventuated. Those roads are most often within the boundaries of freehold or perpetual leasehold land, making them inaccessible for public or Crown use without the permission of the surrounding landholder. More often than not these parcels of land are small and unproductive and the farmer has been doing the State a favour by providing pest and weed control on them.

Prior to the Carr Government's dreaded mini-budget in April last year, farmers paid a flat $50 rental on these leases. However, Labor's Minister for Lands, Tony Kelly—a so-called Country Labor member—in cahoots with the Treasury, saw an opportunity to rip millions of dollars from the genuine and honest people who contribute enormously to our State's economy. Mr Kelly, who is now known as Ned, would barely be game to show his face in country New South Wales given his blatant and disgusting tax grab. Mr Kelly confirmed his cash grab in a conversation with senior people at Kempsey Shire Council last year when, as the council minutes record, he said that under its new structure the Department of Lands was required to return to the Government a dividend of $34 million. So what does he do? He targets a group of people who are already saddled with massive State Government charges and overregulation, battling drought and generally paying more than their fair share for the services and infrastructure they receive.

Mr Gerard Martin: And the GST and all those other things from Canberra.

Mr ANDREW STONER: What have you done about this? You ought to be representing the farmers in Bathurst. Shame on you!

Mr SPEAKER: Order! The Leader of The Nationals will address the Chair.

Mr ANDREW STONER: Following predictable uproar around the bush, the Minister was forced to announce a moratorium in August last year. Now, after tinkering around the edges, the Minister has come back with a concessional scheme that will still result in the rental on these leases doubling or tripling for three years and then massively increasing to between $350 and $750 a year. Of course, the other option is for farmers to choose to convert the leases to freehold but, for that privilege, the Labor Government plans to charge at least $1,700 in administrative charges plus the market value of the land. It is simply unsustainable. There is another issue. Landholders were misled when they were told that the basis of any purchase would be the unimproved capital value of the land but, lo and behold, the Minister's letters state that it will be the market value. In short, this is an urgent issue. It is another rip-off perpetrated by the Government on the State's farmers. [*Time expired.*]

Mr CARL SCULLY (Smithfield—Minister for Police) [2.37 p.m.]: As Opposition members know, when the Government is swayed by an argument regarding precedence we agree to re-prioritise the agenda. Five or six members opposite are pretending that this is the single most urgent matter before the House and must be discussed tomorrow morning. We have heard three minutes of waffle.

Mr SPEAKER: Order! The Leader of the House will be heard in silence.

Mr CARL SCULLY: I listened with a big ear, wanting to hear the Leader of The Nationals' argument for priority. Did we hear it? No, we did not. The Leader of The Nationals did not put his case effectively so the answer is, no.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 36

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

Noes, 54

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

Question resolved in the negative.

Motion negatived.

QUESTIONS WITHOUT NOTICE

INVESTMENT PROPERTY TAX

Mr JOHN BROGDEN: My question is directed to the Premier. Instead of forcing working families, such as the McGregorys of Eagle Vale, to pay land tax on their modest investment property why does the Premier not immediately commit to scrapping his disastrous property tax increases now, rather than forcing people to wait until the June budget?

Mr BOB CARR: I have got a bit to say. The first point I make, as I said yesterday, is that the Government reviews spending and revenue measures in the context of each budget and the Treasurer will review land tax in the context of the State budget, taking into account all the community concerns we have heard. The second point I make, which relates to that excellent motion that the Minister for Housing just foreshadowed, is this: Anyone concerned about families in New South Wales ought to be concerned about the 850,000 victims of the higher interest rates that are on their way right now.

Mr SPEAKER: Order! The honourable member for Murrumbidgee has been grossly disorderly. I place him on three calls to order. I warn other members that question time will proceed in an orderly way and in accordance with the rules of the Chamber.

[*Interruption*]

Mr SPEAKER: Order! I place the honourable member for Gosford on two calls to order. The Premier will be heard in silence.

Mr BOB CARR: I think all in this House would have done the round of polling booths in October last year, and at every one of them would have seen the big posters "Keep interest rates down. Vote Liberal." That commitment was made everywhere. The Reserve Bank—

Mr Ian Armstrong: Point of order: Will the Premier tell us whether interest rates are going up in New Zealand or not?

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

Mr BOB CARR: He will have to ask the Governor of the Reserve Bank of New Zealand, Mr Don Brash. Some 850,000 people of this State stand to be victims of John Howard's broken promise on interest rates. Let me spell that out. The Reserve Bank—

Mr John Brogden: Point of order: What is the Premier going to do about the victims of his land tax?

Mr BOB CARR: I am talking about land and about the owners of land.

Mr SPEAKER: Order! The Leader of the Opposition is deliberately defying the Chair. I call him to order.

Mr BOB CARR: That is precisely what I am talking about: I am talking about land, I am talking about the burden on families, and I am talking about 850,000 New South Wales families about to be hurt by John Howard's broken promise. If those interest rates go up next month as a result of the Reserve Bank meeting on 1 March, with a decision to be made on 2 March, New South Wales families will be hurt at a very savage rate. Standard variable rate mortgages, available from most major lenders at an interest rate of 7 per cent currently, call for monthly repayments of $1,821 on an average mortgage in this State. If interest rates rise by 0.5 per cent, this would increase monthly repayments to $1,904—that is, an increase of $83 per month, $996 a year, for each and every one of the 850,000 families working hard to pay a mortgage. Where is the Coalition's interest in their fates?

Last year the New South Wales Government made changes to property taxes and gave relief to first home buyers from any stamp duty. To date, 32,000 young families have benefited, with an average saving of $10,000 each. The Reserve Bank credited our package of property tax reforms last year as a reason why mortgage interest rates were kept on hold during 2004. We urge them now to think of 850,000 New South Wales families who stand to be victims of John Howard's mismanagement.

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

Mr BOB CARR: There is a third point I want to make here, and it is this: The Opposition has no plans, no ideas and no policies.

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

Mr BOB CARR: On the run, the Coalition can promise a super highway over the Blue Mountains, at a cost of $2 billion. It can promise to immediately install level 2 automatic train protection, at a cost of $2 billion

to $3 billion. It can promise to aircondition all schools, at a cost of $1 billion. The Spit tunnel, $1 billion; significantly reduced poker machine tax, up to $1.6 billion, and abolition of vendor duty, $350 million.

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

Mr BOB CARR: It can promise to upgrade the Princes Highway, $200 million; to reopen the Murwillumbah to Casino line, $78 million.

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

Mr BOB CARR: Certain new schools, at a cost of $51.5 million. Sixty new adolescent mental health beds—another promise just made on the way through—at a cost of $50 million. Added up, these casual promises, made without funding explained, total $9.3 billion. The Coalition has no policies, no ideas and no plans. It just makes it up as it goes along.

Mr Andrew Tink: Point of order: Mr Speaker, I draw your attention to *Decisions from the Chair*, page 62: Speeches may not be read verbatim. The Premier's speech obviously has been prepared by Mark Latham, who is back on the Premier's staff. That is a Mark Latham effort.

Mr SPEAKER: Order! I call the honourable member for Epping to order for the second time. Before I give the call to the honourable member for Heathcote, I remind members that a number of them have been called to order. Those members are now deemed to be on three calls. I am already somewhat hoarse, and I do not intend to aggravate that condition during the remainder of question time.

SYDNEY HARBOUR BRIDGE AND ANZAC BRIDGE COUNTER-TERRORISM MEASURES

Mr PAUL McLEAY: My question without notice is directed to the Premier. What is the latest information on security in New South Wales and the Sydney Harbour Bridge, and related matters?

Mr BOB CARR: The Australian Embassy bombing in Jakarta last September was a vivid reminder that those who would harm Australian interests are active in our region. And it is not through want of trying, or an absence of intention, that they have not struck on Australian soil. It is entirely reasonable to expect an attack, or to plan for an attack, and any government that did not do so would be derelict in its duty. We are particularly conscious that Sydney has some high profile targets that present an obvious temptation to terrorists. We have already introduced a $13 million security package for the Opera House, and today I can reveal that the Sydney Harbour and Anzac bridges are now under the watch of one of the world's most sophisticated road security systems.

This part of our $14 million Sydney Harbour Bridge and Anzac Bridge security upgrade package will enhance safety and assist in the detection of criminal activity, as well as assist in our preparedness for a terrorist attack. At its heart is a $4.2 million intelligent network of 46 new thermal imaging cameras able to track moving images using thermal technology and alert security staff to any suspicious or out-of-place objects. Those devices join 98 new and upgraded closed-circuit television cameras to create a web of 144 cameras watching these two bridges, with images beamed back to a new control room staffed 24 hours a day.

More than 160,000 cars use the Sydney Harbour Bridge each day, with another 130,000 using Anzac Bridge, making them tough to secure. The beauty of these thermal imaging cameras is that they can provide surveillance across all areas of each bridge, as well as people trespassing on restricted areas, at all hours of the day, regardless of weather or light conditions or any attempted camouflage. We have also deployed new artificial intelligence software, known as digital image analysis, which can sense if anything is out of place in the camera's field of vision—for example, a bag left unattended on the footpath.

Other parts of our $14 million bridge security package include six help points, new fencing and anti-climb devices—to be in place by the end of the year—to prevent intruders and thrill seekers from entering the Harbour Bridge framework; and a new control system requiring electronic access to all areas. Two great Sydney icons are safer as a result of the application of this major investment in new technology—a reminder of the vigilance, expense and preparation demanded as we face the very real threat of a terrorist incident.

ACMENA JUVENILE JUSTICE CENTRE STAFF ASSAULTS

Mr ANDREW STONER: My question is directed to the Minister for Juvenile Justice. Why is she covering up ongoing chaos at Grafton's Acmena Juvenile Justice Centre where staff fear for their lives because inmates involved in serious rioting more than one year ago continue to viciously assault staff, harbour knives and incite each other to stab workers, as outlined in this letter, which also outlines that staff jobs will be threatened if they dare to blow the whistle?

Ms DIANE BEAMER: In this case I will let the facts about juvenile justice tell the story. Each day I receive incident reports and updates from all the detention centres throughout New South Wales. These are the facts and these are the figures, and they tell the story. Assaults on staff have dropped by 25 per cent in the past six months to January 2005. WorkCover premiums have dropped by 50 per cent.

Mr Steve Cansdell: Point of order: My point of order is relevance. The Minister has failed to answer the question. The Minister has failed to provide protection—

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

[*Interruption*]

Mr SPEAKER: Order! I advise the honourable member for Clarence to take home the standing orders of this House and learn them.

[*Interruption*]

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

Ms DIANE BEAMER: What are those facts again? In the six months to January 2005 a 25 per cent drop in assaults. WorkCover premiums have dropped by some 50 per cent. If we want to talk about the facts and the figures in this case, those two are enough. What has the Opposition been doing? What has the honourable member for Clarence been doing? They have been telling lies and scaremongering.

Mr Steve Cansdell: Point of order!

Mr SPEAKER: I trust the honourable member for Clarence has had an opportunity to read the standing orders since his last point of order. What is the point of order?

Mr Steve Cansdell: My point of order is relevance. If the Minister cannot answer the question—

Mr SPEAKER: Order!

Mr Steve Cansdell: You had your chance to meet with them but you ignored them, which has created violence in the system.

Mr SPEAKER: Order! That was an amateurish attempt by the honourable member for Clarence to disrupt the proceedings of the House.

Ms DIANE BEAMER: What has the honourable member for Clarence been doing? He might be in a little bit of bother from a member in the upper House. They might want his seat.

[*Interruption*]

Mr SPEAKER: Order! Despite the fact that the Chair extends a degree of latitude to the Leader of the Opposition, he knows full well that his position demands that he show a degree of leadership. Although I had not drawn attention to the fact, it was well known that the Leader of the Opposition brought a video into the Chamber. He wants to flout the rules of the House because he believes he has privileges over and above those of other members. Although a degree of latitude may be extended to the Leader of the Opposition because of his position, it is expected that he will show leadership and comply with the rules of the House. I will not warn him again. The next time I see the video it will be confiscated.

Mr Barry O'Farrell: Point of order: I simply make the plea that the next time the Premier breaches the same standing order he gets the same lecture, and that you humbly regret to give him strong and detailed orders to do the right thing. We are tired of you enforcing laws only on this side of the House. He is the chief offender when it comes to using props in this Chamber. You sit on your hands and do absolutely nothing until something happens over here. But it is actually quite humorous. Seeing that dope on TV is quite humorous. But what do you do? You rise to your feet and you give us a lecture. All I ask is that you uphold your standing orders and behave fairly towards both sides of the House. We want a strong and detailed response from the Speaker of the House. We want a strong and detailed leadership from the Premier to stop abusing standing orders.

Mr SPEAKER: Order! I have not called the Deputy Leader of the Opposition to order. I now place him on three calls to order.

Ms DIANE BEAMER: The honourable member for Clarence and the honourable member in the upper House are going around this State saying that each and every one of our detention centres will be turned over to the most dangerous of our juvenile offenders. All these claims are wrong. They have made nothing but wrong claims throughout the State. The Premier might want to take note of one of those fly-by-night promises. What is this one? Let us build another juvenile detention centre 50 kilometres away from the one at Dubbo for weekend detention. That is another one of those promises that comes out of the ether and goes nowhere. The Carr Government is providing the most appropriate housing and rehabilitation for young offenders. It also is providing the most appropriate post-release programs for at-risk youth. The Government will continue to upgrade and reform the juvenile justice system to meet the unique challenges of young offenders within our society.

MENTAL HEALTH SERVICES

Miss CHERIE BURTON: My question without notice is directed to the Minister for Health. What is the latest information on mental health services in New South Wales?

Mr MORRIS IEMMA: I thank the honourable member for Kogarah for her interest and work in mental health. I am pleased to provide an update to the House on the Government's plans to improve the quality of services for people suffering from a mental illness. These plans are backed by a record investment of $783 million, an increase of $68 million this financial year. In April last year I stood in this House and announced an additional $241 million investment to improve mental health services across the State. I am pleased to inform the House about the latest phase of the implementation of those plans.

Mr John Brogden: Strong and detailed, of course.

Mr MORRIS IEMMA: Strong and detailed, that is correct; a comprehensive, strong and detailed plan. I can update the House on the expenditure of the $241 million special allocation in last year's April mini-budget. I can announce today the location of 80 subacute mental health beds—four 20-bed units—that will be funded from that $241 million enhancement. They will be located at Shellharbour Hospital, St George Hospital, Coffs Harbour Hospital and one of the hospitals in the Hunter. These new subacute mental health beds will be in areas of demonstrated need.

Mr Chris Hartcher: Point of order: Why is the Minister not explaining to the House why 15 beds for mental health at Wyong Hospital have not been opened?

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

[*Interruption*]

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

Mr MORRIS IEMMA: I will come to Wyong in a second. The four new subacute 20-bed units at Shellharbour, St George, Coffs Harbour, and the Hunter will be supported by 108 additional full-time staff. A further 20-bed subacute unit at Campbelltown Hospital is fully funded and, with construction ready to commence, the beds should be open to patients in the new financial year. The beds that mental health professionals will be providing services from will complete the care cycle for patients who are suffering from mental illness. For the benefit of the honourable member for Gosford I point out that the $783 million annual

commitment to mental health funding also includes 50 mental health beds that have been opened at the Wyong hospital and will be fully commissioned.

Mr Chris Hartcher: They are not open.

Mr MORRIS IEMMA: The honourable member for Gosford was not at the opening and he would not know. The Government has provided, or is providing, 50 beds as part of the redevelopment of Wyong Hospital, an additional six mental health beds at the Westmead Hospital, an eight-bed unit at Westmead Children's Hospital, three extra beds in the Biala unit at Nepean Hospital, two extra beds at the Broken Hill hospital that will open in June, an additional four mental health beds opened at Wagga Wagga, a 20-bed centre that will come on line at Cumberland Hospital, and new beds to open when the redevelopment of Dubbo's mental health unit is complete; and construction is well under way on the redevelopment of Liverpool Hospital's 30-bed acute mental health unit. That is just the start. The Government is well and truly on track to open a further 385 mental health beds in the next four years—beds that will meet the broad spectrum of mental health needs.

The 385 extra beds are on top of the 290 that have been opened since 2000 and they are in addition to the beds I announced today and the beds in the list that I have just read out. The 385 that will open over the next four years will serve areas such as children and adolescents—a very important area of mental health. In 1995 there was just one child and adolescent mental health unit in New South Wales but today there are four, with further improvements on the way. An older person's mental health unit is proposed for Wollongong.

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

Mr MORRIS IEMMA: There will be more forensic beds and subacute mental health beds for those who have received care but need further support before they are ready to go back into the community. The $241 million enhancement over the next four years extends well beyond just providing additional beds. An additional $20 million over the next four years will be provided for community mental health services and will provide for plans for an extra 98 community-based mental health professionals—in addition to the $356 million that has already been spent on community mental health services. I understand that consultation is going very well with Cremorne and Chatswood. I will have much more to say about Chatswood and Cremorne in the near future.

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

Mr MORRIS IEMMA: In addition to a substantial investment in acute and subacute beds and a substantial investment in community mental health services and professional services, the Government is also well on track to implement the recommendations of two very important reviews of mental health services that were undertaken in the past couple of years.

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

Mr MORRIS IEMMA: I refer to the Pezzutti report and the Baume report.

Mrs Jillian Skinner: He recommended keeping Cremorne and Chatswood.

Mr MORRIS IEMMA: As I said, the honourable member for North Shore should stay tuned in relation to Cremorne and Chatswood. One of the key areas of action in the reform of mental health services called for in the Pezzutti report related to accountability and financial accountability.

One of Brian Pezzutti's key recommendations was to improve the accountability at the area health services level for the expenditure of mental health funding. I am pleased to say that the Government has acted on one of the fundamental recommendations made by Brian Pezzutti by quarantining mental health budget funding so that the allocations are spent absolutely on mental health services, and by making directors of mental health services directly responsible for expenditure of funding in local area health services.

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

Mr MORRIS IEMMA: Other important recommendations of the Pezzutti report that have been implemented or will be implemented include a key recommendation relating to housing and community support. In partnership with the Department of Housing and non-government organisations, the Government is working

through the significant responses to tenders that were called for the provision of an additional 400 supported accommodation places. These additional places will support people who suffer from mental illness and enable them to live independently in the community in accommodation that is provided either by the Department of Housing or by other housing providers. They will be able to live independently with support from these very important non-government organisations. That is another key recommendation of the Pezzutti report that the Government is acting upon.

The Government is also acting on police transportation protocols and guidelines for dealing with mental health patients together with joint assessment and treatment protocols across agencies. The Government has undertaken significant work on implementing the recommendations of the Pezzutti report and the very important work carried out for the Government by Professor Peter Baume through his Sentinel Events Review Committee. Improvement in the provision of mental health services, particularly in acute, subacute, and community support areas, is one of the key challenges for governments throughout the western world, and I am pleased to provide this update on the Government's record expenditure in this area.

JUVENILE OFFENDERS ACCESS TO LEGAL BRIEFS

Mr CHRIS HARTCHER: My question is directed to the Minister for Juvenile Justice. After yesterday's bungle involving the autopsy photograph of nine-year-old Brendan Saul, how does she explain another case of a juvenile justice inmate—a convicted murderer—who had a photograph of the decomposed body of his victim which was confiscated by staff, only to be returned by management two hours later? Who is running the place—the Minister or the inmates?

Ms DIANE BEAMER: In regard to the specific allegations raised by the honourable member for Gosford, I will have those matters investigated.

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

Ms DIANE BEAMER: Nothing is clearer to members of this Government than the fact that the Opposition goes around New South Wales scaremongering and trying to talk up this issue. They go to Dubbo and say they will take on maximum security prisoners; they go to the Riverina and say the same thing; they go to Acmena and say the same thing. The fact of the matter is that the Government will be spending over $5 million in security upgrades of juvenile detention centres. We will be installing state-of-the-art cameras in all our centres. We are rebuilding a female detention centre at Yasmar in Lidcombe to make it a state-of-the-art centre. Nothing could be clearer than the fact that this Opposition has very little to talk about.

JAMES HARDIE AND ASBESTOS-RELATED DISEASES LIABILITY

Mr PAUL LYNCH: My question without notice is directed to the Premier. What is the latest information on the heads of agreement with James Hardie?

Mr BOB CARR: I welcome the opportunity to place on record some details of negotiations on this subject. A year ago this Sunday the Government established a special commission of inquiry into James Hardie's underfunding of asbestos compensation. Our objective was to seek justice for the victims, among them Mr Bernie Banton, who has campaigned tirelessly on behalf of many people. Throughout last year I had to draw the attention of the House to James Hardie's failure to resolve this issue. Finally, on 21 December, the Government entered into heads of agreement—a major breakthrough. Although it was not a legally binding agreement, it secured a long-term commitment from James Hardie to fund asbestos compensation and it established a basis for negotiating a detailed, legally binding agreement.

One of the main issues to be resolved is what corporate structure James Hardie will adopt to fulfil its obligations to asbestos victims. James Hardie has to develop a robust corporate structure that will work in the next 40 or more years. In late December the Government told James Hardie it should submit its preferred structure for the Government's consideration. On Friday last week James Hardie outlined its current thinking to the Government negotiator. It is making progress, but there is more work to do. The corporate structure will form a key element of the principal agreement. While the issues are, no doubt, difficult, the principal agreement is supposed to be finalised by the end of March. Two of the available three months have passed and we do not yet have a first draft. We would have expected to receive it by now. Once this draft is provided, a number of issues will require detailed negotiation. They include protection against restructuring and insolvency. These negotiations cannot be rushed or compromised; they are critical to ensuring that James Hardie cannot restructure its way out of its long-term funding obligations.

At this stage the Government is proceeding on the basis that the agreed timetable will be met and the principal agreement will be finalised by the end of March. I am advised that James Hardie intends to provide us with a first draft at the end of this week. I urge James Hardie to commit the necessary resources to negotiate the principal agreement expeditiously. Once the agreement is finalised and signed, a number of steps will need to occur. Legislation will need to be enacted to support the agreement, and James Hardie will need to obtain shareholder and lender approval. The Government remains committed to securing a binding legal agreement with James Hardie as soon as possible. I urge James Hardie to demonstrate the same level of commitment.

Questions have been asked recently about James Hardie's exposure to asbestos claims in the United States of America and other countries. Our negotiations with James Hardie are about securing compensation for Australian victims. I am advised that the United States claims against former James Hardie subsidiaries are limited in number. I am also advised that in no claim has a court found the former subsidiaries liable. On this basis the United States claims are not expected to interfere with finalising the agreement to compensate Australian victims. Negotiations cannot resolve compensation claims against James Hardie in other countries. They have different compensation systems. I encourage James Hardie to sort out other compensation obligations it may have so that it can resolve this matter once and for all.

The final issue on which I will update the House is the progress of the review of legal costs in asbestos compensation. We established this review on 18 November last year. An issues paper was released in late November and submissions closed in January. Some organisations have made their submissions publicly available. The Government does not object to that course; people are free to release their submissions as they see fit. The review will release its submissions when the review report is released. Of course, the review is not specific to James Hardie but it is relevant to the negotiations on the principal agreement. In particular, the Government is obliged to implement the recommendations before the principal agreement takes effect. Under the heads of agreement the review is due to be adopted by the Government by 8 March. The review is expected to meet this time frame. I anticipate the Government will introduce legislation to implement the review in this session.

DUBBO BASE HOSPITAL MAGNETIC RESONANCE IMAGING MACHINE

Mrs DAWN FARDELL: My question without notice is addressed to the Minister for Health. Is the State Government committed to the provision of a magnetic resonance imaging [MRI] machine in the public hospital system in Dubbo? What is the timetable for the provision of a machine?

Mr MORRIS IEMMA: Yesterday the Commonwealth Government played a cruel hoax on the people of Dubbo. The Commonwealth Government made a pre-election commitment of a full licence for a fully funded Medicare magnetic resonance imaging [MRI] machine at Dubbo. Yesterday when the Commonwealth released its list of sites to receive the next 21 MRI machines its commitment of an MRI machine at Dubbo became a commitment to call for expressions of interest. As I said, it was a cruel hoax on the people of Dubbo. If and when the Commonwealth decides to issue MRI licences and deliver on its commitment, the New South Wales Government will consider the location and, in partnership with the Commonwealth, the provision of MRI licences.

We have been down this path with the Commonwealth twice before—at Gosford and Wollongong hospitals. Ten minutes ago the honourable member for Gosford was talking about beds and hospitals on the Central Coast. I noted his total silence when I said that when the Commonwealth Government released the list yesterday Gosford hospital yet again missed out on the allocation of an MRI licence. The State Government made an investment of $2.8 million to fund inpatient MRI services. The Commonwealth has not provided a licence, so we are unable to offer a full outpatient service for families on the Central Coast.

We have also been down this path in Wollongong. The State Government made a $2.8 million investment to buy a machine, following an in-principle agreement on the part of the Commonwealth that it would allocate a licence to Wollongong and Gosford. The State Government invested $2.8 million on an MRI machine, then added to the investment by providing $400,000 in recurrent expenditure to fund inpatient services for the MRI machine at Wollongong. That inpatient service funding was repeated at Gosford. Under the Commonwealth guidelines both Gosford and Wollongong are designated as areas of need. We have an in-principle agreement to fund and license Gosford and Wollongong, but the Commonwealth has reneged again.

Mr Chris Hartcher: If you're so good why don't you give us one?

Mr MORRIS IEMMA: Because the Commonwealth has constitutional jurisdiction for Medicare. That is why we fund the capital to buy the machines. That is why we fund the inpatient services for people who are admitted to hospital. But, unfortunately, under the Medical Benefits Schedule and in line with the Commonwealth's constitutional responsibility, those arrangements are the responsibility of the Commonwealth. The honourable member for Gosford should lend some support to the New South Wales Government. Why does he not ever stand up for the Central Coast? Why does he not ever strike a blow? He should pick up the phone and say to John Howard, "How about giving us a licence at Gosford?"

Mr Thomas George: Point of order: I picked up the phone and Lismore did get an MRI.

Mr SPEAKER: Order! I remind honourable members that the purpose of question time is to have Ministers answer questions, not for members of the Opposition to answer questions on behalf of Ministers.

Mr MORRIS IEMMA: I am tempted to say that is how you got your mental health unit. If and when the Commonwealth gets serious about its commitment, the New South Wales Government will consider the issue.

DEPARTMENT OF COMMUNITY SERVICES YOUNG FAMILIES SUPPORT

Ms NOREEN HAY: My question without notice is directed to the Minister for Community Services. What is the latest information on support for young families and the Department of Community Services?

Ms REBA MEAGHER: I thank the honourable member for her important question and her ongoing interest in this area. Today the Premier and I met with health workers who are helping mothers and newborn babies. More than 630 community nurses have reached a milestone in the Government's commitment to New South Wales families—150,000 home visits for mothers with newborn babies. That milestone is a feather in the cap of both my predecessor and the Minister for Health.

The Government's commitment that all new mothers in New South Wales will be offered a home visit after birth is the first and largest of its kind in Australia—a universal commitment to families that is being delivered across the State. Our focus on early intervention programs is borne out by our significant funding commitment. We have provided more than $117 million under our Families First Program, which helps families by funding playgroups, parenting courses, health clinics, and in-home support services for all families in New South Wales.

The Government is providing meaningful programs that will help parents give their children the best start in life. Many similar achievements are displayed in the department's annual report that I tabled today. The report also highlights many of the challenges facing the public and community sectors in servicing some of the most disadvantaged in our communities. It outlines the first stage of the important reform process within the department, which focuses on new computer systems, recruiting new caseworkers, and expansion of core programs such as early intervention prevention, child protection and out-of-home care. More than half of the budget of the Department of Community Services [DOCS] was used to purchase services from other organisations to help hundreds of thousands of families across the State.

More than $500 million was given to about 3,500 service providers for crucial services including parenting programs, children's services, domestic violence funding, homeless services, and family workers to support families in need. The increase in front-line services has also been accompanied by an increase in reports to the helpline. Some 185,000 reports were made last year, an increase of more than 9,000, or 5 per cent. It is a disturbing figure that reflects problems from drugs and alcohol, unemployment and health pressures—a figure that underpins our commitment to, and the need for, early intervention.

One of the most significant challenges was the implementation of a major new computer system called the key information and directory system, or KIDS. That massive task involved more than 24 million records used to trap client information. The system was introduced at the end of October 2003 to replace a 15-year-old information system that no longer met the needs of the department. Re-establishing continuity of data and reporting have been key priorities, and obviously vigilance will be required to ensure its smooth operation. I am advised that while in keeping with regulatory requirements, the final report and its published data were subject to rigorous quality assurance because of the new system, and that caused a delay which is regretted.

DOCS has also resumed publishing its quarterly reports which are made public. DOCS helps young families through child protection and early intervention for stronger families and communities. It helps to

protect children from risk of harm and it provides care for children who are unable to live at home. The department does that in partnership with a wide range of non-government organisations and government agencies. I place on record my thanks to the staff, particularly the front-line caseworkers, who deal with some of the most horrific cases imaginable. DOCS is moving forward and making progress. The Government is determined to build the strongest child protection system in this country.

DR KERRY KEOGH PARRAMATTA ROAD TASK FORCE EMPLOYMENT

Ms PETA SEATON: My question without notice is directed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. When he employed the corrupt former general manager of Strathfield council, former Labor staffer Kerry Keogh, on the Parramatta Road task force in the Department of Infrastructure, Planning and Natural Resources, was it based on the recommendation of the honourable member for Strathfield and her friend the former Strathfield Mayor John Abi-Saab, who admitted yesterday before the Independent Commission Against Corruption that he paid corrupt developer Michael Saklaoui $15,000 to tape Alfred Tsang taking a bribe?

Mr CRAIG KNOWLES: I did not employ him, so the rest is irrelevant.

HUNTER EMPLOYMENT AND INVESTMENT

Mr JEFF HUNTER: My question without notice is directed to the Minister for Regional Development. What is the latest information about job creation in the Hunter and capital spending in the region?

Mr DAVID CAMPBELL: The honourable member has a keen interest in jobs growth in the Hunter, an interest that is shared by other members from that region. The New South Wales Government's strong and detailed plan to encourage regional investment and growth is having positive results in the Hunter. The New South Wales Government's Hunter Advantage Fund was established in 1997 and it has helped to develop 63 projects for the Hunter region. That has resulted in $322 million in local investment and more than 2,000 new jobs.

The Hunter Advantage Fund has successfully encouraged a more diversified economy for the region, and that economy is building on its existing manufacturing base. Last week the New South Wales Government delivered on its promise to further decentralise government agencies. The official opening of the new Department of Primary Industries, which includes the amalgamated former Department of Mineral Resources, will see 170 jobs delivered to Maitland and it will inject up to $20 million into the region's economy each year. In September 2002 the Government's relocation of the Infringement Processing Bureau to Maitland brought 154 jobs to the town. Since then another 125 jobs have been created, more than 56 per cent of which have been filled by Hunter Valley and Upper Hunter residents.

Earlier this month the New South Wales Government welcomed yet another significant economic win for the Hunter, with Jetstar investing $29 million at Newcastle airport. It is a project that will see a major expansion of Jetstar's heavy maintenance facility. That decision secures 132 skilled jobs for the Hunter, including 25 apprenticeships—another major win for the region supported by the Carr Government and the Hunter Advantage Fund. Honourable members would be interested to know that the Government is also encouraging growth in smaller operations. This has resulted in 38 new jobs for the region, which is good news for local families and businesses supplying goods and services. Australian Biotech Laboratories in Rutherford has been established with New South Wales Government support. The company collects and processes bovine blood serum for export. It has invested $1.5 million in the region, and that has created eight local jobs.

A Lambton company has undertaken a $500,000 expansion, creating 12 jobs. The company has agencies operating in Sydney, the Central Coast, Canberra, and the Central West. Another local company that has received New South Wales Government support is Leaves and Fishes. That company is developing an aquaculture farm and tourist attraction at its plant nursery at Lovedale—a project that brings a new dimension to Hunter tourism. Its $600,000 expansion will create up to nine new jobs. This Government supported Sydney electrical company G. L. McGavin Pty Ltd relocate to Newcastle, and that move has created six new jobs. As a result, exports to the United States of America, Canada, South Africa, New Zealand, Fiji, the United Kingdom, and South America are being proudly manufactured in Newcastle.

Cessnock company Rover Motors has been successfully operating its bus services since 1927. With New South Wales Government support the company has invested $500,000 in its operations, which has created

four more local jobs. The New South Wales Government's strong and detailed plan is creating economic benefits for the Hunter community. It is also creating jobs. In 1994, under the previous Coalition Government, the region's jobless rate was around 10 per cent. Unemployment in the Hunter region was running at 9.8 per cent, and Newcastle's jobless rate had reached 10.3 per cent. In January 2005, under a Carr Government, the region's jobless rate had fallen to 5.8 per cent. We are continuing to work to support jobs and the Hunter community, and we will continue to encourage regional investment and growth in the Hunter and in all regions in New South Wales.

ACMENA JUVENILE JUSTICE CENTRE STAFF ASSAULTS

Ms DIANE BEAMER: I have a supplementary answer to the question asked earlier by the Leader of The Nationals. Last Friday the shadow Minister for Juvenile Justice visited Acmena Juvenile Justice Centre and spent three to four hours with the regional director and the centre manager on a tour of the centre. During the visit she raised none of the issues raised today in the House by the Leader of The Nationals.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Interest Rates

Mr JOSEPH TRIPODI (Fairfield—Minister for Housing) [3.39 p.m.]: This motion is urgent because in New South Wales, more than in any other State, first home buyers and families battling with mortgages—

Mr SPEAKER: Order! The Minister will be heard in silence.

Mr JOSEPH TRIPODI: First home buyers and families battling with mortgages will be the victims when interest rates rise. We can expect that on 1 March the Reserve Bank board will raise interest rates by a quarter of 1 per cent. Yet just last year John Howard gave Australian voters the clear impression that interest rates would not rise under a Howard Government. In Western Sydney first home buyers can barely afford to buy an average-price house. The market is becoming increasingly—

Mr Chris Hartcher: Point of order: As I am sure the honourable member for East Hills will agree, the purpose of the contribution by the Minister for Housing is to establish the urgency of his motion, not to canvass the issue. The Minister is reading a quite voluminous speech and not establishing the urgency of his motion. I ask him to show why his motion is more urgent than the motion about water management of the honourable member for Lachlan.

Mr SPEAKER: Order! I will hear more of the Minister's presentation before ruling on the point of order.

Mr JOSEPH TRIPODI: This motion is urgent because on this very day Reserve Bank officials are assembling the data that will justify their increasing interest rates—and increasing the burden on home buyers in this State and in this country as a whole. That is why this matter is urgent. An interest rate rise will severely affect first home buyers, whose borrowing capacity will be cut. Families with mortgages will find that their payments eat into their income more and more. The complacency of the Howard Government is deplorable. That is why this motion is urgent.

Inland Water Supply

Mr IAN ARMSTRONG (Lachlan) [3.41 p.m.]: There is nothing more urgent for this House to debate this afternoon than the issue of water in inland New South Wales—water for domestic use, for industry, for agriculture and for the environment. The new Minister for Housing wants to talk about the economy and the Reserve Bank of Australia. But water is at the heart of the economy. The 67 per cent cut in the water allocation for the Barwon-Darling system means that those who have borrowed money to install technology, such as the pivot spray irrigation system and the underground ribbon irrigation system, will be 67 per cent less productive and 67 per cent less able to pay back the bank in future.

Today the capacity of the Wyangala Dam, the main dam on the Lachlan River, is 10.5 per cent. It increased by 0.2 per cent at the weekend as a result of a little rain in the upper catchment. There is no general

security of water in the Lachlan Valley this year. There are no contracts for corn or maize and most contracts to supply lucerne to the racing industry in Sydney have been broken. Farmers cannot grow produce to store for next winter, or indeed to use during the ongoing drought. Irrigators throughout the Barwon-Darling system will lose 67 per cent of their water allocations under the cap, without compensation. What will those farmers say to their bankers when they lose 67 per cent of their water, which helps them grow equity? Interest rate levels will not matter then—if the interest rate is zero those farmers will be unable to pay.

Yet this Government has the audacity to try to tell us today that water, which is pivotal to life in inland New South Wales, is secondary to the desire of the new Minister for Housing to make his mark by pre-empting the Reserve Bank in a speech about interest rates. The Government would do well to acknowledge this afternoon that water is the most important issue in inland New South Wales. We need water for home owners, for light industry in country towns, for the future of the environment—this Government prides itself on its environmental management—and particularly for irrigation.

The Government would do us justice if it were to say, "We recognise that the member for Lachlan is correct", withdraw the motion of the Minister for Housing and debate me on water. If those opposite do not want to debate me on water, the Minister for Housing should move his motion. But if they want to debate me on water, this is their opportunity to do that. I challenge Government members to tell me where this Government is looking after water use in inland New South Wales. Tell me where, after 2½ years of drought, this Government has provided for one extra gigalitre of water in this State. The Government has not discussed any impounding increase or any assistance for the aquifers across New South Wales. Many of those aquifers—

Mr Alan Ashton: It's got to rain.

Mr IAN ARMSTRONG: If it rains the water must be contained. To gather a cupful of water one must first have a cup. It is the same with impounding water. This Government has made no provision to capture new water and prevent the next drought or to help to recharge the system. What about the environment? Where is the Government on that issue? It has deserted the environment. What is the Government doing about the great Combong swamp at the bottom of the Lachlan River or the Menindee Lakes? I am sure that the honourable member for Murray-Darling is with me in principle. We sit on opposite sides of the House but he is nodding in agreement. The honourable member for Murray-Darling knows that water is the key to prosperity, viability and survival. Yet the Government is not prepared today to debate the survival of one-third of the population of New South Wales.

As a matter of fact, water is probably the most important issue in Sydney too. If we ask the average householder or local councillors at Mosman, Ryde or Kellyville they will say that water is vital. Where is the grey water program for Sydney? I call on the Government this afternoon to realise and understand that we have a crisis in water. The Government has not addressed that crisis in the past two years and it is not working now to prevent problems in the future. It is quite happy that Ivanhoe faces the real prospect of carting in water by truck and train. The Government is quite happy that today the water supply at Lake Cargelligo is minus 1 per cent. I call on the Minister for Housing to withdraw his motion and to debate water. [*Time expired.*]

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

The House divided.

Ayes, 50

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

Noes, 34

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

Question resolved in the affirmative.

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

At 3.55 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect a member to fill the seat in the Legislative Council vacated by the Hon. Michael Rueben Egan, resigned.

At 4.11 p.m. the House reassembled.

Mr ACTING-SPEAKER (Mr John Mills): I report that the House met with the Legislative Council in the Legislative Council Chamber this day for the purpose of electing a person to fill the seat in the Legislative Council vacated by the Hon. Michael Rueben Egan, and that Gregory John Donnelly has been duly elected. I table the minutes of the proceedings of the joint sitting.

Ordered to be printed.

INTEREST RATES

Urgent Motion

Mr JOSEPH TRIPODI (Fairfield—Minister for Housing) [4.11 p.m.]: I move:

That this House:

(1) notes the Reserve Bank of Australia will meet on 1 March to discuss upward pressure on interest rates; and

(2) expresses its concern about the Prime Minister's failure to honour his 2004 election promise on interest rates and its impact on New South Wales families.

I have spoken in this House about the need to provide opportunities for young families to secure their dream and own a piece of the Sydney housing market. This is an issue I feel particularly strong about. I have already outlined some of the reforms I would like to see to give young families every opportunity to own their own home. Last week I announced the plan to allow first home buyers to access a part of their superannuation in order to get together a deposit on a first home. This would build on the New South Wales Government's commitment to helping first home buyers through stamp duty exemptions. And yesterday I asked the banks to absorb the extra costs first home buyers would face as mortgage insurance costs rise. This would save first home buyers on average $1,100.

But today I want to focus on how first home buyers and young families will be affected by the interest rate rise that is likely to happen on 1 March. In Western Sydney, where my electorate is based, most young families dream of home ownership. But the impact of a rise in interest rates of a quarter of a per cent could easily destroy that dream. Today, an average couple, with an income of $765 per week, can afford to buy a home valued at around $285,000, by providing a 10 per cent deposit and borrowing $257,000 over 30 years. Today, banks willingly give young families this opportunity. If analysts' predictions are correct, on 1 March this year this opportunity will be snatched from them.

An interest rate rise of a quarter of a per cent means that the borrowing capacity of this same couple will be cut to $250,000. That is an extra $7,000 that they will need to come up with themselves to secure that same home for their family. I know that for the average young family in Western Sydney this is just too much to ask. That is why it is so important that the Federal Government consider the Super First Home Deposit Plan I outlined last week. There is no better security in retirement than owning your own home—but obviously this option becomes less feasible as interest rates rise.

Before the 2004 Federal Election interest rates featured prominently for the Liberals. Yet, a month after John Howard was elected to a fourth term, there was already talk of the impending interest rates rise. We are all conscious of the vicious campaign run in the seat of Greenway, where an excellent Labor candidate was defeated. The voters of Greenway were well aware of the Coalition's promise of interest rate stability. In Blacktown, which is in the seat of Greenway, average families, who were the targets of Howard's campaign, are the people who will suffer most. The average Sydney mortgage is $336,500, with monthly repayments at $2,319. Many families in Blacktown are in this exact situation. If interest rates rise by a quarter of a per cent, these families will see their mortgage payments rise to $2,376 a month—an extra burden of $57 a month. Families in New South Wales already pay an average of 38.6 per cent of their income servicing home loans. After the interest rate increase this would jump to 39.4 per cent.

It should also be noted that this figure is much higher than the figures for other States. New South Wales families will suffer as a result of this interest rate rise. During last year's Federal election campaign the Prime Minister promised the Australian people that interest rates would not rise over the next three years. With next week's expected rise in interest rates, it is clear that John Howard's deceptive claims have breached the trust of home owners in this State. The people of Greenway know this better than anyone else. The impact of rising interest rates will be felt by thousands of highly geared home owners in New South Wales, especially when average New South Wales monthly mortgage repayments are around $1,794 per month and even higher for Sydney residents. This means a 25 basis point rise later in the year is likely to cost home owners an additional average of $44 per month, or $88 per month if the Reserve Bank raises rates by 50 basis points.

This would see a total of $850 million in additional mortgage payments flow to banks and other lenders in just one year; that is, in just one year $850 million extra will come out of the pockets of families and go to the banks. I cannot accept the Federal Government consistently focusing on the short political fix and neglecting the long-term health of our economy. I note the Organisation for Economic Co-operation and Development and the Reserve Bank have called for urgent reforms that address the capacity constraints in our economy that are likely to put upward pressure on inflation and drive up rates—advice ignored by the Federal Government for a very long time now. The Governor of the Reserve Bank, Ian Macfarlane, referred to this matter last Friday at the Commonwealth Government Standing Committee on Economics, Finance and Public Administration. Mr Macfarlane pointed to the fact that growth is being limited by capacity constraints in some key areas of our economy, with increasing reports of businesses finding it difficult to hire skilled labour.

He noted that many parts of the resources and heavy engineering sectors are already at full capacity, which in turn limits our export performance, bringing on the necessity that the Reserve Bank believes exists for interest rate rises. It is clear that the skills shortage in Australia has reached crisis point. This is so simply because of the Federal Government's longstanding record of cutting education funding, particularly for tradespeople. The Federal Government needs to put some serious investment into this area. But, again, that Government cannot bring itself to look past the immediate political point-scoring to the long-term needs of Australians. That is the problem; that is the disease of the Federal Government.

Home owners in New South Wales have a right to know why the Prime Minister promised to keep interest rates low while simultaneously making decisions that drive them upwards. Australia's interest rates are not low by international standards. Our standard variable rates—7.05 per cent—are higher than those in the United States at 5.72 per cent, the United Kingdom at 5.57 per cent, Canada at 4.9 per cent, Germany at 4.37 per cent, France at 3.61 per cent, Japan at 2.9 per cent, and of other comparable economies.

With spiralling levels of personal debt, small rises in interest rates this year will have a greater financial impact than steep rises in interest rates during the late 1980s and early 1990s. It is clear that the Federal Government's withdrawal from a whole range of services has forced a high level of debt on the household sector that requires increased servicing. The impact of an interest rate rise on each family will be much bigger now than it was in the Keating years. It is cold comfort for families in New South Wales facing an additional average $44 per month in repayments, and in many cases much more than that. It is cold comfort for first home buyers forced to postpone their entry into the market because they are unable to afford inflated monthly repayments.

John Howard continues to show arrogant indifference to the financial pressures his interest rate rise will place on families and first home buyers. He should be called to account. In recent days it has become clear in the press that his $800 million gift to his country members of Parliament across Australia, which has placed pressure on interest rates, is irresponsible Federal Government spending. The people in Canberra must listen to the calls of home owners in this country. If interest rates rise because of the Federal Government's fiscal irresponsibility families will be more unfairly punished now, because of their level of indebtedness, than they would have been 20 years ago under the Hawke Government. I hope those sitting opposite take this message to Canberra. I hope they encourage their colleagues in Canberra to cut back on the level of spending and on the burden the Commonwealth is placing on the people of Australia. The Federal Government must act responsibly and provide some relief for home owners in this State.

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [4.21 p.m.]: The hypocrisy of the Minister is breathtaking when one considers the appalling record of the Federal Labor Government under both Hawke and Keating, and the wonderful interest rate record of the Howard Government. I want to put a few facts on the record to rebut the comments made by the recently appointed Minister for Housing. According to figures from the Australian Bureau of Statistics [ABS] repayments on an average new mortgage of $212,200 at the peak interest rate under Labor, which was 17 per cent, were $36,074 annually or $3,006 monthly. In March 1996, when the Howard Government was elected, interest rates were 10.5 per cent. On average people paid $22,281 annually. Under the Federal Coalition Government in 2005 interest rates are 7.05 per cent, which averages $14,960 annually or $1,246 monthly. Compare that with $36,074 annually and $3,006 under Labor! The average under Labor was 12.75 per cent or $27,049 annually, and the average under the Coalition is 7.13 per cent or $15,126 annually.

Those figures show the hypocrisy of the Minister. This motion is a smokescreen to divert attention from the appalling failures of his Government's housing policy generally both in the private and public sectors. I will have more to say about that later. To think that he could convince anyone to support the motion by comparing the interest rate record of the Howard Government with the record of the Hawke-Keating Government is nonsensical. The ABS figures are available for everyone to see. The average annual mortgage repayment under the Coalition is $11,923 less than it was under Labor. I refer to what the Minister said about the Prime Minister's supposed undertaking prior to the last election. I have read the *Hansard* of what the Prime Minister said and I will quote it because it is important that we deal with the truth. The Prime Minister said:

> The Opposition are saying the Government promised that there would be no upward movement in interest rates after the election. Let me nail that for the lie that it is immediately. I can do no better than to quote a question I received—it was a very succinct question—and the answer. The question was from Neil Mitchell in an interview I had on 3AW on 23 September 2004. It reads:
>
> Mitchell: So you wouldn't be embarrassed to win the election and then have an interest rate rise?
>
> Prime Minister: Well, I don't give guarantees judgments about individual movements.
>
> That is what I said on 23 September, which was before the election. My argument—and this is the basis on which the Government was re-elected; and I have no doubt that this very adverse judgment made about the Opposition in relation to interest rates was material in the Government's return—is that they will always be lower under our policy.

That was the commitment: interest rates will always be lower under a Coalition government than a Labor government. Anyone who does not believe that has no knowledge of history. The main reason the Labor Party did so appallingly in the last Federal election was probably because the people of Australia are not stupid; they know that what the Prime Minister said is true.

Mr Joseph Tripodi: All lies.

Mr DONALD PAGE: They are not lies. The statistics I gave are from the ABS. They are not lies. The Minister should spend his time dealing with some of the problems in public housing. Some 73,000 people are on the waiting list and 1,700 public housing units are unoccupied. He should do something about it. If he hopes to make an impact on public housing he should not move stupid motions about the Federal Government, especially those relating to matters like interest rates that will put him on the back foot. He should do something constructive about public housing for the people of New South Wales. There are certainly plenty of challenges out there for him. My comments debunking the motion speak for themselves. The motion is an attempt to move attention away from the obvious problem: the Government is under pressure because of the impact of property taxes on the housing market.

The cost of houses in New South Wales is rising because of property taxes and increases in land taxes. The Government has created a disincentive for people to invest in the residential property market when it should

encourage people to invest in the market. Why? Because we need more affordable housing and because the baby boomers are a big part of the population. As far as possible they need to be self-sufficient. The Government is drawing everybody toward the umbilical chord of government by hitting the mum-and-dad investors who need the opportunity to invest in residential property to provide security for their retirement. The Government's negative actions have resulted in the price of residential houses rising. The Government is acting irresponsibly when one considers our population and demographic trends. The vendor tax, which was introduced by the Government, has sent investment out of the State. I know because I live near the border. A lot of my people are saying, "Don, why would I invest in New South Wales when I have to pay stamp duty when I come into the property, when I have to pay land tax for as long as I own it and then I have to pay exit duty of 2.25 per cent on the way out?"

If the Minister is not aware of that he should make himself aware of it. Good people, mum- and-dad investors, who want to invest in New South Wales are forsaking this State and mostly investing in Queensland, although there is some evidence that Victoria has also experienced quite a significant property boom. The motion is an attempt to hide the inadequacies of the Carr Government. If the Minister has any doubt about the status and bearing of the Carr Government in our community he only has to look at what some of the members representing electorates in the Hunter Valley said recently when they opened up their hearts to the local paper. The honourable member for Charlestown said:

> I reckon we would lose power right now if an election was held tomorrow. I don't believe the Government's performance is overly exciting at the moment.

That is certainly true. He went on to state:

> There's certainly some challenges ahead for us.

There certainly are. The honourable member for Swansea is a man who knows the truth when he sees it. He stated:

> Clearly the Government is on the nose.

He is dead right. He went on to say that land tax was "hurting many pensioners who live in my electorate". If that is not a wake-up call for the Labor Party, I do not know what is. The honourable member for Wallsend got down to the nitty-gritty and identified the issues when he said:

> There are issues that people in the Hunter are not happy with Labor about. One is tax, the other is transport.

The honourable member for Lake Macquarie stated through a spokeswoman that his electorate office was getting lots of complaints about land tax, public transport and rail issues. Land tax is right up there as one of the key issues that is impacting on the electorate.

Mr Joseph Tripodi: What about interest rates?

Mr DONALD PAGE: All of these issues are related to the impact of State Government policies upon housing in New South Wales, and the Minister for Housing should know that. He should understand that property taxes relate to the attractiveness of property investment and, therefore, the availability of housing. The other point that must be made about the Government is that there have been insufficient releases of land in this State, and that is a matter that the new Minister for Housing could possibly do something about. The insufficiency of land which is suitable for housing has been driving up the cost of housing. I have dealt with interest rates by pointing out the minimal extent of interest rate rises under a Coalition government compared with interest rate rises under Labor governments. If interest rates are increased, the increases will be minimal compared to insufficient releases of land and consequential increases in the cost of housing and government charges applying to residential land development at the local government and State levels. There are many issues that impact upon the affordability of housing, and those issues are not limited to interest rates.

If the Minister wants to focus this discussion on interest rates, I point out to him that the record of the Federal Government is just so far in front of the record of the Labor Party that it is just not funny. Instead of the Minister wasting the Parliament's time by moving this stupid motion, which is also speculative because it refers to something that may not happen, he should take serious action to solve some of the problems associated with public housing and to reduce property taxes so that people will have some type of incentive to invest in the property market. Obviously, the Opposition will oppose the motion.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [4.31 p.m.]: Last week the Reserve Bank of Australia [RBA] delivered news that sent shivers down the spines of hundreds of thousands of home owners. The writing is on the wall: interest rates are on their way up. The Reserve Bank's Governor, Ian Macfarlane, all but confirmed that interest rates will rise in the near future, perhaps as early as the next RBA meeting. One must wonder how the typical Australian family with a mortgage feels. Just over four months ago John Howard went to the polls promising to protect mums and dads from the burden of interest rates. John Howard made interest rates a test case for his Government. We all remember the media coverage and the stunts. He gave a clear message that he would keep interest rates low. Home owners took John Howard at his word and now that we know interest rates are going up, Australians have a right to feel dudded by the Federal Government.

An interest rate rise of even a quarter of a per cent will have a big impact. It will sting mums and dads such as those in my electorate who are carrying debt burdens that are greater than ever before. In New South Wales a rise of 0.25 per cent could translate into up to $100 more a month for some families. A quarter of a per cent interest rate rise would cost a typical Sydney family with a home mortgage roughly $57 more per month. These are home owners who were assured by John Howard that his Government would protect them from this type of burden. Families in New South Wales are already paying an average of 38.6 per cent of their income in servicing home loan repayments. After an interest rate rise this figure will jump to 39.4 per cent in New South Wales. John Howard has clearly broken one of his core commitments to protect home owners. Australian families will pay the price for the Howard Government's policy failures, and higher interest rates will affect not just mums and dads. Higher interest rates will also hit first home buyers who are either trying to get into the market or are struggling to make repayments after recently buying a home.

The New South Wales Government is doing its bit to help first home buyers. Our tax changes are helping tens of thousands of young people break into the property market for the first time. They are people who had almost given up trying to buy their first home. Almost 32,000 people have benefited from this tax relief over the past 10 months alone. The latest housing figures from November show an increase in the number of first home buyers in New South Wales from the previous month, whereas there has been a slight decrease across the rest of Australia. Our changes are clearly helping people make their dream come true. In my electorate of Campbelltown alone, nearly 300 first home purchasers have benefited from stamp duty relief over the last 10 months. Stamp duty relief for the people of Campbelltown is worth nearly $2.5 million, but these are the same people who will be hurt because of the Howard Government's broken promises. John Howard will have a lot to answer for when the rates go up.

The Federal Government's short-sighted management of the economy—exemplified by John Howard's $66 billion election spending spree, the skills crisis in our community and the country's poor export performance—has put upward pressure on interest rates. Economists agree that the spending spree of the Howard Government is putting upward pressure on inflation and interest rates. Last week the Reserve Bank's Governor, Ian Macfarlane, hinted that the Federal Government had lost its focus and, most importantly, he was critical of the Howard Government's tax breaks, which have encouraged an overinvestment in housing rather than investment in business and infrastructure. John Howard cannot hide behind the argument that interest rates are beyond his control. Any rise will be of his making. Time and time again the Federal Government has been warned about the skills shortage. Now the situation has reached a critical point.

What we expect our Government to do is invest in policies for the long term to put downward pressure on interest rates. We would not have a skills crisis in this community if the Howard Government had been attending to skills development and making proper investments. The Minister for Health has referred to 3,000 applicants for only 600 nursing positions. The skills shortage is an issue that the Howard Government needs to address immediately to prevent any further pressure occurring in relation to inflation and interest rates. I remind members of the House that a $57 increase which results from an interest rate rise of 0.25 per cent will mean less money that is available for mums and dads to meet school, health and family expenses. It is time John Howard did something to help the very people he said at the last Federal election he would protect

Ms GLADYS BEREJIKLIAN (Willoughby) [4.36 p.m.]: I do not believe any member of Parliament would deny that the New South Wales Department of Housing is in crisis. All members of Parliament know of many people who are waiting to obtain housing and that many of those who have housing are experiencing many problems. In spite of that, the new Minister for Housing chooses to ignore serious issues in his own portfolio and instead prefers to tell commercial banks what they should be doing in relation to lenders mortgage insurance, which is what he did yesterday. Today he is telling the Reserve Bank of Australia [RBA] what it will do on Monday.

I am appalled that instead of focusing on the serious issues in his own portfolio—issues which impact upon every single member of Parliament, every single electorate and many thousands of people whose names are on waiting lists, as well as many thousands of people who have housing but are dealing with serious issues related to maintenance and a whole lot of other problems—the Minister for Housing has attempted to dictate policy. First, he tried to tell private banks what they should do, and now he is pre-empting what the Reserve Bank will do on Monday. Irrespective of the outcome of deliberations by the RBA on Monday, it is highly inappropriate for the Minister for Housing in this State to move an urgent motion about something that has not even happened.

The Minister's actions reveal a serious problem with his order of priorities. He should be moving urgent motions about long waiting lists or the problems that tenants are experiencing because of the lack of maintenance. All members of this House have long lists of problems about public housing and the Minister should be addressing those instead of throwing his weight around in this Chamber and making out that he is a financial guru. He is attempting to pre-empt what the RBA will do, despite the fact that no-one knows what the outcome of the RBA's deliberations will be. I advise him to stick to his own portfolio and refrain from naïvely criticising the Federal Government about its financial management. The Minister has been sold a pup. He was asked to move a motion and he did not think twice; he simply did it.

Under Labor, interest rates peaked at 17 per cent. That was outrageous. The Minister's questioning of the Federal Government's credibility on economic management is a joke—and a big joke at that! If I were him I would hang my head in shame. The Minister referred to the people of Greenway. The people in that electorate and many other electorates backed the Federal Government as their preferred economic leaders in Canberra. The electorate made a decision and the members on the other side of the Chamber have to get over it. The State Government must concentrate on what it needs to do in New South Wales. It should address the issue of housing and the many other issues that need the Government's attention, rather than trying to divert attention from its pathetic economic policies, including the introduction of a vendor tax and the abolition of the land tax threshold. An article in today's *Sydney Morning Herald* states:

> Bob Carr has admitted to his backbench that the broadening of land tax to catch an extra 60,000 landowners is hurting Labor politically and will be reconsidered as part of the budget deliberations.

The Opposition says that the Government's policy should be reconsidered today. People on low incomes who have scraped together money to buy investment properties are suffering because of what Labor has done in this State. They are suffering because of the policies Labor has implemented. Rather than address those concerns, the Government tries to divert attention from its own inadequacies. I am disgusted by those pathetic attempts. If I were a constituent of the Minister I would put up my hand and ask: What you going to do about land tax? What are you going to do about vendor duty? What are you going to do about reducing all the other taxes that Labor has increased in the last decade of government?

The Government accumulated massive stamp duty revenues in the past decade but has squandered the additional billions of dollars in revenue. It imposed a tax burden on small investors who previously did not have to pay land tax. It killed the property market in New South Wales by introducing a vendor duty. What is the Minister's response? He ignores the issues and moves a pathetic political motion that does not achieve anything. He should address the issues in his portfolio and have the guts to get up in caucus and dictate to the Premier and the Treasurer that they need to immediately abolish the vendor duty and reintroduce the threshold. Instead he wastes our time on pathetic motions, such as the one before us. The property market is going backwards daily. [*Time expired.*]

Mrs KARYN PALUZZANO (Penrith) [4.41 p.m.]: According to the latest Real Estate Institute figures Penrith is the second most affordable area for home ownership in Sydney. The median house price in the area in the December quarter was $338,000, which is an increase of 2.4 per cent over the past 12 months. The Government has been helping more first home buyers to realise their dreams in Penrith. Over the past 10 months across the Penrith area 1,138 first homeowners have saved more than $11.6 million in stamp duty. Late last year those young people were told by John Howard that he would keep interest rates low. They made major financial decisions based on his commitment. Now he has let them down.

As we all know, housing investment, and more generally the housing market, has had a remarkable run up until 2003. We could say that the housing market has had a general upward cycle since 1996. It is no coincidence that interest rates were reduced in 1996 and, while fluctuating a little, they have remained at historically low levels. Rates moved a bit higher in 2002 and 2003 and now the Reserve Bank of Australia has hinted that they may still increase somewhat in this economic cycle. The failure of John Howard to keep his

word will place a significant burden on these young families, particularly in the Penrith area. A quarter of a per cent rise in interest rates on an average Sydney mortgage would be about $57 a month. For some people with bigger mortgages it will be much more. That $57 can make a big difference to young people trying to meet the needs of their families.

The Government is doing everything it can to help young people make it into their first home. In Penrith postcode area 2747 there have been 189 applications by first homeowners with a total saving of $1,763,768, or an average of $9,032. In postcode area 2750—which is the Penrith, South Penrith and Emu Plains areas—there have been 253 applications with a total saving of $2.4 million, or an average of $9,800. In postcode area 2758 there have been eight applications with a total saving of $71,000, or once again an average saving of $9,000. Let us not forget that this Government is, for the first time, making it affordable for homeowners to move into their first home.

The Opposition has criticised the New South Wales Government. It should not do so because we are spending more than $20 million every day on our schools, trains and roads. Every front-line service has had a massive funding increase under the Carr Government. Since 1995-96 spending on health has increased by 90 per cent, spending on education has increased by 75 per cent, spending on police has increased by 88 per cent, and spending on roads and transport has increased by 93 per cent. The Liberal candidate for the Penrith electorate in the 2003 election, who is a real estate agent, has said:

> Massive savings are to be made with no stamp duty for first home buyers purchasing a property under $500,000.

As I said, the average price of property in Penrith is well under that figure, about $200,000 below. The Liberal candidate, referring to the purchase of a unit, continued:

> These have shown strong economic capital growth and will get good rental returns if you decide to upgrade to a house in the future while retaining the unit as an investment.

The Liberal candidate endorsed the Government's policy. His leader has no financial credibility; nor does his party. The Opposition is happy to promise the world but has no means to deliver. As the Premier said during question time, the Leader of the Opposition has no plans, no policies and no ideas.

Mr JOSEPH TRIPODI (Fairfield—Minister for Housing) [4.46 p.m.], in reply: No ideas, no answers, no policies—that is what we get from the Opposition. It is a shame because they had an opportunity to express support for struggling homeowners. But, as one would expect, they have disappointed us once again. To their shame, they have backed the banks. The honourable member for Willoughby decided to back the banks and support their right to increase charges to people who want to buy their first home. That is what we heard from her. That is a disgraceful response to a genuine concern on this side of the House about home ownership.

The pressures faced by young families and young people trying to buy homes in Sydney are great. With a median house price of $505,000 many young families are being priced out of the market. As I said earlier, I have asked the Federal Government to consider a plan to allow first homebuyers to use a portion of their superannuation as a deposit on a mortgage. It is called the Super First Home Buyers Deposit Plan. For the interest of Opposition members who may not have heard all the details of the plan, I will outline them here today.

Buying a house in Sydney is more difficult than ever before. Over the past 20 years the proportion of 30-year-olds to 34-year-olds who live in houses they own or are purchasing has dropped by 11 per cent. Home ownership in this country is falling. Only 57 per cent of people in this age group have been able to secure homes. In the same period the number of 25-year-olds to 29-year-olds who own or are purchasing their own homes has dropped by 10 per cent. Only 43 per cent of people in this age group have bought homes. That is the record of John Howard. That is what he has given to the people of Australia, the man who supports private ownership: only 43 per cent of young Australians now own or are purchasing their own homes. With the anticipated rise in interest rates those young people will have even fewer options. That is why I have urged the Federal Government to relax the Commonwealth superannuation requirements to allow first homebuyers access to up to $25,000 from their superannuation.

This plan applies only to principal residences and not to investment properties. I want to assist in giving young people the option to purchase their own homes. Superannuation contributions are worth $648 billion nationally. Under this plan first home buyers could use some of that money to invest in their future. There is no better guarantee for security in retirement than owning one's home. If young people buy a home, that is just as

good as contributing to a superannuation scheme. On my calculations it enhances returns to the net wealth of an owner, and therefore it is in a potential owner's financial and social interests for this reform to be implemented. I hope that the Federal Government gives serious consideration to this proposal. Opposition members have not given us any ideas, answers, or policies. All we have heard from them is complaining, whingeing, and carrying on. We would like a better response from Opposition members so they can contribute to this important public debate.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 50

Ms Allan	Mr Gibson	Ms Nori
Mr Amery	Mr Greene	Mr Orkopoulos
Ms Andrews	Ms Hay	Mrs Paluzzano
Mr Bartlett	Mr Hickey	Mr Pearce
Ms Beamer	Mr Hunter	Mrs Perry
Mr Black	Mr Iemma	Dr Refshauge
Mr Brown	Ms Judge	Ms Saliba
Ms Burney	Ms Keneally	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Torbay
Mr Collier	Mr McLeay	Mr Tripodi
Mr Corrigan	Ms Meagher	Mr West
Mr Crittenden	Ms Megarrity	Mr Whan
Ms D'Amore	Mr Mills	Mr Yeadon
Mr Draper	Ms Moore	*Tellers,*
Mrs Fardell	Mr Morris	Mr Ashton
Mr Gaudry	Mr Newell	Mr Martin

Noes, 29

Mr Aplin	Mr Humpherson	Mrs Skinner
Mr Armstrong	Mr Kerr	Mr Slack-Smith
Ms Berejiklian	Mr Merton	Mr Souris
Mr Cansdell	Mr O'Farrell	Mr Stoner
Mr Constance	Mr Page	Mr Tink
Mr Debnam	Mr Piccoli	Mr J. H. Turner
Mr Fraser	Mr Pringle	Mr R. W. Turner
Mr Hazzard	Mr Richardson	*Tellers,*
Ms Hodgkinson	Mr Roberts	Mr George
Mrs Hopwood	Ms Seaton	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

GEMBOREE 2005

Matter of Public Importance

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [4.59 p.m.]: It is an honour to inform the House of the national Gemboree to be held over the Easter long weekend at Bathurst. The Bathurst electorate is a wonderful part of the State and, unlike the electorate of Murrumbidgee, is fortunate to be represented by a very hardworking and dedicated member. The honourable member for Murrumbidgee, the shadow Minister for Mineral Resources, was recently in my electorate, sampling the fine food, wine, and hospitality of the Hunter. He shows more concern for the people of the Hunter than for those in his electorate. How do his constituents feel about his wanting to spend consolidated revenue in safe Country Labor seats rather than in his electorate? Let us wait and see what gems the honourable member for Murrumbidgee produces in his contribution to the debate. I suppose it will be the same old potch that he always comes out with in this House.

The Gemboree is held in a different State each year. It is organised by member bodies of the Australian Federation of Lapidary and Allied Crafts, with which the honourable member for Murray-Darling has a close association. I do not doubt that the honourable member for Bathurst is absolutely thrilled that the honourable member for Murray-Darling will visit his electorate on the Easter long weekend. The Gemboree is the premier event of the year for mineral, gem and fossil collectors and lapidarists from throughout Australia and overseas. The Gem and Lapidary Council is expecting up to 7,000 visitors, who I have no doubt will enjoy their weekend in the wonderful historic Bathurst area.

Thousands of mineral collectors and fossickers get tremendous enjoyment and information from this important event, which is well supported by the wider community. The show brings together many dealers in gemstones, minerals and fossils as well as many thousands of fossickers and collectors. As I said earlier, it is Australia's premier mineral specimen and lapidary event. There will be two retail areas: dealers and equipment suppliers—approximately 30 stalls are booked—and tailgating, where fossickers sell self-collected material. Other events include displays, competitions, talks, and demonstrations.

But Gemboree is not just about the excitement of mineral collections. It is an important regional tourism event and will be a major boost for the whole Bathurst region. The Department of Mineral Resources produced several publications for fossickers, including "The Fossickers Guide" and "Field Geology of NSW", which greatly assist with fossicking activities. These publications emphasise that New South Wales fossickers must ensure that activities are carried out in a safe and responsible manner. This year the Department of Primary Industries [DPI] minerals section will have a booth at Gemboree. Visitors will have access to material such as relevant metallogenic maps and mineral deposit maps, the Ophir 150th anniversary brochure, the Mole Tablelands guide, the Mutawintji National Park geology guide, fossicking information, and the location of DPI minerals section offices.

Additionally, there will be a high-quality mineral display from the Mineral Resources collection. This is an enviable collection, perhaps rivalled only by the personal collection of the honourable member for Murray-Darling. No visit to Broken Hill is complete until one has visited the honourable member's minerals room. Handout material from my department will include general fossicking information, State projects maps, and brochures. We will also demonstrate relevant computer information systems. Undoubtedly the honourable member for Murrumbidgee would like to have a look at them—if he can spare the time from wining and dining in the Hunter. Dedicated departmental geologist Mr John Chapman will lead a team at the display to assist the public with any inquiries.

I am delighted to advise the House that the new map and guide for the Mole Tableland will be available at the show. Mineral Resources and the Department of Environment and Conservation have jointly published the map and guide, entitled "Rocks, Minerals and Landforms of the Mole Tableland". This map and guide covers an area of more than 2,000 square kilometres in the rugged Mole Tableland about 50 kilometres north of Glen Innes. It covers an area from Emmaville in the south and Deepwater in the east to north of Torrington in the centre of the map area. Geologists in my department and national parks staff in the Department of Environment and Conservation jointly prepared the map and guide. It is another fine example of how mining and the environment can go hand-in-hand. I am proud to promote that approach in my department and I am proud of my department's achievements in that area.

The guide will be invaluable to anyone visiting this unique area. It is written in easy-to-follow language and will be particularly useful to visitors who are sightseeing, camping, bushwalking or fossicking and to anyone who is interested in geology, mining history, and the minerals of this unique area. Mining in this area dates back to the 1870s, and geologists from the DPI minerals section have identified more than 1,300 mineral occurrences in this area. The most important of these mineral occurrences and deposits, as well as good fossicking sites, are shown on the map. There are also guidelines for fossicking, details on the region's geology, and a guide to the historical mining that occurred in the area.

The Department of Environment and Conservation manages this area but it understands that properly controlled fossicking can occur in the locality. The map and guide will be great for the many fossickers who visit the region. I advise honourable members who cannot attend the Gemboree—the honourable member for Murrumbidgee should go and see what a Gemboree is all about—that the publication will be available from DPI minerals section offices, national parks offices, and visitor information centres in the region. However, I urge all honourable members who want the experience of a lifetime to head to Bathurst over the long weekend. Gemboree is an event not to be missed. If the honourable member for Murrumbidgee wants to learn about minerals and gems he would be better off going to Bathurst than running to the Swamp Fox for a course in

industrial relations course 101—which, to date, has not helped him raise his profile with the industry or the workers in this State's great mines.

Mr ADRIAN PICCOLI (Murrumbidgee) [5.07 p.m.]: I am pleased to speak about the Gemboree to be held in Bathurst over the Easter long weekend. When we talk about mineral resources in New South Wales people immediately think of the State's big coalmining industry. We also think about gold, copper, and silver mining and Broken Hill—the big industries that have had an important impact on New South Wales, and indeed on the 200 years of our nation's history.

Gems are often overlooked—perhaps women are more conscious of them as they love to shop at jewellery stores—so the Gemboree is an important event. It gives fossickers and those with an interest in gems, mining, and mineralogy the opportunity to get together to see and discuss activities in those fields. I am aware that the honourable member for Murray-Darling has a particular interest in mineralogy. In fact, I recently visited the Australian Museum, which has a very interesting catalogue of various gems found throughout Australia and the world.

However, I was taken by surprise by the comments of the Minister about my previous visits to the Hunter Valley. Obviously he does not like my visiting the area. He lives in a pretty part of the world that I am always interested in. He is blessed by a lovely climate and I enjoy visiting the area. As the shadow Minister for Mineral Resources I have a professional interest in the area. I also have a very keen interest in reports in the Newcastle *Herald*, which has recently contained a few gems, particularly the reference by the Minister for Mineral Resources to income received by the Government through royalties and financial benefits that have accrued to councils in the Hunter Valley as a result of mining. The Minister said that we all have a bit of dirt on our hands. I was interested when the Minister answered questions at the estimates committee hearing last week about what he meant by his suggestion that we have dirt on our hands.

Mr Kerry Hickey: Point of order: The honourable member for Murrumbidgee should be brought back to the matter of public importance. He should also be relevant in his quotes and not be so selective. He should also refer to the whole newspaper article, not just to parts thereof. And, the estimates committee hearing has nothing to do with this matter of public importance.

Mr DEPUTY-SPEAKER: Order! I am sure the honourable member for Murrumbidgee was about to return to the Gemboree.

Mr ADRIAN PICCOLI: To the point of order: You allowed the Minister great latitude. He spoke about my previous visits to the Hunter Valley.

Mr DEPUTY-SPEAKER: I am a generous Deputy-Speaker.

Mr ADRIAN PICCOLI: And I assume that generosity will be extended to me.

Mr DEPUTY-SPEAKER: If you continue your speech, yes.

Mr ADRIAN PICCOLI: I will refer to specific comments reported in the Newcastle *Herald* relating to the relevance of the Minister for Mineral Resources. The Hunter Business Chamber held discussions with the Minister for the Hunter, Michael Costa, about what is happening with coal royalties and why they are not coming back into the Hunter Valley.

Mr Kerry Hickey: Point of order: It is clear that my point of order is relevance. The honourable member for Murrumbidgee, the shadow Minister for Mineral Resources, wanted to ring fence the money in the Hunter to be spent in the Hunter.

Mr DEPUTY-SPEAKER: Order! It is hard to find a point of order in those remarks. The honourable member for Murrumbidgee will return to the debate. If he continues to quote from newspapers he should tell the House the date of the article.

Mr ADRIAN PICCOLI: Thursday 10 February in the Newcastle *Herald*, and there are some other interesting quotes but I will save them for another time. I am sure there will be plenty of opportunities to remind the Minister and his fellow Hunter Valley members of Parliament about what is happening in that area. I conclude by wishing everyone involved in the Gemboree good luck. Mining throughout New South Wales is

important. It is also an important part of our history and culture. Tourists are attracted to the fossicking at Lightning Ridge, for example. I am sure that the Gemboree in Bathurst will be a great success and I hope that it promotes some tourism opportunities, particularly in western New South Wales, and that it attracts more people from Sydney and the coast to see what these people do, often in very trying conditions. I wish them all the best for the Gemboree.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

BONDI BEACH GROSS POLLUTANT TRAP UPGRADE

Mr PETER DEBNAM (Vaucluse) [5.15 p.m.]: I want to talk about rainfall in Sydney and about Bondi Beach. It is interesting that the former Mayor of Waverley, the honourable member for Coogee, is in the Chamber because I know he shares my concern about a lack of response from Sydney Water when I have raised this issue many times over the years. A stormwater drain at the southern end of Bondi Beach empties into the beach—Australia's most famous tourist icon. The former mayor might correct me, as I cannot remember when the stormwater drain was upgraded with the gross pollutant trap, but I think it was approximately eight years ago.

I have told Sydney Water that the primitive system it put in place for Bondi Beach needs to be upgraded. I have raised many questions in the House about it and I get the same answers from Sydney Water. I am at a point now where I will write to the Minister for Energy and Utilities next week and invite him to Bondi Beach to look at what is happening with the rubbish that pours out of the stormwater drain into the water and then onto the beach. I will ask him to climb with me inside the gross pollutant trap, which is fairly easy, and look at the present very primitive structure, which could be upgraded to collect 99 per cent of rubbish that comes into the ocean at that point.

I say 99 per cent, because Sydney Water continues to tell me every year when I put this question that the trap collects about 90 per cent of the floating material that comes down the stormwater drain. Thank goodness we are receiving rainfall, but rubbish is going into the ocean. If that very primitive trap collects 90 per cent of the rubbish, a second grate would, on the same basis, collect 99 per cent of the rubbish. Obviously Sydney Water has not been interested over the years in upgrading the system, which would be relatively easy to do. I am considering having a competition for primary schools in my electorate to design a better trap for rubbish than the existing Sydney Water trap, and I might do that.

Over the years Waverley Council has been under tremendous pressure from local and business communities to ensure that as much rubbish as possible is collected from the streets before it goes down the drains. I have no doubt there has been an improvement in recent years in cleaning the streets and capturing that material before it is heads down onto Bondi Beach. But, every morning when I swim at Bondi after it has rained the previous night I have exactly the same problem—I am basically swimming in stormwater. I know that the former mayor swims at Bronte, where it is not so bad, but Bondi Beach is terrible after rain. With a simple change to the gross pollutant trap Sydney Water could fix this problem and collect about 99 per cent, instead of 90 per cent, of the rubbish that is flowing off the streets.

I thank the Minister for the response to question No. 3264 in today's *Questions and Answers* but it simply provides the same material I have received before. My question to Sydney Water is simple. My question to the Minister is very simple. Will he come down to Bondi Beach, especially now that we have finally had some rain, and look at what is pouring into the water every single day? He should climb down inside the gross pollutant trap and look at what can very simply be done to improve the system. I will write to the Minister next week and invite him to climb inside the trap, and hopefully we can jointly put some pressure on the bureaucracy at Sydney Water to improve its performance.

MAITLAND FLOOD FIFTIETH ANNIVERSARY

Mr JOHN PRICE (Maitland) [5.19 p.m.]: I wish to talk about the 50 years commemoration of the 1955 Maitland flood—one of the worst floods in the recorded history of this State. It is hard to believe 50 years have passed, but I recall as a youngster riding my pushbike up to the transmitter of radio station 2HD and observing the rowing boats that were tied up to the railing around that installation. I recall watching the military

trucks attempting to go along the then New England Highway through Hexham with their extended exhaust pipes to try to counteract the problems caused by water washing over the engines, only to see them fail and therefore be unable to get supplies through. It was also the flood that completely washed out the second Ironbark Creek bridge.

We also lost in that flood our first airborne relief: a helicopter crashed when it hit live power lines while winching signalmen off the signal box at Maitland station. Those persons were killed. It was some months before the crashed helicopter was discovered in the mud in the aftermath of the flood. I recall also going to Raymond Terrace with the local scout group to help clean out houses, hose down walls and otherwise tidy up and deal with the damage that had been caused. This was a huge flood. It advanced on the lower Hunter on a 40-mile front, extending from mountainside to mountainside. No area was spared. It was an extraordinary flood in terms of the speed at which the water rose, the height of the floodwaters, and the damage that they caused.

One proposal resulting from the flood was that the city of Maitland be relocated. Fortunately, in my opinion, that did not happen. But the flood was that serious. I am sure many who have seen old newsreels of that flood will recall seeing the rowing boat tied to the first level of the staircase in City Hall while the mayor and his secretary maintained some sort of control in the flooded area. Initially their only access was by boat, but eventually relief came through to the town in the form of the military and the old amphibious ducks from Newcastle. Those were assisted by local surf clubs because surf boats were found to be the only effective way of coping with surges in the floodwaters. This was a traumatic time, and one that Maitland people have not forgotten. An entire street of houses was washed out in the area of the long bridge. That leaves an indelible mark on people's memories.

That flood is being commemorated by displays in all shopfronts. Most have photographs of areas that were flooded, of people assisting with the damage control, of people supplying goods, and of parachute drops of food and fodder into the area. That pictorial scene is duplicated in the Maitland City Art Gallery, which has an excellent photographic display already under way. The efforts of State governments of all persuasions over the years have been recognised. The old Hunter Catchment Management Trust, which was put in place immediately after the floods of 1955 and 1957, spent tens of millions of dollars on flood mitigation. Even in my time as member for Maitland some $11.5 million has been spent between Murrurundi and Raymond Terrace, most of it in the Maitland city area, to try to control and/or contain floodwaters.

There will always be floods, and we will probably get another 1-in-100 year type of flood one of these days, but hopefully the actions that were taken by the original trust, and more recently the continuing actions of the Hunter-Central Rivers Catchment Management Authority, will go a long way to mitigate flood damage. The authority will expend money on tributary rivers that run into the Hunter. I should mention that $100,000 has just been allocated by the State Government—75 per cent of it coming from State coffers and 25 per cent from the authority's own resources—to map a flood management program that will extend into the Hunter Valley, but specifically for the Upper Hunter area, because the new trust area takes in the Manning Valley and the Central Coast. The program will be exciting. The Minister for Emergency Services will be there. I give full credit to the State Emergency Service for the efforts it has made to make sure that this is an event to remember.

WORKCOVER CITRUS GROWER PROSECUTION

Mr ADRIAN PICCOLI (Murrumbidgee) [5.24 p.m.]: I wish to refer to a significant incident that occurred in my electorate several years ago which resulted in a court case that was determined only late last year. It relates to an accident that occurred on a citrus farm in Griffith in which an employee was accidentally killed. The prosecution by WorkCover resulted in a finding that the operator of the farming business and his wife were guilty of breaches of the Occupational Health and Safety Act. This case is significant because it has broader implications for not only citrus growers but all farming operations and all small businesses that employ people.

Very briefly, the facts, as set out in the judgment of the Industrial Relations Commission, were that a casual worker was driving a Massey Ferguson between citrus trees and towing a couple of trailers. His car was parked at the end of the row. He got off the tractor to move his car, and perhaps accidentally bumped the tractor into gear, or got off the tractor without stopping it and once off the tractor realised the tractor was still moving and from the ground sought to steer the tractor away from his car, got caught, was run over and killed. Whilst we all agree that is indeed a tragedy, the consequential investigation by WorkCover, the grower's prosecution and his conviction raise a number of serious concerns.

The accident occurred on a Sunday, but no-one from WorkCover came until Monday, by which time the tractor had been moved from the paddock to the shed. I understand the WorkCover inspector did not look at the place where the incident had occurred or at the tractor. He came to the property solely to interview Paul Pavese, who was the subject of the complaint. That was the only occasion on which any WorkCover person attended the property. The inspector gave evidence at the court hearing, and another WorkCover investigator named Ms Templeton prosecuted the case. She had never visited the site of the accident or the farm. Her evidence was taken as expert WorkCover evidence, and much of that evidence featured in the judgment that was handed down.

I have serious concerns about the processes undertaken by WorkCover when collecting evidence for a prosecution of this type. This was an incident in which someone was killed; one WorkCover person attends the farm on only one occasion, WorkCover officers give evidence, and the evidence of the employer defendant is virtually dismissed. Another issue of concern is that Dominic Nardi, the chief executive officer of Riverina Citrus for about 10 or 12 years and a person involved in citrus all his life because his family are citrus growers, was asked by the defendant in the case, the Paveses, to give evidence. He gave evidence in the witness box and was cross-examined by the WorkCover representatives. He was asked what qualifications and degrees he had. He had none. But he had 30 or 40 years in citrus farming. He was dismissed as a person who did not have any relevant experience or knowledge in citrus farming. The court spent two days listening to people to try to get an idea of how citrus fruit is picked. The Paveses were convicted, not because there was anything wrong with the tractor, but because the car was parked in the paddock rather than at the shed.

This is just one of many examples—I am sure every member of this Parliament could recite similar cases—where the employer is in an absolutely impossible position. It is indeed a tragedy that the gentleman was killed. The Paveses feel that tragedy very personally because this person had worked for them for a long time. There is no disputing that. But, as an employer and farmer, you are placed in an impossible situation now that the occupational health and safety workplace fatalities legislation is in operation. Mr Pavese may well have faced two years in gaol as a result of this incident. It is time for WorkCover to be significantly reformed. [*Time expired.*]

CANTERBURY ELECTORATE AUSTRALIA DAY CELEBRATIONS

Ms LINDA BURNEY (Canterbury) [5.29 p.m.]: I share with the House events in the Canterbury and Marrickville council areas, which the electorate of Canterbury covers to varying degrees, on 26 January, Australia Day. I, like most members I am sure, had a busy, but inspiring, day. At 7.30 a.m. I was on my way to the Woggan ma-gule awakening ceremony at Lady Macquarie's Chair. Unfortunately I was unable to attend the ceremony because I had a radio interview that was relevant to Australia Day—a discussion on the place of Aboriginal studies in the school curriculum raised by the Governor-General the previous day. It is always inspiring to attend citizenship ceremonies, two of which I participated in on the day.

The first ceremony was held by Canterbury City Council in Loftus Gardens. Don Burke— whom I am sure everyone knows, and if they are keen gardeners I am sure they watch his show—was the Australia Day Ambassador. But the stars of the day were the 82 people who chose to become Australian citizens on 26 January. This citizenship ceremony was notable because of the people, particularly from the Horn of Africa, who were taking out citizenship. Australia's society is built on, and evolves around, the contribution of so many people who are either forced, or who choose, to come to Australia. Discussions I had with the Sudanese and Sierra Leone people who took out citizenship brought home to all of us the varying positions of different people from around the world, and the tragedies and events that bring them to Australia.

That afternoon a citizenship ceremony was conducted by Marrickville Council in Moore Park. Sue Lennox, the well-known environmentalist, was the Austrade Day Ambassador. Marrickville Council Citizen of the Year was Bruce Ashley, a well-known person in the area who is very much involved not only in the environment but also the important part that bicycle riding can play in environmental protection. Mark Longhurst, an inspiring young man who attended Trinity Grammar College, was named Marrickville Council Young Citizen of the Year for his outstanding work in social justice. Some 40 people were naturalised in the Marrickville Council ceremony. Later that afternoon I spoke at the Yabun Concert in Redfern Park. Yabun is the iteration of survival day. The concert, which was organised through the Gadigal Information Service based in Marrickville, probably was one of the best survival day concerts I have attended.

Thousands of Aboriginal and non-Aboriginal people participated in a day to remember and celebrate not only indigenous survival but also Australia's progress on reconciliation. Despite the efforts of the Federal

Government to nullify reconciliation, it was alive and well at Yabun on 26 January. Government agencies took part in the celebration and community stalls were set up in the park. Indigenous talent was showcased and the young people were absolutely brilliant. Australia Day and survival day are moving closer together: a true understanding of our shared history and the truth about our nation. I do not believe 26 January is the appropriate day, contrary to the feelings of many Australians. However, 26 January in Marrickville and Canterbury was inspiring. I look forward to celebrating it next year.

HUNTERS HILL STATE EMERGENCY SERVICE

Mr ANTHONY ROBERTS (Lane Cove) [5.34 p.m.]: On Monday night I had the pleasure of attending the Hunters Hill State Emergency Service [SES] annual barbecue in the grounds of the old Gladesville Hospital in Gladesville. The sun still shone brightly on that evening—it was perhaps as if nature and heaven were shining down their approval as a thank you for the hard work done by the volunteers of the SES. This was a wonderful chance for the members of the SES to mix in a casual setting with local dignitaries and community leaders, and have a good time. It was also a chance over a beer and snag to congratulate members of the local SES, in an informal atmosphere, who had shown exemplary service to the organisation with their hard work and dedication. An Award of Excellence has been introduced to Hunters Hill SES, created and sponsored by Paul Maindonald of Donald Oil. In its inaugural year the award has been presented to Duccio Cocquio, and 10-year long service awards were presented to Duccio Cocquio, Steve Dixon, Ian Hansen, Sue Hoopmann—who it should be noted is the popular and much-respected mayor of Hunters Hill—Mark Pittaway and Andrew Wood.

I take this opportunity to pay tribute to and acknowledge Bruce Edelman, controller, Ken Iles, deputy controller, Rick Retas, Duccio Cocquio, Sue Hoopmann, Mark Pittaway, Graham Mitchell, Paddy Boxall, Vanden Helby, Andrew Wood, Annabel Wood, James Wood, Raquel Robichaux, Cathy Dixon, Steve Dixon, Scott MacCue, Marie Brown, Mick Armstrong, Ian Hansen, Sean Flanagan, Mark Allerton, Peter Dadd, Paul Dadd, Murray Duncan, Bob Preston, Geoff Aro, Angela Brungs, Rosie Brungs, Alicia Bush, Amanda Cefai, Mick Canty, Nigel Carsen, Ian Dear, Bill Foxall, Naomi McCulloch, Matt Rodd, Peter McGeown and Megan Hill, members of the Hunters Hill SES. I very much want to thank them for all the effort, time and commitment they put into protecting our community, particularly the amount of time and effort they put into making sure that it is a very active and professional SES team. On 1 October 2004 Rick Retas, who is a great friend of mine, was the recipient of the Outstanding Contribution to the Community Award for his efforts with the State Emergency Service. This prestigious award was presented by Acting Commander of the Gladesville police, David Stinton. Rick celebrates 10 years service with the SES next month.

Rarely have I seen, even in my Army days, such camaraderie and easy good spirit amongst colleagues. It was a celebration and congratulations for a job well done because although, as I said, the barbecue is an annual event, the men and women of Hunters Hill SES had reason to relax and reward themselves after the events of the first week of February and the destructive storm that raged that week. The storm that occurred in Sydney on the afternoon of Wednesday 2 February had a major impact on the communities in the local government areas of Ryde and Hunters Hill. The storm caused damage as far away as the Gosford and Wyong areas. The Ryde SES unit responded to over 635 requests for assistance from the local area under the leadership of the local controller, Mr Graeme Craig, who is also a volunteer in the service. The Hunters Hill SES unit attended 130 requests for assistance in the local area under the leadership of Dr Bruce Edelman, local controller. I am proud to say that Dr Edelman is as a close personal friend and also a volunteer.

Indeed it is on his property in the Hunter Valley that the Hunters Hill SES regularly train at honing their skills in the wild, as it were. Ryde and Hunters Hill municipalities were assisted by SES teams from nearby local government areas such as Willoughby-Lane Cove, Manly, Hornsby, Mosman, Warringah-Pittwater, Ku-ring-gai and North Sydney. They were also assisted by SES teams from as far away as Queanbeyan, Bungendore, Cooma-Monaro, Captain's Flat Braidwood, Yass, Wollongong, Ulladulla, Nowra and Kiama. SES teams also attended from Bankstown, Randwick, Kogarah and Hurstville. It should also be noted that, due to the ferocity of the storm, New South Wales Fire Brigades were required to provide assistance on this occasion. In total, the SES Sydney Northern Division responded to upwards of 2,000 requests for assistance from the community. Many of these people owe a great deal of debt and gratitude to the fine work of the SES volunteers.

This is indeed a testament to the commitment of the volunteers of the New South Wales State Emergency Service to the local community. This service operates without reward or ego, and represents the very best of community-minded public spirit. I commend the Ryde and Hunters Hill SES to the people of their community and New South Wales. We owe them a great deal of gratitude for all their time, hard work and commitment. Although they do not seek acknowledgment, it is important in this House to pay tribute to the fine

work of these men and women. I thank very much Marnie Hillman, the Division Controller of the Sydney Northern New South Wales State Emergency Service, another fine professional individual without whom the SES volunteers would not be able to operate so effectively.

TRIBUTE TO MR GORDON CARTER

Ms MARIE ANDREWS (Peats) [5.39 p.m.]: During our lifetime we all have the opportunity to meet very interesting people, and that is especially the case for members of Parliament because of the nature of the position we hold within our communities. Amazingly, many people whom we regard as being interesting do not consider themselves as being other than just ordinary. Gordon Carter, who was one of my constituents until the second part of last year, was one of those people. Gordon was a very modest man who had every reason to boast about his many achievements during a life which he lived well. Gordon was born in Fitzroy, a suburb of Melbourne, on 22 February 1913, so yesterday Gordon would have been nearly 92 years of age.

It was not widely known that Gordon was a champion amateur golfer who could match the best professional players. In his time, Gordon played from a zero handicap and won numerous trophies throughout the State of New South Wales. In 1965 Gordon was invited by the Singapore Government to be the golf pro at Singapore's first international golf course. Some of Gordon's golfing feats are ones of which most professional golfers would be envious—for example, a total of nine holes in one, two of which he scored in one weekend when he was participating in a competition. In his teens, Gordon was a caddy on courses such as Huntingdale in Victoria, and he caddied for many distinguished people, including the Governor of Victoria and the founding proprietor of Myers Ltd. On moving to Sydney in his mid-teens, he secured, among other jobs, a position as a golf club maker at Slazenger's, which at that time was the largest club maker in Australia.

In his early thirties Gordon married Doris McNamara, who was a widow with two young children, a daughter, Joan, and a son, Billy. The family resided at Arncliffe until Doris and Gordon moved to Umina, where they enjoyed a long and happy retirement. In the meantime, Gordon embraced the responsibilities of fatherhood and became a very concerned and protective parent. Both Joan and Billy entered into happy marriages which resulted in six grandchildren for Doris and Gordon: Kerry, Jenny, Joanne, Kel, Elyse and Brooke. In addition there are at least six great-grandchildren of whom I am aware: Daniel, Daisy, Matthew, Lewis, Wil and Max. I should point out that Gordon was immensely proud of all his family. He delighted in telling me that Billy McNamara was a top rugby league player who not only played first grade for St George but also donned the blue jersey for the State team and played in many international games on behalf of Australia.

Sadly, Gordon's wife, Doris, predeceased him, as did Joan and Billy. Gordon was very much affected by their passing. I know that Gordon was appreciative of the loving thoughtfulness and care extended to him by other members of his family and a number of very good neighbours. I mention some of those good neighbours—Joy Woodward, Margaret and Walter Geerlings and Val Harvey—and I am sure there are many more. Gordon Carter died on 25 August last year and if he had lived he would have been 92, as I have already said. Gordon was a life member of the Australian Labor Party, having met the criterion of being an active member for more than 40 years.

Gordon was one of a small band of ALP members who worked very hard to have Barry Cohen elected as the Federal member for Robertson. Barry Cohen went on to become a Federal Labor Minister in the Hawke Government. Gordon worked hard for the sequential election of Keith O'Connell, Paul Landa, Tony Doyle and me as members of the State Parliament for the electorate of Peats. He was an active member of the Umina-Ettalong branch of the Labor Party and then the Peninsula branch. Because of his long membership and his active participation in the party, life membership of the party was bestowed upon him in 2002. I acknowledge the assistance of Jenny Grindell, Gordon's grand-daughter, Ted Grindell, his son-in-law, and Kel McNamara, his grandson, for much of the information I have used in preparing this speech, as well as the assistance of his daughter-in-law, Lorna McNamara. I extend my sympathies to the McNamara family and to Gordon's friends.

DEPARTMENT OF AGEING, DISABILITY AND HOME CARE COMMUNITY HOUSING FUNDING

Mr CHRIS HARTCHER (Gosford) [5.44 p.m.]: I wish to give details about a disturbing series of events relating to a member of my constituency. This resident is handicapped and requires shared accommodation in community housing. For 12 months my Gosford electorate office negotiated with the Department of Ageing, Disability and Home Care in an attempt to find appropriate community housing for this constituent. It should be noted that community housing for this constituent would allow his parents to take a lesser role in his day-to-day care. His parents certainly do not want to give their son less care but find that the 24

hours a day currently imposed upon them as permanent carers is extremely difficult and restricts their ability to earn a living to support the rest of their family.

It should also be noted that this constituent of mine is very enthusiastic about being accommodated in community shared housing. He believes it will give him far more independence and will allow him to establish his own social circle and live a happy and productive lifestyle. On 12 November the parents of my constituent met with representatives of the Department of Ageing, Disability and Home Care, who assured them that funding was available for the community shared accommodation and that my constituent certainly would have a place in that accommodation. Three appropriate residents were chosen to join my constituent in occupying the community housing. The four individuals were chosen to live together on the basis of the compatibility of their interests, disabilities and needs. It was thought that these four individuals would be able look after each other with reduced medical support compared to the level that they would have required if they had been living in individual households.

The only task left for departmental staff was to find a suitable house or site for the shared accommodation that would meet the collective needs of the residents. The departmental staff told my constituent's parents that this did not represent a great challenge and would be a relatively easy task to complete. Departmental staff assured the parents they would be contacted shortly afterwards when an appropriate house had been found. Two weeks ago the parents of my constituent were contacted and told the plans had completely fallen through. They were told then that this was due to a lack of funding within the Department of Ageing, Disability and Home Care.

I immediately promised my constituents that I would raise this serious matter in this House and request that the Minister immediately review this decision for the sake of my constituent and his intended housemates, who also stand to lose from this most bureaucratic of funding decisions. The decision seems to have been made on simply funding grounds with absolutely no regard for the needs of or benefits to my disabled constituent. My question to the Government and the Minister is: Where has the funding gone? Only three months ago the departmental staff had no problem telling the family of my constituent that funding was available and that housing would be found shortly. Now, without any explanation, the funding has disappeared and my constituent has been left cruelly disappointed. He has been denied the independence he was promised and has been left without any indication of whether funding will ever become available.

These four young people seek only independence. Their dignity and independence have been stifled by the funding decisions of a bureaucratic government department. I issue a challenge to the newly appointed Minister to take appropriate action to help these young people who are genuinely deserving of compassion. I urge this House to take note of my constituent's plight and urge the Minister to look into this issue with compassion and show feeling for those in our community who are not as capable as others in looking after themselves and who not only need and are entitled to care but have had it cruelly denied to them. This case will test the Minister and challenge him to meet the challenge of his professed concern for disadvantaged members of the community. I am sure that all members of this House join with me in expressing their concern that a person who was promised appropriate housing could have it so cruelly denied to him and his housemates. I await a favourable response to my request from the Minister.

MOORE STREET, LIVERPOOL, PARKING

Mr PAUL LYNCH (Liverpool) [5.49 p.m.]: I draw to the attention of the House problems surrounding parking in Moore Street, Liverpool. In particular, senior executives of the Roads and Traffic Authority [RTA] have overruled an agreement to allow off-peak short-term parking in Moore Street. I am acutely aware of the physical issues involved in this problem because my electorate office is located in Moore Street, although my office is not affected in the same way as other offices and businesses in Moore Street. The issue stems from the introduction of the Liverpool-Parramatta transitway. I am happy to be known as a supporter of both the theory and practice of the transitway. The concept of the transitway is the use of bus-only lanes for the benefit of commuters. That has involved the construction of completely new roads or the widening of existing roads, which has involved the acquisition of properties, for example, in Hoxton Park Road between Flowerdale Road and Maxwells Creek. In some places that has not been possible and bus-only lanes have been imposed on currently existing roads. That is the case in Moore Street, Liverpool.

One lane of two lanes either way has been dedicated to bus-only traffic from the railway station to the west of Copeland Street. Up to Bathurst Street it is the kerbside lane. That has dramatically reduced the amount of on-street parking and has caused some considerable concern for retailers, businesses and shopkeepers along

Moore Street. The philosophy of transitways in the Unsworth review is for bus-only lanes. On the other hand, perhaps that principle could be maintained during peak periods but short-term parking could be allowed in the off-peak period. For example, there is no necessity to insist upon a bus-only lane at 1 o'clock in the morning in Moore Street. The issue is how far that logic can be applied during normal business hours.

To try to resolve these conflicting issues, meetings were organised by Liverpool City Council. They involved the council, representatives of Moore Street businesses and representatives of the transitway. An agreement was reached and commitments were given. A letter, signed by Steve Warrell, Manager, Transitways, Sydney Client Services, sent last year to Liverpool City Council says in part:

> Transitways has reconsidered the operation of the bus lane currently implemented in Moore St, Liverpool following representations from businesses in the Liverpool CBD.
>
> It has been decided that if the following conditions are met, bus lane operation on Moore Street between Bigge and Bathurst streets will be restricted to AM and PM peak hours (6:00-10:00 AM and 3:00-7:00 PM). Hence parking would be allowed on both sides of Moore Street outside these hours and other than in the marked bus stops or other restricted areas.
>
> This decision is conditional on council supporting the change by using its parking officers to enforce the parking restriction during the peak periods in the short term, especially during the first few months of the change being implemented. In the longer term the RTA will arrange for an amendment to the regulations to allow council or its agent to remove parked vehicles from the bus lanes. Council may be able to recover some of the cost of vehicle removal from the registered owner. The new arrangements will not be implemented until all Sydney Water construction activity in Moore Street has been completed.

On the face of it, there was a happy end to the story. All the parties were agreed that it would be a bus-only lane in peak periods, 6.00 a.m. to 10.00 a.m. and 3.00 p.m. to 7.00 p.m., but parking would be allowed outside those times in non-peak periods. Everyone walked away happy that a compromise had been reached. Indeed, as I understand it, council organised to have new signs painted and prepared. I am told that new poles were installed on which the signs would be located. But then nothing happened. It all ground to a halt. Rumours were soon circulating that Transitways or the RTA had reneged on their commitments and the compromise would not be maintained. In other words, they had ratted on the agreement. Eventually, another letter from Steve Warrell surfaced earlier this year. It reads as follows:

> I am writing to advise you that out of peak parking will not be introduced in Moore Street in Liverpool. Changes to the management of public transport that are to occur across Sydney and recent experience with bus lanes in other areas of Sydney mean that provision of this parking would not be appropriate.
>
> This change in approach will ensure that efficiency of bus travel is maintained in the Liverpool CBD both now and into the future when general traffic volumes and bus frequencies will increase.

The letter further states:

> It is unfortunate that business owners' expectations were raised by the earlier commitment regarding this issue, however this new arrangement will provide for better long term support for public transport in accessing the Liverpool CBD.

Some interesting points emerge from this letter. There is no dispute that a commitment was unequivocally given to introduce off-peak parking. The decision to renege on this commitment was based not upon considerations about Liverpool. It seems to have been made for other reasons, that is, senior bureaucrats from outside Liverpool overruled a local agreement made by people who have the best first-hand knowledge. I concede that bus-only lanes are important and, as I said earlier, I happily support the transitway both in practice and theory. However, in this particular instance the transitway operators agreed to off-peak parking. Given that they made the agreement—and there is no dispute about that from the letters I have referred to—it seems outrageous to renege on it. I call upon the Minister for Roads to review this issue and intervene to reverse the latest decision, and thus uphold the consensus and commonsense agreement that was reached locally by all interested parties.

ACMENA JUVENILE JUSTICE CENTRE STAFF ASSAULTS

Mr STEVE CANSDELL (Clarence) [5.54 p.m.]: I report to the House a letter I received from workers at Acmena Juvenile Justice Centre. I am pleased that the Minister for Juvenile Justice is present in the Chamber so that she can hear first-hand of their concerns. The letter states:

> I read the Daily Examiner report today and saw the interview you gave to the news tonight regarding the latest assault on staff at Acmena DJJ. Firstly, I would like to say thank you for pushing for a violence free work place on behalf of all Acmena workers. Violence and threats of violence is something that we, as Youth Workers, are told comes with the territory—not so as far as we are concerned. Not much has changed for the better since the riot on 28th December, 2003.

> I felt you might be interested to note that the detainee who committed the assault on Sunday was a major player in the riot 2003. He had been released into the community where he committed further acts of violence whilst breaking and entering premises, which found him back at Acmena. Currently we have five detainees in the centre who were involved in and charged with rioting. One detainee who is believed to have instigated the whole riot but wise enough to not take part in it. All the detainees who participated in the riot received minimum or no consequences for their actions. Of the detainees who received a custodial sentence their time was ran concurrently with sentences already served so in actual fact this equated to no consequences. All the detainees involved have laughed at the justice system and all have elevated in their acts of violence both within the centre and the community. What message are we sending these boys?

The letter continues:

> During the current school holidays the only activities on offer have been 'Bruce' on the oval—a form of softball—or hanging at the gym, pool or unit. Nothing has been structured so we have not only seen the serious assault on a worker on Sunday but we have had serious attacks where detainees have on several occasions raised chairs over their heads threatening staff and other detainees, detainees punching staff in the chest for no apparent reason, detainees harbouring knives inciting each other to stab workers, detainees delivering thick hacked up spittle at workers, guitars being raised as weapons, verbal assault has increased, threats to family members and general disrespect and no regard for rules or consequences as they see no real consequences for anything they do. Where are we heading in this environment?
>
> As Youth Workers we are powerless to do anything to protect ourselves or other detainees from assault. We have lobbied the department for the use of capsicum sprays, handcuffs or longer confinement times. We have seen some use of handcuffs of late due to a visiting manager who allowed the use of cuffs. This practice has assisted in the reduction of risk to staff and detainee. As workers we feel that the introduction of other self-protection tools would further reduce the risk. We have asked for more constructive training but due to budget cuts we have been unsuccessful in this area. We deal with the bottom two percent of society. Every day we work with young people who society has rejected. These detainees have no direction and continue to cause so much trouble in their communities that society says lock them away. We as Youth Workers have a passion and commitment to do our best in assisting these young people to look at their offending behaviour and address issues relating to them so as they may become productive members of their communities. We are, more times than not, frustrated in this attempt due to the departments empty promises and lack of commitment to its staff in maintaining a safe and violent free work place. When two pair of scissors went missing the management here, instead of having a complete centre lockdown whilst we searched for these items, organized that only two cabins be searched and when nothing was found that was the end of it. To this day we do not know where the scissors are.
>
> The physical and mental strain that comes with this job is taking its toll on a lot of workers. When you look for some professional counselling you find that it is near impossible to arrange an appointment, then the department insist that you do this in your own time. When you work 6 days on and 3 days off your own time is very precious. It is extremely hard to talk to your family about the issues here as they then worry and share in the stress. Marriages break up at an alarming rate in this industry. We urge you Steve to continue the fight in parliament and through the media for us to be able to work in an abuse and violent free workplace.
>
> I hope that you understand that I cannot put my name to this letter as we have been instructed that disciplinary action would follow any one who speaks to the media or local members regarding the going ons at Acmena. The Minister, the Director General, Management all play their political game. They all cover up what is really happening throughout the department in all centres. They are playing with our lives and safety. We do not want a fellow work mate killed or seriously injured before the department takes us seriously and make some real changes to the running of detention centres. They need to remember that this is a juvenile goal not a wayward boys holiday camp.

Today in the House the Minister accused me of scaremongering. [*Time expired.*]

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [5.59 p.m.]: The Government takes seriously all acts of violence within its juvenile detention centres and it investigates those matters. I am aware of an incident that occurred in January. Two detainees were transferred and charged and those charges are pending. All the issues that the honourable member has raised will be investigated. The last issues that the honourable member raised were taken to two bodies that found there was nothing to investigate at this stage.

The Government will always take appropriate steps. It has done so in relation to the type of training that occurs within juvenile justice centres. In the past the two-day training program was increased to a 31-day training program. I am also looking at compulsory retraining and changing the training regimes, which will be administered by the Department of Corrective Services. The Government takes seriously the importance of keeping workplaces safe. I am proud of what the Government has achieved, but it has a long way to go. It does not pay hollow lip service to these kinds of issues. Over the past six months we have achieved a 25 per cent reduction in the number of assaults, but we would like to reduce those assaults to zero.

We have achieved a 50 per cent reduction in WorkCover premiums, but we would still like to achieve further reductions. I am sure everybody in the juvenile justice system and the bureaucracy, takes these issues as seriously as I do. We do not treat these issues flippantly or bandy them around in an attempt to grab the limelight or political headlines; we determine them appropriately and professionally. The department and I will continue to do that. I have had a good relationship with all those who have come to me and made disclosures.

LAKE MACQUARIE CLEAN-UP PROGRAM

Mr JEFF HUNTER (Lake Macquarie) [6.01 p.m.]: I refer to the Lake Macquarie clean-up project, a major environmental project that been running for 5½ years in the Hunter region. When that program is completed it will have run for a period of six years and cost more than $18 million. The Lake Macquarie clean-up project—it commenced in 1999 and was extended in 2002 for a second three-year period—has been described by the Premier as a model partnership between the New South Wales Government, council, industry and the community. That includes many of the local Landcare groups in and around Lake Macquarie. Last year the program received its final year of funding. In June this year the second three-year stage will draw to a close. Over that six-year period the New South Wales Government's contribution to the clean-up of Lake Macquarie has been about $10 million. In today's *Newcastle Herald* Damon Cronshaw, the Lake Macquarie reporter, wrote a story entitled "Just keep it clean to save the lake." For the enlightenment of honourable members I quote from that story, which states:

> Clean water in Lake Macquarie was rated as the most important environmental issue in a community survey about the health of the lake.
>
> Rubbish was ranked the second most significant issue, followed by development, pollution and stormwater run-off.
>
> The survey was commissioned by the Office of the Lake Macquarie and Catchment Co-ordinator and involved telephone interviews with 600 people.
>
> When asked about the lake's health over the past five years, 51 per cent of people thought it had improved, 26 per cent said it had remained the same and 17 per cent said it had worsened, the survey said.

The story goes on:

> Those surveyed ranked water movement between the lake and the ocean in Swansea Channel and drainage systems as the two issues most important to maintaining the lake environment.
>
> Catchment co-ordinator Jeff Jansson said increasing tidal exchange in Swansea Channel would have little effect overall on water quality in the lake.
>
> It would cause other serious negative consequences, he said.
>
> Mr Jansson said the level of urban development was the major contributor to nutrient and sediment levels but the community was increasingly positive about the health of the lake.
>
> "Over the past five years there has been an encouraging upward trend in the rating of the current health of the lake" he said.
>
> Mr Jansson's office controls a lake clean-up project that has attracted $18 million in funding over the past five years.
>
> The project has an uncertain future with the State Government yet to commit further money to the project when it expires this year.
>
> "The improvement in the quality of Lake Macquarie is an ongoing process and there is still work to do," Mr Jansson said. "It is important that residents and lake users ensure that they continue to do their part to limit their impact on the lake."

What a telling article! Overall it is pleasing to know that Lake Macquarie residents have acknowledged the many millions of dollars that the State Government has contributed to this clean-up project. Local residents have contributed many millions of dollars by way of a ratepayer levy of about $16 a year, which has also assisted in the clean-up of the lake. As the article said, the program should continue. I raised the issue today to bring to the attention of both the Premier and Craig Knowles, the Minister for Infrastructure and Planning, the need to continue funding for this project. The health of Lake Macquarie is one of the most important issues concerning Lake Macquarie citizens.

This issue not only concerns the city of Lake Macquarie. It is a regional issue that concerns the Hunter region and the Central Coast. Over the past five years Wyong council has played its part in assisting in the clean-up of Lake Macquarie. About 200,000 citizens live around the shores of Lake Macquarie, 190,000 citizens live in the Lake Macquarie city area and about 10,000 citizens live on the southern shores in Wyong shire. This has been a collaborative approach between local citizens, council, local industries and the State Government. I take this opportunity to call on the Government to seriously consider continuing this funding. [*Time expired.*]

CROWN LAND ENCLOSURES PERMIT RENTALS

Mr PETER DRAPER (Tamworth) [6.06 p.m.]: Landholders in the electorate of Tamworth have serious concerns about the Government's bid to rationalise and consolidate the system of enclosed roads in New South Wales. In recent weeks an avalanche of people have contacted my office as they received notifications of

changes relating to Crown road enclosure permit fees from the New South Wales Minister for Lands, the Hon. Tony Kelly. Currently there are 1,843 enclosure permit holders in the Tamworth electorate. That figure indicates the number of people who stand to be affected. Honourable members would be aware that reforms pertaining to the State's enclosure permits for Crown roads on private property were introduced in July 2004 with the overriding intention of making landholders convert those tenures into freehold through closure or purchase.

A review of the State's enclosed lands was well overdue, given that an area of 650,000 hectares in New South Wales is tied up in enclosure permits, with the majority completely unsuitable for development into roadways. As the fee that enclosure permit [EP] holders paid to the Government has remained static for 15 years I accept that a rental hike was inevitable. I welcomed the Minister's decision to cushion the blow with a reduced set of annual rental fees in the first three years. It seemed to be the least that he could do, given that the benefits to EP holders is discounted with a significant jump in fees in three years. In some cases the rental fee will increase from $50 per annum to $750 per annum, which in some instances is significantly lower than the rates a landholder pays council for an entire property.

Beyond the rent hike, to date the points of contention being raised by EP holders have been consistent. Simply put, the alternatives to paying the revalued rental are prohibitively expensive. The options of converting the enclosed road area into freehold or fencing the area in and leaving it under State control are beyond the financial reach of many landholders. Fencing the road also raises a question about maintenance and whether the Government will be prepared to control the weeds and feral animals that inevitably will become common on these lots. In short, despite the rhetoric that these reforms are a bid to achieve a fair and more equitable return on the Crown land assets of the State, landholders view this move as little more than a thinly veiled revenue raiser.

With the majority of these paper roads destined never to be used because of their inaccessible location, it might seem sensible for the Government to give landholders the opportunity to buy the enclosure or fence it out. When applied to many individual farms those options result in complicated, expensive, unreasonable and completely unrealistic expectations. Let us consider a scenario in which a landholder in my electorate has two permits—one for an area of around 5.7 hectares and one for an area of 1.5 hectares. Although separate, those paper roads have been treated as one and levied at a single rate of $50 per annum for the past 15 years. It is important to recognise that these portions of land are untrafficable and of no commercial value to the landholder. They traverse steep, boulder-strewn country that is mostly covered in trees and other native vegetation.

Under the new system, at the end of the three-year phase-in period the rent for this unusable land will increase from $50 to $1,100 per annum. Should the landholder choose to convert the area to freehold, the approximate cost charged by the State would include a $475 road closure application fee, a $220 road purchase application fee, $250 for a compiled survey plan, $800 for title and registration costs and a $75 easement fee, if required. The landholder calculated that this amounts to $1,820 per permit. When the estimated cost of a survey—about $1,000—and conveyancing fees of about $170 are factored in, the total rises to $2,990 per permit, excluding the value of the land. The purchase price of the land is unknown but is subject to valuation and based on market price. For this landholder the option of fencing out requires surveying, and in many cases the existing boundary fence is not on the surveyed line, which requires either a double fence or the excision of an area greater than nominated in the permit. It is also likely that this road strays onto the neighbour's property, in which case the landholder is liable to fence off part of his paddock as well.

In another case a landholder's property contains two Crown roads encompassing 18.5 hectares. This landholder works two jobs to pay the mortgage on his property, having grossed just enough money from the property last year to service half his annual mortgage repayment. He simply cannot afford the cost of rent rising from $100 to $750 per year. This figure is just under half the amount that he pays the local council in rates per year for the entire 2,200-acre property. Landholders appreciate the fact that these paper roads are outdated, having been pencilled onto maps in the nineteenth century. They are also aware that rents have not changed in more than 15 years, but one must remember that the true market and production values of these enclosures render them valueless. In the vast majority of cases these roads have never been used due to their positioning. On many properties the areas are inaccessible, too expensive to fence, too expensive to convert and of no worth to the landholder. In my view it is unAustralian for the Government to try to squeeze revenue from so-called assets that at the end of the day are worthless and will not be of any commercial use to any landholder. I urge the Government to reconsider this process, make it cheaper for the landholders and even consider gifting the land.

CAN ASSIST

Mr RICHARD TORBAY (Northern Tablelands) [6.11 p.m.]: Earlier this year I visited the Jean Colvin Hospital at Darling Point, which provides a wonderful refuge for country cancer patients who are in

Sydney for follow-up treatment. The facility and the sensitive care provided by the staff are an enormous help to people at a time in their lives when they need it most. Can Assist, formerly known as the Cancer Patients Assistance Society of New South Wales, was established in 1955 as a not-for-profit charitable organisation. The founding members recognised a need to assist country cancer patients, who were required to pay expensive hotel costs for themselves and their families sometimes for up to eight weeks while receiving treatment in Sydney. The establishment of the Jean Colvin Hospital in 1961, offering subsidised accommodation for country cancer patients, provided a much-needed service to ease the financial, emotional and logistical burden of organising and staying in accommodation in another city.

Can Assist now owns and operates the Jean Colvin Hospital in Darling Point, Ecclesbourne Hostel in Double Bay and Lilier Lodge in Wagga Wagga, which is a joint venture with the New South Wales Cancer Council. The society has grown significantly over the past few years and now consists of 37 country branches administered through the head office at the Jean Colvin Hospital. Each of these branches raises money within the community to be used for the care and support of local cancer sufferers and their families. The country branches are the backbone of the organisation and, along with the Friends of the Jean Colvin Hospital Committee, Gala Committee and other loyal donor groups and individuals, raise funds on an ongoing basis. Government support, other than through the Isolated Patients Travel and Accommodation Assistance Scheme [IPTAAS], has been, and continues to be, limited. I congratulate Jenny Fulcher, who is a key co-ordinator for the volunteer group in the Northern Tablelands.

Despite the funding, the Jean Colvin Hospital continues to run at a loss each year as half the patients can ill afford to pay for the cost of the service. The Jean Colvin Hospital has a non-discriminatory policy and part of its mandate is not to let financial difficulty stand in the way of quality treatment and care—a noble principle. Therefore, uninsured patients are required to pay only what they feel they can afford. Patients referred to the Jean Colvin Hospital come from a cross-section of the community socially, culturally and economically, and include pensioners, non-health fund members, health fund members, war veterans and persons in financial difficulties.

Not only does the Jean Colvin Hospital provide financial assistance to country cancer patients, but it is also renowned for the supportive environment that its services have provided over the years. Professional support, such as nursing staff, social workers and counsellors within accommodation facilities for cancer patients, has been shown to be highly valued in recent surveys, although the provision of support services by other cancer accommodation facilities is lacking. That is one aspect of care that Can Assist believes should be prioritised to achieve better outcomes for cancer patients, and in this regard it has set the benchmark for cancer care.

Can Assist is saving the Government a considerable amount of money, in part by keeping cancer patients out of the already overburdened public hospital system, where beds and support staff are overtaxed. There is also cost shifting with regard to transport, medical treatment and much-needed mental and physical support. Without Can Assist unfunded cancer patients would be deterred from obtaining treatment that would be too costly. The service Can Assist provides fills the huge gap in rural cancer health services that country people often experience disproportionately. The limited government assistance they receive is of concern, especially when cancer is the No. 1 killer of Australians.

A further anomaly is the bureaucratic barrier built into IPTAAS, which dictates that people seeking treatment for cancer cannot receive travel or accommodation support if their journey is less than 200 kilometres one way. In Queensland it is 50 kilometres and in Tasmania it is 75 kilometres. I have given my strong support to the Can Assist and New South Wales Cancer Council joint campaign to reduce the IPTAAS minimum travel limit to 80 kilometres in this State. I acknowledge the Sisters of Charity Outreach, who met the honourable member for Dubbo and me today and highlighted the fact that they have provided 1,453 transports to country people. That is why IPTAAS needs to be reviewed. Under the current regulations many country cancer patients seeking treatment at their nearest local hospital, which may be many kilometres away, cannot access any accommodation or travel assistance. Local Can Assist branches in my area are helping so many people. The organisation deserves our congratulations. I call on the Minister for Health and the Government to address these anomalies immediately and to consider financial assistance for these valuable services. [*Time expired.*]

Private members' statements noted.

[*Mr Acting-Speaker (Mr Paul Lynch) left the chair at 6.16 p.m. The House resumed at 7.30 p.m.*]

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Frank Sartor agreed to:

That standing and sessional orders be suspended to allow the introduction forthwith, and progress up to and including the Minister's second reading speech, of the Independent Commission Against Corruption Amendment Bill, notice of which was given this day for tomorrow.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

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) [7.30 p.m.], on behalf of Mr Bob Carr: I move:

That this bill be now read a second time.

This bill implements the vast majority of the recommendations of the independent review of the Independent Commission Against Corruption Act conducted by Mr Bruce McClintock, SC. The reforms will improve the operation and accountability of the Independent Commission Against Corruption [the ICAC], without detracting from its independence. The bill will set out the role of the ICAC, reform contempt laws, and clarify the findings that the ICAC may make. One of the key changes proposed by the bill is to strengthen the accountability of the ICAC by establishing an independent Inspector of the ICAC, modelled on the Inspector of the Police Integrity Commission. The Inspector is needed to address a gap in the accountability of the ICAC. While the parliamentary joint committee on the ICAC is responsible for monitoring and reviewing the exercise of the ICAC's functions, it is prohibited from examining particular decisions made by the ICAC.

The limited scope of the parliamentary committee's jurisdiction is appropriate, given that committee members fall within the investigative jurisdiction of the ICAC. The result, however, is that there is no person or body with responsibility for investigating complaints that the ICAC or its officers have misused powers. The ICAC acknowledges the absence of adequate accountability mechanisms in the Act. The proposed inspector will address this gap.

The main changes introduced by the bill are as follows. The bill inserts a new section 2A into the Act to specify the objectives of the Act. These objectives confirm the role of the ICAC as an independent and accountable body established to investigate, expose, and prevent corruption involving or affecting public administration. The bill inserts a new section 12A into the Act to require the ICAC, so far as practicable, to direct its attention to serious and systemic corruption. Under part 5 of the Act, other matters may be referred by the ICAC to any person or body considered by the ICAC to be appropriate in the circumstances.

Consistent with the recommendation of Mr McClintock, the bill inserts section 13 (2A) into the Act to put beyond doubt that the ICAC may decline to make a finding of corrupt conduct, even though the factual findings would permit such a finding to be made. This will confirm the ICAC's existing practice. The bill inserts section 13 (3A) into the Act to require the ICAC to be satisfied that a person has engaged in, or is engaging in, conduct that constitutes or involves a criminal offence, disciplinary offence, reasonable grounds for dismissal or a substantial breach of an applicable code of conduct before making a finding of corrupt conduct in relation to conduct referred to in section 9 (1).

Proposed section 13 (3A) addresses Mr McClintock's, concern that it is inappropriate to base a finding of corrupt conduct on the mere possibility that the relevant conduct has occurred. It is consistent with the ICAC's approach to making findings of corrupt conduct. Section 13 (3A) does not affect the ICAC's power to make a finding under section 9 (5). Section 20 of the Act will be amended to provide that where the ICAC decides not to investigate a matter, it will be required to give reasons to the person who complained or who reported the matter to the ICAC. The bill alters the nomenclature of the Act to better reflect the investigative role of the ICAC. Public hearings will be renamed public inquiries and private hearings will be renamed compulsory examinations.

Section 31 of the Act will also be amended so that the ICAC will be required to consider a number of factors when considering whether it is in the public interest to hold a public inquiry. The ICAC will consider the benefit of making the public aware of corrupt conduct; the seriousness of the allegation, any risk of undue prejudice to a person's reputation, and whether the public interest in exposing the matter is outweighed by the public interest in preserving the privacy of the persons concerned. A person giving evidence at a compulsory examination or public inquiry will be entitled to be told the nature of the allegation or complaint that is under investigation by the ICAC.

The bill inserts new part 5A and schedule 1A into the Act to provide for the appointment of an Inspector of the ICAC. The Inspector will audit the operations of the ICAC, deal with complaints of abuse of power and other forms of misconduct or maladministration on the part of its employees, and report on matters affecting the ICAC, including its operational effectiveness. Under proposed section 57B of the Act, the Inspector will be given specific power to investigate complaints of delay in the conduct of the ICAC investigations and unreasonable invasions of privacy by the ICAC. The fulfilment of the inspector's functions will be monitored and reviewed by the parliamentary joint committee on the ICAC. Section 76 of the Act will be amended to require the ICAC to include in its annual report additional information about the time taken to deal with complaints. This information may be used by the inspector and the parliamentary joint committee to examine issues of delay in the completion of ICAC investigations.

Another key area of change introduced by the bill is in relation to the law of contempt as it applies to the ICAC. The procedural problems identified by the ICAC Assistant Commissioner, the Hon. John Clarke, QC, in his recent decision will be rectified. The Assistant Commissioner criticised part 10 for its lack of clarity, particularly in relation to the process of certification of contempt of the ICAC to the Supreme Court. The Assistant Commissioner decided that the better view is that the Act require the certificate to set out the relevant facts that the Commissioner has found to have occurred. Consistent with the decision of the Assistant Commission, the bill amends section 99 of the Act to make it clear that the certificate is to set out the facts that the Commissioner is satisfied constitute the alleged contempt.

The bill also amends section 100 of the Act to insert a requirement to inform a person brought before the ICAC of the contempt that he or she is alleged to have committed. Such a requirement is found in the procedure for dealing with contempt in the Supreme Court, the District Court and the Local Court. The bill repeals section 98 (h) of the Act, which prohibits any conduct that would amount to contempt of a court of law, and other provisions governing acts of contempt committed outside the face or hearing of the ICAC. The primary purpose of section 98 (h) is to prohibit contempt of the ICAC by publication. Provisions such as section 98 (h) have been resoundingly criticised by the courts, law reform commissions, and senior lawyers on the basis that it is inappropriate and impractical to transpose to an administrative, investigative body a provision designed to prevent interference with the administration of justice by courts.

The ICAC has far greater capacity than courts to enter the public domain to rebut misrepresentations, inaccuracies and prejudicial comment. The ICAC has extensive powers to protect the integrity of the evidence of a witness by holding its investigation, or part of its investigation, in private or by making non-publication orders. By contrast, courts are generally required to conduct all of their business in public. In addition, parts 9 and 11 of the Act provide for numerous criminal offences that can be relied upon by the ICAC to protect its witnesses and the integrity of its investigations. The bill extends the protection given to witnesses by amending section 93 of the Act to make it a criminal offence to threaten to cause detriment to a person on account of the person's evidence or assistance to the ICAC.

These reforms were proposed by Mr McClintock and are supported by the ICAC. The Australian Law Reform Commission recommended similar reforms in its comprehensive examination of the laws on contempt. Contempt committed in the face or hearing of the ICAC will remain. This will ensure that the ICAC can properly control the conduct of its public inquiries. The bill inserts new section 116A into the Act to provide that the ICAC will be able to initiate only criminal prosecutions arising from its investigations where the Director of Public Prosecutions [DPP] has advised that it would be appropriate to do so. This is consistent with the current practice of the ICAC and the DPP as to prosecutions.

The bill amends the Police Integrity Commission Act to empower the Police Integrity Commission to investigate allegations of corruption involving all members of NSW Police. Currently the Police Integrity Commission has jurisdiction over designated or sworn police officers but not unsworn members of NSW Police. This amendment is made at the request of the ICAC Commissioner. The Commissioner of the Police Integrity Commission has previously expressed support for the proposal.

The ICAC will still be able to investigate allegations of corruption involving members of NSW Police if this is done in the context of matters that also involve public officials who are not members of NSW Police. No changes will be made to the ICAC's capacity to investigate members of Parliament or Ministers. Mr McClintock's recommendations to clarify the circumstances in which the ICAC may investigate members of Parliament or Ministers will not be implemented. Contrary to Mr McClintock's recommendations, a parliamentary investigator will not be established to investigate allegations of corruption involving members of Parliament or Ministers. The ICAC will continue to be able to investigate and expose corruption throughout the public sector, including allegations involving members of Parliament and Ministers. This is an important bill to improve the operation and accountability of the ICAC, and I commend it to the House.

Debate adjourned on motion by Mr Steven Pringle.

ELECTRICITY SUPPLY AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

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) [7.42 p.m.]: I move:

That this bill be now read a second time.

As the New South Wales population and economy grow there is an ongoing need to ensure that households, businesses and industry have access to a reliable, affordable, sustainable and secure electricity supply. Over the last 10 years overall electricity demand in New South Wales has been increasing at 2.8 per cent per annum due to strong economic growth and an increasing population. Summer peak electricity demands have increased by 4 per cent, driven largely by strong growth in commercial and residential airconditioning. The National Energy Market Managing Company suggests that if this trend continues, and under very conservative planning and forecast assumptions, a new peaking power plant may be required to meet electricity peak demand from 2008 or 2009. This Government is taking the initiative and acting prudently to ensure that New South Wales maintains its strong and reliable electricity supply system and prepares the electricity system for a transition towards a lower greenhouse emissions future.

In addressing these challenges I released the Energy Directions green paper on 6 December 2004. The green paper seeks comments from interested parties on a range of important issues, including options for meeting future electricity needs, possible ways of reducing greenhouse gas emissions, regulatory and pricing certainty for investors, and transparency in planning requirements for new power stations and energy saving strategies to improve energy efficiency. This Government has invested more than $4 billion in the last five years in distribution and transmission networks, and it will spend another $6.2 billion in the next five years. By any measure, this is a significant investment. The Government's preference is that new investment in power stations be financed by the private sector. Public submissions on the green paper will support and inform the Government's decision making on New South Wales's future energy direction.

The Government will provide private sector investors with the required regulatory and policy certainty through an energy directions white paper outlining the Government's policy positions. The white paper is due for release in mid 2005. This demonstrates my level of commitment in doing whatever is necessary to secure New South Wales's electricity needs into the future. This Government's continuing commitment to electricity reform is also demonstrated in the legislation before us today, which is consistent with the Government's initiatives to date in greenhouse policy, electricity market reform, consumer protection, and safety measures in relation to electricity supply. I will today outline amendments to the Electricity Supply Act 1995 that will allow for the more effective operation of the Greenhouse Benchmarks Scheme, enhance customer protection mechanisms, improve the effectiveness of the licensing regime, and clarify electricity network safety and maintenance responsibilities.

Electricity generation is the source of around 40 per cent of New South Wales greenhouse gas emissions. The New South Wales Government has taken a lead role in developing Australian greenhouse policy by implementing the New South Wales Greenhouse Benchmarks Scheme. This is in stark contrast to the Federal Coalition Government, which continues to bury its head in the sand and seek to do the same with its emissions. The New South Wales Government is continuing to take real action in relation to emissions under the New

South Wales Greenhouse Benchmarks Scheme and is now taking further steps to allow for the more effective operation of the scheme.

I will now outline two separate amendments to the Electricity Supply Act that will further enhance these achievements. Firstly, the voluntary surrender of abatement certificates will be allowed. This will improve compliance with, and enforcement of, the scheme as well as providing opportunities to use the certified abatement created under the scheme more widely. The benchmarks scheme requires that electricity retailers reduce the greenhouse gas emissions associated with the electricity they supply. A supplier whose attributed emissions exceed its emissions benchmark can purchase and surrender abatement certificates rather than paying a financial penalty.

There are currently only two circumstances in which abatement certificates can be surrendered. The first relates to benchmark compliance by electricity suppliers who must surrender certificates to the IPART in order to comply with their benchmarks. The second circumstance relates to accredited abatement certificate providers who have been ordered by the IPART to surrender abatement certificates where they have been convicted of improperly creating abatement certificates or of having breached conditions of their accreditation. In order to enhance the scheme's operation and provide a desired level of flexibility, a mechanism will now be included to allow for the voluntary surrender of abatement certificates in these circumstances. This mechanism allows accredited abatement certificate providers to voluntarily surrender any inadvertent overcreation of certificates without being convicted of an offence.

A further benefit of allowing the voluntary surrender of certificates is that the scheme is broadened beyond the existing mandatory requirements on electricity suppliers. This has the advantage of allowing, for example, environmental groups, or other parties seeking to achieve an environmental goal, the opportunity to purchase and voluntarily surrender abatement certificates. This extension of the scheme will build on the experience and expertise of the scheme administrator—the IPART—which has developed world-class accreditation, verification and registry services. The use of certificates for non-liable parties under the scheme will also extend the abatement of greenhouse gas emissions.

The second important change to the operation of the Greenhouse Benchmarks Scheme will be to increase the flexibility for large electricity users by allowing all sites under a company's control to be included for the purposes of their election as benchmark participants. Such large electricity users must then manage their own greenhouse benchmark under the scheme, rather than having it managed by their electricity supplier. In the past the Act required that a benchmark participant must supply or purchase electricity. This was a narrow interpretation of the scheme's intent and objectives. In a few cases where commercial arrangements of related companies have been different, this has required novation of electricity contracts in order to satisfy the eligibility criteria for election. The proposed amendments to the Act will overcome this unintended requirement and the unintended compliance difficulties for business, while not compromising the abatement delivered.

The initiative has been taken to provide opportunities for further abatement activities by broadening the interpretation of the scheme under the Act. This will allow some company structures, including holding companies that do not meet the current eligibility criterion to now elect as benchmark participants. This change will allow a parent company to elect on behalf of subsidiaries and other related entities. This amendment will deliver important additional benefits to New South Wales by allowing a number of companies to bring to account a wider range of greenhouse abatement activities than previously possible. In turn, this provides the potential for further opportunities for abatement activities leading to the creation of additional large user abatement certificates. A further benefit is the reduction of costs of the scheme to industry while encouraging additional abatement activities.

Electricity plays a vital role in our everyday lives. Securing the supply of electricity to consumers is a responsibility this Government takes seriously. The Government is taking this opportunity to strengthen and clarify existing powers for regulation and effective operation of the competitive electricity retail market. The retailer of last resort scheme is a customer protection mechanism established to support the retail market. In the event of a retailer's suspension from the National Electricity Market or licence cancellation in New South Wales, the affected electricity retailer's customers would be transferred to retailers of last resort appointed under my powers as the Minister for Energy and Utilities. At present, the retailers of last resort in New South Wales are EnergyAustralia, Integral Energy and Country Energy.

In order to more effectively manage the circumstances in which customers must be transferred to a retailer of last resort, the Minister for Energy and Utilities needs to be directly informed by the responsible

agencies if such an event occurs, or appears likely to occur. Under the proposed amendment, a head of power will be created enabling commercial–in-confidence information to be obtained from the National Electricity Market Management Company with respect to retailer of last resort' events in New South Wales. The use of such information will be limited to the management of potential retailer of last resort events. This power is consistent with the power of other jurisdictions for these circumstances.

The Government is also taking steps to improve the administration and enforcement of the electricity distribution and retail licensing regime. The Electricity Supply Act provides for certain obligations to be imposed on electricity suppliers by attaching endorsements to their licences. An endorsement can be either an obligation to act as a retailer of last resort or an obligation to offer small customers a standard regulated supply contract. The process for imposing, varying or revoking an endorsement requires clarification. The Independent Pricing and Regulatory Tribunal [IPART], as the electricity licence administrator, has proposed an opportunity to more effectively administer endorsements, by clarifying the responsibility for imposing an endorsement on a supplier. As endorsements have a similar purpose and effect to licence conditions it was appropriate that the powers and processes be made consistent. For consistency with similar powers, the Act has been amended so that this power resides with the Minister for Energy and Utilities.

A process has also been established for the varying or revoking of endorsements. This not only improves the effectiveness of the licensing regime but also creates certainty to minimise the potential for legal challenge. IPART also identified the potential to improve its powers to monitor and enforce compliance with endorsement conditions. In order to fulfil its responsibilities, IPART's licence auditing functions have been extended to include endorsements attached to a licence. Distribution network service providers and retail electricity suppliers will be required to concurrently comply with IPART directions to keep specified records and furnish specified information.

The Government is also taking this opportunity to establish a regulation-making power for the introduction of prepayment meters in New South Wales to small electricity customers on a voluntary basis. Prepayment meters offer customers choice and flexibility. Prepayment meters allow customers to prepurchase credit for electricity supply. Customers would also be able to use the meter to monitor their electricity consumption, thereby assisting in household budgeting. The Government has consulted broadly with the electricity industry, consumer groups and the Energy and Water Ombudsman New South Wales on the use of prepayment meters. In general, consumer groups and retailers were supportive of the introduction of prepayment meters in New South Wales. Prepayment meters will only be offered to customers on a purely voluntary basis under a negotiated contract. On the basis of this consultation, regulations are being prepared to establish an appropriate and fair regulatory framework for prepayment meters, which includes consumer protection mechanisms and technical market rules.

As the Parliament would be aware, this Government is committed to high standards of safety and maintenance across the electricity network and electrical installations. The bill now before Parliament extends this commitment by clarifying the safety and maintenance responsibilities for electricity networks and electrical installations. The bill clearly defines the boundary between an electrical installation and an electrical distribution system. Uncertainty surrounding the location of the distribution system boundary created the potential for disputes as to who was responsible for the safety and maintenance of some electricity assets. This is of particular relevance to electricity distributors who are taking initiatives to ensure private overhead lines are safe. This is a crucial aspect of an electricity distributor's operations to assist with bushfire prevention. Two new definitions have been included in the Act to clearly define the point of supply between a distribution system and an electrical installation. The definition for electrical installation in the Act has also been amended to ensure maximum consistency with the Electricity (Consumer Safety) Act 2004 while avoiding any unintended consequences.

In conclusion, I remind the House that this Government has a continuing commitment to an electricity industry that delivers safe, reliable, affordable and sustainable energy for New South Wales. The legislation before the House provides for the more effective operation of the Greenhouse Benchmarks Scheme and will further enhance customer protection mechanisms, improve the effectiveness of the licensing regime and clarify electricity network safety and maintenance responsibilities. This legislation delivers ongoing benefits to the people of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

FORESTRY (DARLING MILLS STATE FOREST REVOCATION) BILL

Second Reading

Debate resumed from 10 November 2004.

Mr MICHAEL RICHARDSON (The Hills) [7.56 p.m.]: I state at the outset that the Opposition will not oppose this bill, which seeks to revoke the dedication of 36 hectares of Darling Mills State Forest and to dedicate it as part of the Bidjigal Reserve. Darling Mills State Forest abuts Excelsior Park, which in turn forms part of the boundary between my electorate of The Hills and that of the Baulkham Hills electorate. In September 1994 the Dharug community placed a native title claim on Excelsior Park and Darling Mills State Forest, and more than 10 years later that finally is being resolved. In his second reading speech, delivered on 10 November last, the Minister said that there were extensive negotiations and added that:

> … in early December last year an agreement was reached between the stakeholders. These were the Minister Assisting the Minister for Natural Resources (Land), the Minister for Natural Resources, [and] a representative of the descendants of the Dharug people".

I am surprised that Baulkham Hills Shire Council is not mentioned in that list of stakeholders. I would have thought it has a major stake in the outcome of this legislation, as Excelsior Park—better known as Excelsior Reserve, I might add—is, of course, under the care and control of Baulkham Hills Shire Council and contains playing fields and other community facilities that are very well patronised by people from my electorate and the electorate of the honourable member for Baulkham Hills. The Minister also said in his second reading speech that the agreement on Bidjigal Reserve:

> … is good news for the whole community because it recognises and acknowledges the importance of the land for the descendants of the Dharug people and part of the land being assigned is proposed as the site of an education centre.

I strongly support the policy of involvement of Aboriginal people in managing national parks, and agree that allowing them to continue as custodians can improve conservation outcomes and provide jobs for local Aboriginal people. That is certainly so in the bush, where there may be fewer job opportunities than there are in the city. It remains to be seen whether this will be the case for Bidjigal. This is not another Mootwingee, where the local Aboriginal people have a deep and continuing relationship with the land, evidenced in myriad different ways. There are in fact very few Aboriginal people living in my electorate; The Hills ranks 89 of the 93 seats in terms of Aboriginal population. So only four electorates of this Parliament have a smaller proportion of Aboriginal people living in them.

The claim was made by Ian Bundeluk Watson, who lives not in Castle Hill, Baulkham Hills or North Rocks near Bidjigal Reserve, but in the Blue Mountains. Cynics suggest, and have done for a very long time—the first suggestion was made in 1994, so it has been around for more than 10 years—that the native title claim was an attempt to thwart the construction of the M2, which runs through Darling Mills State Forest and Excelsior Park. The land claim was supported by the Labor Party, which for reasons known only to the Labor Party, opposed the construction of the M2. It has been an enormous boon to north-western Sydney, including an enormous boon to the electorate of Mr Speaker.

I can remember the debate on the M2 in this place. My contribution followed that of the member for Riverstone and I was absolutely astonished to note that he was opposing a road that would have proved, and has proved to be, of major benefit to his electorate. Some credence is given to the suggestion that this native title claim was made in an attempt to thwart the construction of the M2 by the fact that not a single member of the Labor Party turned up at its official opening 1997. In fact, Susie Moroney opened the road. I hope that the suggestions are proved wrong and that the agreement between the Dharug people, the Government and Baulkham Hills Shire Council is indeed beneficial for the people of The Hills.

I have discussed this matter with Baulkham Hills Shire Council and it has no objections to the bill going ahead. In fact, the then acting general manager, Ray Fabris, told me that council was quite satisfied with the agreement. I gather the board of trustees, which includes both representatives of the council and of the Dharug people, has been set up to administer the reserve, although I understand that to date it has not yet met, let alone discussed any important issues. According to the Minister, a proposed education centre is to be built in the reserve. I mentioned this to Mr Fabris and it was news to him.

Council had not been briefed on this education centre and it is not clear to me, and it certainly was not clear to council, exactly what is proposed, where this education centre will be located, what will be taught there

and what are the implications for people living nearby. Will it mean, for example, a significant increase in traffic volumes in the area? When will it be open? How big will it be? How often will it be used? When will it be used? These are all issues that need to be addressed and which really should have been addressed by the Minister. I was absolutely astounded that he should throw this bombshell into his speech without consulting with council or even letting council know that it was the Government's proposal.

The key to community acceptance of the Government's proposals is that there should be no new restrictions placed on what people can do in the reserve. The reserve is very well utilised by walkers and others and, at the moment, by people walking their dogs. Those people would be very annoyed if they were not allowed to continue walking their dogs in the future. I take this opportunity to commend the work done over many years by the Excelsior Park Bushcare group, which used to include Councillor Jill Reardon and her husband, Roger. I have walked along Excelsior Creek with them and Roger's encyclopaedic knowledge of plants in the forest, both native and exotic, is absolutely phenomenal. Current members of that group include Judith and Charles Crosswell and John Longton, who work at least one Sunday a month cleaning out weeds and replanting native species.

Mr Longton tells me that, despite their best endeavours, there is much more work that needs to be done. It would be useful if this new structure brought additional funds, and it would be of enormous benefit to the people of Baulkham Hills shire. An opportunity is provided by this new agreement for the Dharug people, who now have a real interest in the land, to pitch in and help these volunteers as part of their commitment to the reserve. I would welcome any communication from Ian Bundeluk Watson and the Dharug people along those lines. It would certainly get things off to a very good start and it would gain widespread community support for the new arrangements. I would certainly be delighted to publicise them. Mr Longton tells me that with very little effort it should be possible to create a bush walk from Northmead to West Pennant Hills, which would be very popular with residents of The Hills. I commend this idea also to the new trust and to the Government.

This bill raises the question of what will happen to the remnant sections of Cumberland State Forest in my electorate, particularly the remnant section between Castle Hill Road and Oratava Avenue. It contains six kilometres of walking tracks—in fact, I ran along them this morning—a cafe and the State Forests research centre. Cumberland State Forest is an arboretum; it is a place where exotic species are grown and studied, but it is a beautiful place and it is well utilised by the community. I think I can guarantee that there would be an uproar if the status of Cumberland State Forest were to be changed. I ask the Minister to answer these questions and give assurances where requested. We will not oppose the bill.

Mr PAUL PEARCE (Coogee) [8.06 p.m.]: I speak briefly in support of the Forestry (Darling Mills State Forest Revocation) Bill. The bill is to revoke the dedication of the Darling Mills State Forest and to add this land to a Crown reserve, and thereby give effect to actions required by the Bidjigal agreement signed in December 2003. The Darling Mills State Forest and adjacent lands in Excelsior Park, which until recently were a reserve under the Crown Lands Act, were the subject of a native title determination application under the Commonwealth Native Title Act, lodged on behalf of the Dharug people in September 1994. The relevant parties sought to negotiate an outcome agreeable to land managers, the Dharug descendants and the broader community, rather than proceed to litigation. This was achieved in the Bidjigal Reserve Deed of Agreement.

The Bidjigal agreement was signed on 4 December 2003. The agreement was the result of much discussion to negotiate a suitable outcome to all parties. The naming of the new reserve as the Bidjigal Reserve acknowledges the importance of this land for the descendants of the Dharug people. It is appropriate that this area will incorporate the forest that has been known as Darling Mills State Forest with the adjacent bushland within the former Excelsior Park, to be managed as one unit. The Bidjigal Reserve has been gazetted as a reserve, pursuant to section 82 of the Crown Lands Act, for the preservation of Aboriginal culture and heritage, the preservation of flora and fauna and for public recreation. The establishment of the Bidjigal Reserve Trust and the involvement of representatives of the Dharug people provide a means for meaningful input into the ongoing protection of Aboriginal cultural values and promotion of Dharug culture.

The Dharug descendants will be represented on the Bidjigal Reserve Trust. This will give them an effective means of being involved in future decisions about the management of the reserve. This can only be a good thing for the people of Baulkham Hills, Sydney and New South Wales. The bushland will be managed to preserve the Aboriginal values, to remain open space for passive walking and other recreation suitable within the bushland, and the flora and fauna will be protected. It fulfils the last of the Government's obligations under the Bidjigal agreement. I commend the bill.

Mr STEVEN PRINGLE (Hawkesbury) [8.08 p.m.]: As has already been mentioned, the Opposition does not oppose the Forestry (Darling Mills State Forest Revocation) Bill, but I highlight once again the tardiness of this Government in getting on with practical works on the ground. Some 10 years ago local environmentalists approached me and the neighbouring councils about getting this area protected. It has taken until now to get any action to reserve what is indeed a very significant part of the green belt surrounding north-west Sydney.

I compare this area with the Maroota State Forest, an area I know the honourable member for Canterbury is particularly interested in, an area of significant Aboriginal cultural heritage that well and truly needs to be protected for future generations. The catchment comprises 4,500 hectares and its ramps are listed wetlands. It is one of the best areas in the Sydney region for diversity of species and high quality water. I also note the large range of species in Maroota, such as powerful owls, glossy black cockatoos, quolls, yellow-bellied gliders, platypi and, possibly, the rare brush-tailed rock wallaby. Darling Mills State Forest should have been protected many years ago, just as the Maroota Forest was protected. I ask the Government yet again to get its act together.

Mr Grant McBride: It is a scandal.

Mr STEVEN PRINGLE: The Minister opposite may well deride the issue, but unfortunately—

Mr Grant McBride: No, I support you.

Mr STEVEN PRINGLE: Thank you, because we will get it in *Hansard.*

Mr Grant McBride: I support you.

Mr STEVEN PRINGLE: Thank you very much. Perhaps we could have some action to protect the Aboriginal culture about which his colleague is so passionate.

Ms LINDA BURNEY (Canterbury) [8.11 p.m.]: I support the bill. I am very familiar with Dharug country. For a number of years I lived in Penrith and I taught at Mount Druitt, which is part of Dharug country. It is pleasing to see the bill before the House. As previous speakers have said, the bill will revoke the Darling Mills State Forest pursuant to section 19A of the Forestry Act 1916, and dedicate land to the Bidjigal Reserve. I welcome the bill because it is the last step in the process of establishing a new phase of indigenous involvement in the management of the Bidjigal Reserve, which incorporates land previously within Excelsior Park. When the legislation takes effect, Darling Mills State Forest, which comprises 36 hectares will become part of the Cumberland National Forest around Baulkham Hills.

The Cumberland National Forest and the remnants of the Cumberland bushland are important to the Dharug people and Baulkham Hills, but it is important also as a reflection of the Sydney environment. The Cumberland woods were the original cover for much of Sydney. When I toured the Olympic site I saw remnants of the Cumberland forest, which gave me a sense of what Sydney was like prior to the buildings, roads and infrastructure that now cover it. The revocation of Darling Mills State Forest will provide for Dharug involvement in the Bidjigal Reserve Trust, which began 10 years ago with an application for native title determination. We must remember that the process began as a native title claim. The way in which it has been worked through is a good example of how I would hope many native title claims are resolved not only in New South Wales but throughout the country.

Instead of litigating, the Government brokered an agreement. The bill is a result of that agreement. On commencement of the legislation the land will cease to be State forest and instead will be incorporated in the Bidjigal Reserve. By making the land part of that reserve, its important natural features and vegetation, as well as its importance to the local Dharug people, will be recognised and preserved. One of the things about native title claims that irk me is that the people who get the most out of them are lawyers, not necessarily the groups involved, whether they be farmers and indigenous people or a mining company and indigenous people. Because of the amount of litigation that can be involved in native title claims lawyers walk away with full pockets. Often those on both sides of the native title claim are left wondering whether it was worth it. It is important to note that the Government was able to negotiate an outcome on land that was originally the subject of a native title claim, without thousands and thousands of dollars ending up in lawyers pockets after years and years of litigation.

I do not say that from an indigenous perspective. If one were to talk to landowners, mining organisations or anyone who has been involved in a native title claim they would tell you that litigation is not

needed to determine claims. It is best left to those affected to work it out rather than have high-priced lawyers litigate the claim. One of the triumphs of the agreement is that it was negotiated. There are similar examples in New South Wales, one of which is the Arakwal case that involved land around Crescent Head. The memorandum of understanding is slightly different, but it started out as a native title claim. The result was that the land in question was subdivided, which was an outcome that benefited Crescent Head and opened up new land for residential development. Justice McHugh's latest statements on native title reflect my sentiments: the outcome is to let those involved work out coexistence.

The site of the Darling Mills State Forest can be identified easily by its location adjoining the M2 tollway. It lies to the north of the tollway between Pennant Hills Road and Windsor Road. It is located at the commencement of the Darling Mills Creek. The name "Darling Mills" comes from the name of a farm established nearby in the nineteenth century. The Darling Mills State Forest is an important part of the Cumberland Plain. Although relatively small, it contains a substantial area of forest that has been largely undisturbed since European settlement. We must think about tenure in a number of ways. Members on both sides of the House have spoken about ensuring that this important part of Sydney is accessible to everybody and remains one of the treasures in Sydney's environmental portfolio. The special nature of the forest was the basis for its dedication as a State forest. Consideration was first given to dedicating the land in 1944.

The trees growing in the area are representative of forest on Hawkesbury sandstone soils. In 1955 the area was dedicated as part of Cumberland State Forest on the basis of protecting our forest and associated vegetation supported on the sandstone soils. It goes without saying that the biodiversity, in particular the bird life, is an important aspect of the area. The forest was to be a seed source for nurseries located in the Cumberland State Forest, which is about three kilometres to the north. It also was to be used for recreation. Since the forest was dedicated it has been used for educational purposes and recreation. It is expected that those uses will continue when the land is incorporated in the Bidjigal Reserve. Under the control of the reserve trust, the vegetation will continue to be managed and protected.

Another important feature of the area is that the Bidjigal Reserve contains sandstone outcrops and topography that is important to the Dharug people. Previous psychological investigations have located and salvaged a number of Aboriginal cultural objects. This area is of importance to the descendants of the Dharug people, but I also argue that it is important to the broader Australian community. Our heritage in this country is something that all of us should be proud of and have a shared experience in understanding.

I am sure that we can all learn from this important archaeological site, which includes cultural objects and, I am sure, many sandstone paintings and other culturally significant places. The arrangements for the management of the Bidjigal Reserve through the Bidjigal Reserve Trust, which incorporates Dharug representation, provides meaningful input for the future management of this land by the Dharug. The purposes of the reserve are the preservation of Aboriginal cultural heritage and the preservation of flora and fauna, and recreation.

It is pleasing that the Bidjigal agreement includes the proposal for the establishment of a cultural centre that will enhance understanding of the Dharug and Aboriginal culture within Sydney. It should be remembered—and this is a fact that is little understood in the broader community—that the western suburbs of Sydney, although Baulkham Hills is north-western, are also part of Dharug country and have the highest proportion of Aboriginal people living in Australia. In fact, about 42,000 indigenous people live in the western parts of Sydney, despite it generally being thought that the northern areas have the highest number.

The Forestry (Darling Mills State Forest Revocation) Bill brings to a close a long process that recognised the importance of the land to the Dharug. The entire community will benefit from this development because it will preserve both our natural and cultural history for future generations to share. Therefore, the bill should receive the support of all members of this House. I note that my colleagues on the Opposition benches support the bill. I reiterate that this excellent outcome resulted from negotiations that commenced as a potentially divisive native title claim but which produced a result for the benefit of everybody.

Mr ANTHONY ROBERTS (Lane Cove) [8.22 p.m.]: First, I pay tribute to my two colleagues who spoke earlier, the honourable member for The Hills and the honourable member for Hawkesbury, both of whom work tirelessly in their capacity as local members to protect their communities. The object of the bill is to revoke the dedication of Darling Mills State Forest, in West Pennant Hills, as a State forest and to dedicate it as part of the Bidjigal Reserve. The Darling Mills State Forest is part of Cumberland National Forest and runs along the route of the M2 behind the Royal Deaf and Blind Children Institute. In September 1994, at the height

of the anti-M2 campaign, the Dharug people made a native title claim on the forest on the adjacent reserve. This resulted in the Carr Government in 2002 renaming Excelsior Park, which forms the boundary between The Hills and Baulkham Hills electorates, Bidjigal Reserve. The reserve is now managed by a trust that involves, and rightly so, members of the Dharug community as well as nominees of Baulkham Hills Shire Council.

The bill revokes the dedication of 36 hectares of State forest, confirms that the land is Crown land and dedicates it as part of Bidjigal Reserve. The Minister in his second reading speech said that the reserve has been created to preserve Aboriginal cultural heritage, flora and fauna, and public recreation. Apparently a proposal is on foot to create an education centre in the reserve, although Baulkham Hills Shire Council is unaware of such a proposal. I join with the honourable member for Canterbury in emphasising the importance of preserving our natural and cultural heritage. The honourable member for The Hills stated that the bill is good news generally for the entire community because it recognises the importance of the land to the descendants of the Dharug people.

The Coalition strongly supports the involvement of Aboriginal people in managing national parks and allowing them, and rightly so, to continue as custodians of the land. In the past policies such as this have resulted in improved conservation outcomes and provided much-needed employment for Aboriginal people, particularly in rural and regional New South Wales. However, I have a couple of concerns. First, even though Baulkham Hills Shire Council is satisfied with the agreement, the board of trustees, which has been set up to administer the reserve and which includes representatives from council and the Dharug people, has not yet held a meeting. The board must have sufficient power and control to undertake its functions appropriately. Therefore, I ask the Minister to ensure that the necessary funding is made available to enable the board of trustees to carry out their tasks in an efficient and effective manner. I hope that the board meets in the near future and I encourage board members in the work that they will be undertaking.

I join with the honourable member for The Hills in commending the work done by the Excelsior Park Bushcare Group. Over the past 30 years this group has done wonderful work in an improving the amenity of the area for the local community and protecting our valuable flora and fauna. I, too, commend Jill and Roger Reardon. Roger has a tremendous knowledge of plants in the forest, both native and exotic. The electorate of Lane Cove is also fortunate to have a rainforest reserve, wonderful bushland and people dedicated to their community.

I share the concern of my colleagues that the use of this area for recreational purposes could be compromised. Obesity is increasingly a problem for today's society—this is not necessarily the fault of David Draper, the Parliament's Food and Beverage Manager—and people should still have the freedom to keep fit and exercise their domestic animals in the reserve. For this initiative to work there needs to be a serious level of community involvement. This will only be possible if the community and the trustees are empowered to do their jobs. This wonderful bill has resolved a longstanding native title claim. Most important, the Opposition does not oppose the bill because it ensures that this important forest is reserved for the preservation of Aboriginal cultural heritage, flora and fauna, and also public recreation.

Ms KATRINA HODGKINSON (Burrinjuck) [8.28 p.m.]: I speak to the Forestry (Darling Mills State Forest Revocation) Bill. In doing so, I acknowledge the contributions of all honourable members. I am always interested in issues that concern State forests and native title. In a former life I was an employee of the Federal Special Minister of State, who was responsible for native title when it was first debated. We had to work through myriad issues following Paul Keating's approach to native title back in the mid-1990s. It is reassuring that a claim such as this is being put through relatively smoothly, with such a spirit of goodwill from both sides of the Parliament.

Native title should be all about a smooth transition. I noted the concerns expressed by the honourable member for Canterbury, Ms Burney, about the amount of money that finds its way to the lawyers involved in native title cases, and I could not agree more with her. She pointed out that it is not only native title claimants but also landowners and others who become caught up in legal entanglements. At times it seems that more money is going to the legal fraternity than is going into the pockets of those who are exchanging land. I reassure the honourable member for Canterbury that it is not only native title claimants and Aboriginal people who are caught up in a legal mess but also the owners of properties of every shape and size. I am aware that many landowners in the Burrinjuck electorate who undertake to exchange the land have been caught up in a legal minefield with the result that an awful lot of money finds its way into the hands of lawyers—far too much money in many instances.

The Burrinjuck electorate has many State forests. Recently the Government announced that State Forests would be corporatised in the near future. Currently five trade unions are very concerned about the implications of corporatisation of State Forests. Those implications include job losses, the gutting of regional and rural communities, environmental consequences, and proper fire management of forests. I am aware that the forestry division of the Construction, Forestry, Mining and Energy Union, the Australian Workers Union, the Public Service Association, the Transport Workers Union and the Australian Manufacturers Workers Union are seeking a meeting with the Premier about the implications of corporatisation of State Forests, and I support them in their request.

I am pleased to note that the Premier has ruled out the total sale of State Forests, but the corporatisation issue must be worked through carefully to ensure that regional communities in particular will not be disadvantaged. Some restrictions could easily arise in relation to the Darling Mills State Forest in the West Pennant Hills area. The land is in The Hills electorate of the shadow Minster for the Environment, Michael Richardson, who expressed concerns about restrictions on people walking with their dogs on leashes. I understand that in Sydney there are limited areas in which people may take their dogs for a nice long walk without having to restrain them by a leash. It is probably important to conserve those areas for the wellbeing of local people. I realise that I am very fortunate to live in a rural area because I do not have a problem with walking my dogs when they are not on leashes, but I can appreciate that such problems may arise in the greater Sydney area.

I commend the suggestion of the establishment of a cultural centre within a section of the Bidjigal Reserve. There is quite a substantial Aboriginal population in the Burrinjuck electorate and I know that Aboriginal people deeply appreciate being able to visit a cultural centre that focuses on their heritage. I take this opportunity to remind the Minister for Aboriginal Affairs that Yass still needs an Aboriginal education assistant. The Minister continually argues, based on the number of Aboriginal students in the area, that an Aboriginal education assistant is not needed. I have been lobbying for six years for the position to be created, and I remind the Minister of the real need for an Aboriginal education assistant in Yass. The Opposition supports the bill and congratulates all members who have participated in the debate on allowing the bill to pass smoothly through the House, which is the manner in which native title matters should be dealt with.

Mr GRANT MCBRIDE (The Entrance—Minister for Gaming and Racing, and Minister for the Central Coast) [8.33 p.m.], in reply: I thank all members who participated in the debate—the honourable member for The Hills, the honourable member for Coogee, the honourable member for Hawkesbury, the honourable member for Canterbury, the honourable member for Lane Cove and the honourable member for Burrinjuck. In response to issues raised by the honourable member for The Hills, I point out that, contrary to his assertion, the Baulkham Hills Shire Council was involved in the negotiations from the late 1990s onwards and was a party to the deed of agreement that was signed on 4 December 2003. I also point out to the honourable member for The Hills that the Reserve Trust's inaugural meeting will be held in March 2005. The education centre was mentioned in the deed of agreement of 4 December 2003, so the council was well aware of the situation. There is no proposal in relation to the remnant State forest in West Pennant Hills. The area is an important section of the forest and will be used for education and recreation.

As indicated by honourable members who participated in this debate, this important legislation is intended to do two things: revoke the dedication of certain land as State forest and dedicate it as part of the Excelsior Reserve. The bill fulfils the Government's obligations under an agreement reached late last year. However, despite the simplicity of the bill, it represents a significant development in treatment of the land and the people in the Baulkham Hills region. Specifically, the bill incorporates the land in Darling Mills State Forest in a new reserve that is dedicated to the preservation of Aboriginal cultural heritage and flora and fauna. In doing so, the bill introduces a new phase of indigenous involvement in the management of the area by inclusion of representation of the Dharug people on the Reserve Trust. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NOXIOUS WEEDS AMENDMENT BILL

Second Reading

Debate resumed from 19 November 2004.

Mr IAN ARMSTRONG (Lachlan) [8.36 p.m.]: It gives me much pleasure to debate this important legislation. The Leader of The Nationals, who led the debate for the Opposition, indicated that although the

Opposition would not oppose the legislation, we would draw attention to a number of factors pertinent to the debate because of its all-encompassing scope. The legislation will apply to unoccupied and occupied private lands and public lands throughout the State. It is fair to say that weeds are no better controlled now than they were 30 or 40 years ago. My electorate of Lachlan extends to the edge of the Western Division and I am aware of major problems caused by infestation of woody weeds. Control of weeds has produced an aberration in the definition of the term "land clearance". Farmers are either required to or wish to control woody weeds such as turpentine, and weed control is being interpreted as clearance by reference to satellite imaging. It is not land clearing; it is control of woody weeds. Technology is wonderful provided that it is understood by departmental officers and not used for covert political purposes.

The objects of the bill are to amend the Noxious Weeds Act to broaden the objects of the principal Act to take into account the impact of noxious weeds on the economy, community and environment of the State. That is a fine objective because there is no doubt that the economy, community and environment are seriously affected by the lack of control of weeds on waterways, dry land areas and pastures. When weeds infestation in pastures is not effectively controlled, it can lead to denudation of the land. Moreover, there is potential for conflict between the application of chemicals to control weeds and protection of the environment. That ongoing fight will continue for some time.

Object (d) of the bill requires public consultation before weed control orders are made. That means that there must be public consultation before anyone can be ordered to control weeds on their land, be it public or private land. Object (f) extends to land owners who do not occupy land, as well as occupiers of land, obligations to comply with weed control notices issued by local control authorities when occupiers fail to comply with weed control orders. The Government is faced with a conundrum because in recent months it has indicated that it will force farmers who have Crown land within the compass of their own private land, be it an enclosed road or a portion of Crown land that has never been gifted title, and who have been paying a minimum rental on the land for many, many years, to either pay a major rental increase or acquire those lands; and if they are unable or do not wish to pay an increased rent or to acquire the lands, they will have to fence in those lands.

We are faced with the spectre of up to 38,000 landholders having blocks of land encompassed in their farms because they do not wish or cannot afford to purchase the land and they do not wish to pay rental on it. The question is: Who will manage the weeds on those blocks? The departmental staff sitting in the area reserved for ministerial advisers are busy writing. They will say that landholders are responsible for the control of weeds on adjoining lands, as is the case with roads. The bottom line is that the legislation contains many contradictions, although it makes it clear that public owners of land have responsibilities. I want to know how, under this legislation, the public owner of land—in this case the Crown—who has an island block in the middle of a 400-hectare paddock for example will control the weeds.

Object (g) enables occupiers of land to be exempted from obligations under the principal Act to control aquatic weeds and to confer those obligations on local councils and other bodies that are local control authorities. So responsibility for aquatic weeds under this legislation will be passed on to local government, being the local control authority or, indeed, a grouping of local governments. Object (h) requires prior notice to be given before a weed control notice is given to an owner or occupier by a local control authority. Object (i) replaces the Minister's power to give a local control authority a weed control notice to enforce its general obligations under the principal Act, with a power to direct a local control authority to carry out its functions and to enable the Minister to appoint a weed control administrator for a local control authority.

That simply means that the Crown is responsible for delegating its responsibilities to a local control authority, which will then have responsibility for controlling weeds on Crown land. I suspect that that will be an interesting tautology when the Crown controls land that is encompassed in freehold or private land holdings. I ask this question: If someone enters onto Crown land within a private holding, who is responsible for public liability? Who is responsible for insurances? Who is responsible if weed growth is not controlled for fire and a fire breaks out on that land? The Crown needs to look seriously at this legislation and at how it will manage its responsibilities as the Minister for Lands, the Hon. Tony Kelly, continues with the objective of forcing the current occupiers of land to acquire, lease or fence those lands. Schedule 1 [3] inserts into the Act a new section 12, in relation to which the explanatory note says:

> Proposed section 12 re-enacts the current requirement for occupiers (other than public authorities or local control authorities) of land subject to weed control orders to control noxious weeds, with changes to reflect the repeal of control categories and the changes to the content of weed control orders.

That simply means that the occupiers of land other than public authorities or local control authorities must comply with the orders. If an adjoining landholder who has fenced a block of land is forced to comply with an order but the local control authority is not, how will the adjoining landholder keep weed infestation off his lands? For many, many years—possibly 50, 60, 80 or 100 years—the landholder has kept the weeds under control and off Crown land, but he will now be forced to put a fence around them. Although he is not entitled to enter Crown land, he finds himself responsible for any weed infestation that might emanate from the Crown land. Schedule 1 [7] omits sections 22 to 26, and inserts a new section 22 entitled:

22 Minister may require public authorities and local control authorities to control noxious weeds

This is direct as far as public and local control authorities are concerned. The new section provides:

(1) The Minister may, by notice (a **weed control notice**) given to a public authority that is an occupier of land or a local control authority that is an owner or occupier of land, require the authority to carry out any of the obligations to control noxious weeds on that land as required under a weed control order that applies to the land.

(2) The notice may specify the time (not being less than 14 days) within which action is to be taken.

The legislation clearly states that the Minister may require public authorities and local control authorities to control noxious weeds. I am sure the Minister for Primary Industries will live up to his duties and responsibilities, and will require the Crown to control the weeds on public land, that is, the public authority that is an occupier of land or a local control authority that is an owner or occupier of land. That simply means that a public authority or local control authority that is an occupier of land must manage its own weeds. Potentially, there could be 38,000 farms with blocks of Crown land. They might be a few square metres, half a hectare or 150 hectares. In one case a landholder at Maimuru near Young has nine roads throughout his farm. His farm is about 2,500 hectares and he will have about nine blocks of Crown land.

Can honourable members see the Minister running around with an order for each of those blocks? Can they see someone spraying the weeds on that land or chipping them out with a hoe? I do not think they will be cutting out the weeds with a hoe; they have forgotten how to do that. How will those weeds be controlled to keep them off the adjoining property, which in this case is Spring Valley? Spring Valley has controlled those weeds for probably the past 80 or 90 years. They were controlled when Mr Young owned the land, and they have been controlled since the Taubman family has owned the land. That is only one example, and there are another 37,999 farmers around the State with the same problem.

The Government has not thought this through. It does not understand what it is imposing on itself in terms of how it manages its land in the future and how it will prevent itself from spending a lot of time in the courts while adjoining landholders say that the Crown has not honoured its legal responsibilities under sections 22 and 26, which provide for the Minister to require public authorities and local control authorities to control noxious weeds on Crown land. I look forward to the Minister's response. I hope that the Government will suspend this legislation and make amendments to clearly spell out how it will manage its own land and the weeds on that land before it tries to be too smart by forcing landholders to look after the Crown's weeds when it has no authority to do so and the landholders have no right to enter that Crown land and, indeed, the land is not covered by insurance.

Mr PETER BLACK (Murray-Darling) [8.48 p.m.]: It is a pleasure to follow the last and great leader of the National Party in this debate. It is also a pleasure to listen to his knowledge about woody weed and his support for the Government in this matter in so many ways. I note the honourable member for Lachlan's reference to the Minister for Lands, the Hon. Tony Kelly, in relation to the points he made. I indicate to the House that the Minister will be speaking to the Western Division conference next Monday in Hay on the subject of the unenclosed lands issues raised by the honourable member for Lachlan. I am quite sure that his questions will be answered at that time.

I represent 10 pasture protection [PP] boards. Next month at Hillston the PP boards will hold their annual general meeting, at which weeds will be an important topic. I represent 12 shires plus the unincorporated area, Broken Hill and Deniliquin. I represent a huge area—43.7 per cent of the surface area of New South Wales. Further, I represent the involvement of two Ministers on this issue: the Minister for Primary Industries, who is responsible for dealing with traditional noxious weeds, and the Minister for Natural Resources, who is responsible for woody weed, which the honourable member for Lachlan raised.

Before I follow up the remarks made by the honourable member for Lachlan about woody weed, I want to state that the proposals in the Noxious Weeds Amendment Bill will ensure that landholders can better meet

their land management obligations and protect their neighbours, the community and the environment from the damaging effect of noxious weeds. Importantly, the bill makes changes to the classification of weeds to more accurately reflect the purpose of the legislation. The weed categories in the Noxious Weeds Act do not reflect the importance of particular weeds. This is evident from the number of additional subcategories that have had to be added since the Act was proclaimed. The old categories did not define a desired outcome for the weeds and only specified the actions that must be taken.

Under the new arrangements there will be five new control classes: State prohibited weeds, regionally prohibited weeds, regionally controlled weeds—which is important for the control of woody weed—locally controlled weeds and restricted plants. Later this year, with the support of the Minister for Natural Resources, I anticipate that a summit will be held on the control of woody weed. I know that the summit will have the support of all farming organisations in the Western Division and throughout the State. The five new control classes clearly define the outcome that must be achieved for the weeds in each class, and that outcome is achievable. The five classes will ensure that declared weeds are ranked according to their real or potential impact on New South Wales so that resources can be allocated where they will be most effective.

Another important aspect of the bill is the proposal to make both the owner and the occupier of the land jointly responsible for the control of weeds. A review of the Noxious Weeds Act highlighted the difficulties that arise when only the occupier of the land is responsible for noxious weed control. It is often difficult for local control authorities to determine who an occupier is and what their land management rights and responsibilities are under the terms of occupation. Occupiers can vacate the land at very short notice, particularly when faced with legal action that may impose a cost on them. The owner of the land can be readily identified.

Noxious weeds are recognised as a major form of land degradation and landowners have a responsibility to ensure their land is kept in proper order. I recall with clarity attending a salinity forum that was held in 2000 at Barham where it was stated, and I support the view, that weeds were a greater pest to western New South Wales than was salinity. The bill imposes a general weed control obligation on the occupier. Where a plant has been declared a noxious weed in an area by a weed control order, the legislation places an automatic responsibility on the occupier to comply with that order. However, in the event that the order is not complied with the local control authority may then issue a weed control notice to the occupier or owner. The notice must be complied with.

This arrangement removes the opportunity for landowners to separate themselves from the responsibility to ensure their land is properly managed. It also provides the local control authority with an effective avenue to ensure the weed is dealt with where an occupier is in default of their obligations. There are adequate provisions within other legislation—for example, the Agricultural Tenancies Act—that allow the owner to recover the costs of control from the occupier. The simple occupier only responsibility no longer suits the different types of tenancies and agreements that can now be entered into. This proposal and the other proposals within the bill will clearly improve the way noxious weeds are managed in New South Wales.

I now turn to an issue very close to my heart and the substantial matter I want to speak to in this debate, that is, woody weed. Late November-early December last year I had the pleasure of taking the Minister for Primary Industries on a day tour around Broken Hill and down the Silver City Highway to Dareton. Along the way I pointed out the woody weed invasion in the road reserve. It is stark and clear; one cannot argue that it is an invasion. The seeds are carried along the road reserves by agricultural trucks and machinery. My history in this matter goes back to one of the most difficult and now abandoned attempts at a regional native vegetation plan, the upper Lachlan-Bogan regional native vegetation plan. It was abandoned because no consensus could be reached about the control of woody weed, in particular, black pine.

When I hear conservationists saying that we must preserve woody weed, we cannot knock it down, we cannot clear it, I am horrified because nothing exists underneath this black pine. Kangaroos do not live in the area because the black pine thickets totally obviate native grasses. In areas of black pine thickets there is extensive erosion. The honourable member for Barwon is nodding his head. He has the same problems in his area and he will inherit problems in Cobar and Bourke as well. It is a nonsense for conservation groups to pretend we are clearing land. When we talk about controlling woody weed, we are talking about restoring the land to the healthy state it was in prior to white man's interference with nature.

As a result of woody weed the majority of properties in the Cobar peneplain—a term invented by bureaucrats; I do not know why we can no longer say Cobar shire—no longer carry stock. I am sure the honourable member for Barwon, who was in my electorate two weeks ago, would agree. He is nodding his head.

Those properties operate on feral goats because only feral goats will eat the woody weed. It is a fact of life that sheep cannot eat it. I indicate to the House that a workshop on woody weed was held on 18 January. The workshop was arranged by New South Wales Farmers and funded by the Department of Infrastructure, Planning and Natural Resources. The aim of the workshop was for the writers of the invasive scrub discussion paper, Dr John Williams and Mr Jeff Angel, to obtain feedback and assist graziers compile their own submissions.

We have talked about woody weed for years. Suddenly it has become, in the terms of the department, "invasive scrub". Bureaucracy has gone mad and invents new language. Those attending the meeting were representatives from the catchment management authorities [CMA] and New South Wales Primary Industries, president of the West Darling Pastoralists, media representatives and a few members of New South Wales Farmers. Mr Daryl Green, General Manager of the Western CMA—which represents the electorates of Barwon and the Murray-Darling—opened the meeting and explained, first, that "invasive scrub" is the more appropriate name to use than "woody weed". For the life of me I cannot understand why. It is an absolute nonsense. Why do we have to keep changing the language we have been using for decades for the sake of keeping a few bureaucrats and greenies happy?

The second point discussed at the meeting was that clearing approvals must show that the country would be improved by clearing. We have no problems with demonstrating that getting rid of woody weed is a good thing. The third point was an initiative that I welcome and a principal point in the CMA's foundation when it got rid of 72 committees and established 13 CMAs, 6 either wholly or partially within Murray-Darling—that is, find local solutions for local problems. I believe we are getting to that point and that is the intent of the CMAs, particularly in relation to woody weed. The next point, which I also salute, was to set standards that will take into account how the country used to appear in years gone by. The honourable member for Barwon and I have photographs. I have photographs taken in the 1950s that show the country around Wanaaring and the now parched Paroo river as being open woodland. There was a channel; now the banks have broken down. The woody weed has gone rampant, destroying stock-carrying capacity and the environment that was established over tens of thousands of years through bushfires and millions of years of occupation by the mega-herbivores that used to feed in Australia.

I have photographs from all over the Cobar peneplain. It is open woodland, not the nonsense we have created in western New South Wales—an unsustainable ecological disaster—supported by people who say we cannot get rid of woody weed unless it comes under some kind of clearing permit. The CMA will have limited funding available to assist with clearing. That is government funding, and that is what the honourable member for Lachlan was referring to. We will need an appropriate benchmark for clearing approvals. If someone has woody weed, we should get rid of it. There will be no transfer of previous woody weed exemptions in the new Act. The problems experienced in the paddocks of the Barwon electorate are just as great as those experienced in my electorate. The problem of defining "woody weed" goes back to 1983. I support the views of the various farming organisations, the shires and the pastures protection boards that that date should be taken back a little further. Dr John Williams asked for the thoughts of the meeting that was held in January this year. We are not talking about people running around with hoes and chipping a few weeds across 42.7 per cent of New South Wales. That is nonsense.

It comes down to these ideas. The first idea is aerial spraying. Some members of the green movement go troppo the minute anyone talks about aerial spraying, but it is a logical solution when it comes to woody weed. If we have to muster by air what little stock is left, why can we not spray from the air as well? It is only from the air that one sees how little stock is left. Blade ploughing has been carried out in a lot of areas in the Western Division, but it is frightfully expensive. Another option is the grazing of goats. Greenies will go off their tree—they should fall off their tree, shouldn't they?—and say that goats are not part of the environment. I say let us put in goats and clean up woody weed with an introduced species. We are responsible for introducing half the pests to western New South Wales, so why can we not introduce a few more pests to clean up the pests we introduced?

The next option is burning. The CSIRO trialled burning in the 1970s—I remember it well—on what was then just the beginning of problems with woody weed outside Cobar. There has to be a huge amount of material on the ground to sustain a decent fire to kill woody weed. Last year burning was trialled near Bourke. As the honourable member for Barwon knows, we have been funding the burning of woody weed under the West 2000 Plus program, dollar-for-dollar up to $2,000 per burn. The problem is that it has to be done time and again to get a complete result. We have not been able to get a good result with one burn. Three burns are required to get a decent result. The final option is chaining. I am a great believer in chaining. It is simple and highly productive but, once again, the greenies will go berserk because it upsets the dirt around the woody weed

that is being pulled up. I do not understand that sort of logic and sensibility from the same people who say nothing about animals that dig holes in the ground. I believe chaining is a highly efficacious and economic way to get rid of woody weed. I support this bill and commend it to the House.

Mr IAN SLACK-SMITH (Barwon) [9.03 p.m.]: The Opposition does not oppose the Noxious Weeds Amendment Bill. Noxious weeds cost Australia $4 billion a year, and $600 million in New South Wales alone. They cost us in lost production, lost export earnings, lost wages and salaries, and lost infrastructure in rural New South Wales. I will refer to the comments made by the honourable member for Murray Darling in a moment. This bill demonstrates the Minister's total lack of support for the industry and his lack of knowledge of the noxious weed problem in New South Wales. Under the bill the 13 existing categories of noxious weeds will be reduced to five. However, what worries me is that recovery of the cost will be undertaken by the local control authorities. What are the local control authorities? They are definitely not the department; they are local government, local landholders, local organisations.

It also worries me that 30 per cent of rural New South Wales' noxious weeds budget is taken up by bureaucrats just doing bookwork—and that will increase. I think I might get a job as a consultant selling Roundup or MCPA or as a bureaucrat because they are getting most of the money. The bottom line is that the Government is not serious about noxious weeds when about a third of its noxious weeds budget goes to the Royal Botanic Gardens in Sydney. That shows the Government's emphasis in this State. I could not have put better what the honourable member for Murray Darling said about woody weed and it's covering 42 per cent of New South Wales, including part of my electorate and most of the electorate of Murray Darling.

I agree with everything the honourable member said about woody weed. It is a big problem. It is turning highly productive land into desert under cover of several different varieties of scrub. Woody weed is inedible, except by goats. Sterilising the rest of the country creates erosion and a raft of other problems that occur with woody weed. It is a difficult problem to overcome simply because of the vast area it covers and the cost involved in removing it. As I said, I have no argument with the summation of the honourable member for Murray Darling in relation to this huge problem.

One of the biggest problems I have found in the Western Division is the greens guidelines on how to control woody weed. They are so horrendous and draconian that a lot of people give up. Virtually every area in western New South Wales is different; a lot of areas have different ways to control the same problem. We should be coming from the bottom to the top, instead of from the top to the bottom. Bureaucrats and the extreme greens—who do not have a clue what is going on in western New South Wales—are telling landholders what they should be doing. Landholders should be working out the best way to control this huge problem and then we should be setting guidelines around what they find.

Chaining works well in some places, but will not work in other areas. Chemicals work in other areas, mainly from aeroplanes. Areas such as Wanaaring, Tibooburra and Cobar are huge. Cost is an issue because there has to be a return per acre on the land cleared. At the moment it is not worth two bob. For example, there is not much incentive if $10 per acre is put into clearing it and over 10 years the landholder gets back $10 an acre. The Opposition does not oppose this bill. However, I am scared that it will mean more money for bureaucrats and less money for weed control on the ground. I hope that commonsense prevails and that the woody weed problem in the Western Division is solved very soon.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [9.10 p.m.]: I am pleased to support the Noxious Weeds Amendment Bill and I commend the contributions of the honourable member for Lachlan, the honourable member for Murray-Darling and the honourable member for Barwon. Those who listened to the debate would be aware that there is a great deal of angst and concern in the Western Division of New South Wales about how land managers or farmers control noxious weeds. It is obvious from contributions so far that there is a degree of conflict between bureaucrats and practitioners.

A few years ago the honourable member for Murray-Darling and I visited the west of the State to ascertain the difficulties that farmers in the area are experiencing in trying to control woody weed. Restrictions that have been imposed by bureaucrats have meant that there is not a bottom-up approach to this problem. Bureaucrats have attempted to put in place management regimes. I concur with the honourable member for Murray-Darling and other honourable members who said that farmers face these difficulties because some of the guidelines that have been put in place do not relate to experiences in the western area. One of the main reasons for seeking amendments to the Noxious Weeds Act is to provide greater flexibility in the control of weeds.

The Act provides little flexibility in the measures that must be employed to control weeds. Its focus is on the continuous suppression and destruction of weeds, which effectively means constant spraying with an appropriate herbicide. That is still the required outcome for some serious weeds but for many weeds other options can be used. I refer, for example, to serrated tussock, a serious weed that is widespread on infertile or low-value land in parts of the Southern Tablelands and Central Tablelands—hence the problem with the cost of controlling that weed. We have to take into account the relative difference between the cost of control, the value of the land, and the likely production from that land.

In many instances the cost of controlling the weed through spraying exceeds the value of the land. Some local control authorities have strictly enforced control of weeds by herbicide spraying. There are options such as the use of strategic spraying combined with grazing management which are cheaper and more effective than regular spraying with herbicides. We are beginning to listen to land managers rather than the heavy-handed bureaucrats in the control of weeds by herbicides. The proposed amendments will allow the declaration and categorisation of weeds to better reflect their significance and the danger they represent to the community and the environment, and the amendments allow for flexibility in the means by which weeds are controlled. That flexibility will be achieved through weed control orders.

By specifying methods for control in the orders, landholders will be able to use more flexible contemporary techniques that achieve the same results. Before a weed control order is gazetted there must be a period of public consultation. We need to consult local farmers and land managers and ask them what they believe will work and what is practicable. Individual landholders, groups of landholders, local authorities and other stakeholders will have an input into the proposed methods of weed control. The bill will introduce changes relating to the control of weeds in emergency situations, which is critical. When a new and potentially virulent weed is discovered it may be necessary to respond rapidly to ensure that it does not become established and spread further. I could give members plenty of examples of that.

Local control authorities will have certain powers that will allow them to take this necessary action. In most cases in the past the land manager has been co-operative, but there is a need to make provision for where that co-operation is not forthcoming. There are procedural requirements to ensure that this is not done on an ad hoc basis or that the power is not abused. No such action can be taken unless there is an emergency weed control order. That will be done where it is clearly justified. The local control authority will be required to issue an emergency weed control notice to the owner or occupier, requiring that person to control the weed. Only when an owner or occupier is in default of a notice will a local control authority be able to enter the property and control the weed. That and other proposals in the bill will greatly improve noxious weed management in New South Wales. I commend the bill to the House.

Mr STEVEN PRINGLE (Hawkesbury) [9.16 p.m.]: The honourable member for Tweed referred to the angst this bill has caused farmers in the Western Division of New South Wales. I assure honourable members that it is also causing people in the greater Sydney region a lot of angst. I draw the attention of honourable members to object (g) of the bill, which is:

> to enable occupiers of land to be exempted from obligations under the Principal Act to control aquatic weeds and to confer those obligations on local councils and other bodies that are local control authorities.

Honourable members would remember the massive invasion of salvinia in the Hawkesbury River six months ago and up until relatively recently. It is hard to believe that Hawkesbury River County Council was forced to send out notices to all landowners along the river. Landowners on one of the largest rivers in New South Wales copped a notice saying, "Get rid of all the salvinia in front of your place." There is an obvious problem with that, because the river is largely tidal. So, someone might clear his or her 100-metre stretch of the river, take out 10 or more tonnes of salvinia, and the next morning the same amount of salvinia, or more, is back again. That is an absolute joke.

Hawkesbury residents and residents in surrounding regions are particularly concerned about this. No-one likes to get a notice in the mail stating, "Clean it up. Spend lots of money and get your act together", when there is nothing one can do about it. A number of local councillors and I attended a massive public rally on this issue. Hundreds of people became involved and demanded that the Government take some action. The Government, which takes its time with everything it does, was slow to act. The devil is in the detail of the bill. The objects of the bill are quite clear, but how will it work in practice? How will local authorities control these weeds? How will we ensure that landowners are not left holding the baby, or in this case the salvinia, the alligator weed, or the other nasty and noxious weeds in the Hawkesbury River?

I ask the Minister to detail in his reply the procedures involved in object (g) of the bill. Councils such as Hawkesbury River County Council, Penrith City Council and Hawkesbury City Council must be allocated resources to overcome this problem. Earlier today the Government told us what a terrible job the Federal Government is doing with interest rates. I remind members opposite that this Government took no action to control salvinia until John Howard visited the Hawkesbury electorate, provided $400,000 for the salvinia control, and embarrassed this Government into action. This tardy Labor Government does not do anything without being pushed or cajoled into action. Object (a) of the bill—it is about time this was taken into account—is:

> to broaden the objects of the Principal Act to take into account the impact of noxious weeds on the economy, community and environment of the State.

The devastating impact of the noxious weed salvinia on the Hawkesbury River was summed up by a spokesman for one of the famous tourist attractions—the Government claims to support tourism, but that is far from the case—the bridge to bridge water ski classic. It had to be delayed thanks to salvinia, one of the noxious weeds the Government has neglected. There is a lot of rhetoric from the Government but very little action—as always. The Hawkesbury paddle wheeler is unable to operate because of weed. Its owner, Mr Kelly, has been brought close to the brink because of government inaction, yet again. Object (d) is:

> to require public consultation before weed control orders are made.

This Government virtually never consults; it is always tardy in getting its act together. What is consultation all about? It is time there was genuine public consultation. I suggest that this time the Government consult with the councils I referred to earlier. The Government should be serious about involving the public in matters of practical importance. Object (l) is:

> to enable the Minister to make grants of money, out of money appropriated by Parliament, to further the objects of the Act.

It is pointless having legislation that does not provide for adequate financial resources. As I said, the Federal Government leads the way and the State Government has to follow. Let us hope that the Department of Primary Industries provides the weed harvester, permanently, that the Hawkesbury River needs, and also provides genuine support for the industries that are so dependent on the river, its economy and its environment. The Opposition does not oppose the Noxious Weeds Amendment Bill but we will hold the Government accountable so that it provides practical, on-the-ground results. We want genuine improvement, not, yet again, the spin doctoring that has surrounded the issue.

[*Debate interrupted*.]

DISTINGUISHED VISITORS

Mr ACTING-SPEAKER (Mr John Mills): I welcome to the public gallery Mr Edwin Kwan, the Honorary Secretary of the Australian Chinese Community Association and a guest of the honourable member for Lake Macquarie.

NOXIOUS WEEDS AMENDMENT BILL

Second Reading

[*Debate resumed*.]

Mr ALLAN SHEARAN (Londonderry) [9.23 p.m.]: I support the Noxious Weeds Amendment Bill, which will remove the inequities in the Noxious Weeds Act relating to aquatic weed control obligations and ensure that those weeds can be controlled. As the honourable member for Hawkesbury said, the problems are not only in the western regions and on the land but closer to Sydney, because noxious weeds have impacted on our rivers. The Government recognises the impact of aquatic weeds and for many years has supported aquatic weed control.

The amount of $7.377 million has been allocated through noxious weeds grants to support local control authorities in their enforcement of weed control across New South Wales. Research programs independent of those grants are conducted, and assistance is provided for regional co-ordination. Aquatic weed problems extend beyond the boundaries of individual county councils, and their management requires an integrated, catchment-

wide approach to river health. A matter of particular interest to me is the outbreak of the aquatic weed salvinia in the Hawkesbury-Nepean river system.

As members would be aware, a large clean-up project on the river has been under way since April 2004. The main strategies employed include mechanical harvesting to remove the majority of the weed from the river, followed by spraying to control the residual weed, and the use of biocontrol for the longer term. In a private member's statement last year I acknowledged the work of Mr Ray Patterson, the River Manager, and his involvement in the clean-up. Mr Patterson has lived on the river, played on the river, grown up on the river, and worked on the river. Part of the success of the project can be attributed to his involvement.

I am pleased to say that the project has been highly successful and that the river is now generally clear of weed. Operators such as Mr Bray Myers of the Hawkesbury Holiday and Ski Parks Association, as well as Mr Ray Patterson—who were among those who initially alerted me to the impact of last year's salvinia infestation problems—are now allowed to use the river, and commercial and leisure activities are returning to normal, especially in the main stretch of the river below Windsor. However, despite recent rains and the resultant additional water flows, we must continue to be vigilant. Accordingly, a number of booms remain in place above Windsor over summer as a precautionary measure to trap any small quantities of weed before they build up and move downstream. The emphasis of the project now is to prevent the weed regrowing over summer. This is being achieved through surveillance of the river followed by control where weed build-up is observed.

During the main period of the project three aquatic weed harvesters were engaged to remove the weed mass from the river. The harvesters, working at full capacity, removed up to 1,000 cubic metres of weed per day. About 100,000 tonnes of weed were removed, and approximately 70 kilometres of river was cleared of the weed. Booms were used on the river to trap the weed and direct it to the harvesting machines. This proved highly effective and was a unique innovation developed in this project—a world first to our knowledge. The New South Wales Waterways Authority has been very co-operative in controlling boating on the river during the harvest operations. Major success has been achieved, and the main stretch of the river below Windsor remains open and free of booms.

As previously mentioned, this has allowed most of the commercial, sporting and leisure activities to recommence and remain unaffected over summer. Unfortunately, mechanical harvesting alone is not a viable strategy for the long-term control of aquatic weeds. The New South Wales Government has allocated an additional $750,000 to the salvinia control project on the Hawkesbury River, which has been partly matched by a $550,000 contribution by the Federal Government. I was interested in the comments of the honourable member for Hawkesbury about funding. I welcome comments made at a forum late last year by the Federal member for Macquarie, Kerry Bartlett, who indicated that he would approach the Federal Government to seek further assistance.

Mr Steven Pringle: Point of order: It relates to relevance. The House is debating the Federal Government funding the problem. Kerry Bartlett has provided the funding. The whole problem with this river is the sewage plants. If this Government spent some money on the sewage plants—

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member for Hawkesbury is now debating the issue. There is no point of order.

Mr ALLAN SHEARAN: As I was saying, the local Federal member knows that this issue requires not just State involvement but joint involvement by all three tiers of government. I acknowledge his input and contribution. I hope he is successful in obtaining further funds. At the same time, I hope the honourable member for Hawkesbury will assist his Federal colleague in pursuing those funds. Longer-term solutions to managing aquatic weeds—including funding—will be developed with the Hawkesbury Nepean Catchment Management Authority, local government and other government agencies. The State Government will continue to work to combat this problem. A major shortcoming of weed management in New South Wales is the lack of data to monitor outcomes and the lack of reporting.

While some local control authorities have information on weed in their area, such information is not consistent across the State and most is not in electronic form. Information on the distribution and severity of particular weeds is vital when weed management programs are being developed. Information on changes in weed distribution is also desirable to assess whether weed management programs are having the desired effect. The bill requires local control authorities to contribute to overall weed management in New South Wales by

monitoring weed infestation and activities, and reporting on them to the State as needed. This will increase the efficiency of weed management and improve the distribution of resources. Consultation will occur with the Local Government Association of New South Wales and the Shires Association of New South Wales to ensure that the department gets the reporting requirements right.

This bill is contemporary in its concepts and objectives. It illustrates the Government's commitment to minimising the negative impact of noxious weeds on our productive and natural resources. The bill provides the flexibility needed to make sure that control methods other than continuing spraying are acceptable when they clearly achieve the objectives of the legislation. This may, for example, allow organic producers to use different methods if they can demonstrate that they are effective. It may also allow for the use of less costly control methods so long as they control weeds effectively. I support the bill and commend it to the House.

Mr ANTHONY ROBERTS (Lane Cove) [9.30 p.m.]: I welcome this opportunity to speak to the Noxious Weeds Amendment Bill, although I note that New South Wales county councils have expressed concerns that they will be forced to use up to 30 per cent of their noxious weeds grants funding for administration purposes rather than on-ground weed control. Following this Government's amalgamation of council areas, county councils are responsible for managing noxious weeds on an increasing number of roads. However, the State Government has not increased funding sufficiently to match this increased responsibility. While the Opposition does not intend to oppose the bill, we believe more funding must go to rural and regional councils, in particular, to help them address this problem. I agree with my colleague the honourable member for Hawkesbury that fixing the sewerage plants along the Hawkesbury River would offer a realistic solution.

As many members have said, noxious weeds have a major impact on agricultural productivity and the environment in New South Wales. It is estimated that weeds cause damage totalling $1 billion annually. The Noxious Weeds Act 1993 was reviewed under national competition policy guidelines in 1998. This review made a number of recommendations designed to improve weed management in New South Wales. Some of these recommendations required legislative changes, which form the basis of this bill.

I take this opportunity to bring to the attention of the House a competition run last year by Weeds Co-operative Research Centre [CRC] called Lord of the Weeds. The competition was designed to enable students to develop a sense of ownership and pride in their school environment and local area by devising solutions to identify environmental problems. The prize is $1,000, to be used by the school of the winning student as it determines. The competition required students to design a strategy to manage weeds in their school or local area. The Lord of the Weeds competition will be held again in 2005. Entries can be obtained from and submitted to Susanna Greig, Education Officer, Weeds CRC, by 24 May 2005 and reports are due by 6 August 2005.

Second prize in the junior secondary category was awarded to Matthew Corcoran from St Ignatius College in my electorate of Lane Cove—in fact, it is my old school. I congratulate Matthew Corcoran, who conducted a weed research project on scotch thistle at Clonoulty in Boorowa, New South Wales. I think his achievement reflects the view of the college's headmaster, Mr Shane Hogan, on the value of a broad Jesuit education. He is doing a marvellous job. I commend the Weeds CRC for giving students a tremendous opportunity. Although the Opposition will not oppose the bill it is important to understand that the Government must give more money and more resources to rural and regional councils so that they can deal with this problem.

Mr RICHARD TORBAY (Northern Tablelands) [9.33 p.m.]: I am pleased to have this opportunity to debate the Noxious Weeds Amendment Bill. I note particularly that both the Government and the Opposition support the bill. I note also that concerns have been expressed about the percentage of funding in the overall budget that will be allocated to meeting administration costs and the allocation of resources for noxious weed control. Almost all honourable members who have spoken in this debate have raised those issues. I have received representations from several groups about the bill but I must record the concerns expressed by Councillor Maria Woods, who chairs the New England Weeds Authority and the New England Local Government Group. She states:

> At the … meeting on the 16th of Feb. 05 the issue of the Noxious weed amendment bill was discussed. Of particular concern was the issue that enables the minister to make a weed declaration for a term of up to five years.
>
> We have representatives across the Northern Inland from Councils, RLPB's, State forests and the DPI. It was agreed that it would be better if the declaration were for a period of up to seven years. Some of the reasons for this are that we believe a weed may not have time to exhibit all of its "weedy" characteristics in this short time frame. For example if there were to be a number of dry years this may distort the true picture. We feel for a region to give an assessment of a weed and its habits a period of seven years should enable us to give a more realistic and accurate assessment of the weed and how it performs under different conditions, seasons and climates.

The letter goes on to urge me to ask the Government to consider amending the bill by extending the time frame to seven years. The honourable member for Lane Cove and several other members referred to resources. The bill points out that the Minister has certain powers. Concern has been expressed to me that the Government will drop a weed off a control order in order to meet its budget. The St John's wort issue is significant. For the past five years the Minister has provided an average of $92,000 annually in this area but late last year issued advice that that funding would be reduced to zero.

There are resource concerns, and I hope that the Government will reconsider those issues rather than dropping weed control orders, presumably on the decision of the department. I hope also that the consultation proposed in the legislation will prompt the department to listen to advice about what resources are needed. It should not choose particular weed categories to fit a budget but consider the overall position. The honourable member for Camden made that point to me at dinner this evening. I hope that he will support changing the allocation of resources as necessary. I urge the Government to take these suggestions on board in its bid to continue to tackle the significant problem of weeds, particularly in rural and regional New South Wales.

Ms KATRINA HODGKINSON (Burrinjuck) [9.37 p.m.]: Although the Opposition does not oppose the Noxious Weeds Amendment Bill, honourable members on both sides of the House have highlighted concerns about the bill's effect on the day-to-day management of weed control and the lack of consultation that has occurred in relation to the bill. I am concerned about paragraph (k) in the overview of the bill, which states that an object of the bill is to:

> … prohibit the sale of fodder from land on which there are notifiable weeds

That sounds warning bells in my head. I hope that the Minister will address this point when he replies to the second reading debate. I am concerned that if notifiable weeds are identified somewhere on a large property of 10,000 acres or more—there are many such properties in my electorate—but crops are grown on the opposite side of the property, far removed from the weed infestation, growers will still be prohibited from selling that fodder. Perhaps the bill intends to prohibit the sale of fodder that has been infected by a notifiable weed growing on a property.

There is quite a difference there and I am hopeful that the Minister, in his reply, will be able to point to exactly where in the bill that is clarified, so that we do not have a situation where there is going to be a prohibition on the sale of fodder from a particular section of land which is itself not infected by that notifiable weed. It is important to have that aspect clarified. There is a lot I could say about this bill but I will keep my contribution brief. When the Government passes things over to local government it must ensure that it is properly funding local government to enable it to undertake the duties that the Labor Government keeps shunting over to it.

I received a letter recently from Ian Macdonald, the Minister for Primary Industries, in which he outlined 2004-05 State Government funding for the control of noxious weeds in and partly in the electorate of Burrinjuck. He listed the direct grants for this year as follows: Greater Argyle Council, $44,040; Upper Lachlan Council, $63,228; Gundagai Shire Council, $22,020—Gundagai encompasses quite a large area which is subject to heavy weed infestation—Southern Slopes County Council, a very large area, $152,119; Eastern Capital City Regional Council, $76,125; Tumut Shire Council, $28,311; Wingecarribee Shire Council, $41,523; Southern Tablelands and South Coast Noxious Plant Committee, $145,000; and Western/Eastern Riverina Noxious Weeds Advisory Groups, $387,000.

I was very concerned and wrote to my local councils. The inflation rate is running at 2.3 per cent and that led to a reduction in funding in real terms of more than $20,000 across the State. Based on what the Minister wrote to me I have written to my councils, but I am yet to receive replies from all of them. The reply from Gundagai council was to the effect that it has been concerned for many years about the decrease in funding and will be discussing the matter in detail at a noxious weeds committee meeting in the near future. Wingecarribee council has replied, saying that council grant funding from the State Government has increased but, with a shire area of more than 2,700 square kilometres to cover, the current amount is only enough to enable it to conduct a three-year program, and that Wingecarribee Shire Council has allocated an additional $30,000 from council's infrastructure recovery scheme to increase service levels and that additional funding would certainly be most welcome.

I know that everyone on this side of the House agrees that additional funding to local government is necessary to enable local government to combat weeds, which is a major impost on productivity—$4 billion annually across the nation and of the order of $600 million for the State of New South Wales alone. There is

Bathurst burr; blackberry is rampant still in the Kosciusko National Park; Paterson's curse is all over the Southern Tablelands; serrated tussock is of enormous concern; St John's Wort, saffron thistle, fireweed and African love grass are all very common in my part of the world. The Government must ensure that councils are properly funded to enable them to eradicate these weeds and to bring them properly under control.

Landowners in my area recognise the serious problem that weeds cause. We have new people coming into the area on smaller farms, and they do not necessarily understand the problems that noxious weeds and other weeds cause the larger landowner. As I said, it is important that councils have the ability to insist that those people control their weeds. That is provided for in this bill but increased funding is the only way to ensure a good weeds eradication program across the State.

Mr PETER DRAPER (Tamworth) [9.43 p.m.]: I welcome the opportunity to contribute to this important debate. I would like to read on to the record a small portion of a letter from Maria Woods, who is the Chair of the New England Weeds Authority. I have had a number of telephone conversations with Maria in which she has stressed the importance of long-term weed control to the economic well-being of our particular part of the State. She states:

> As Chair of NIWAC (Northern Inland Weeds Advisory Committee) and NEWA (New England Weeds Authority) I am concerned at the decision by the Minister of Agriculture, Ian Macdonald not to fund the region towards the control of St John's Wort (SJW). As you are aware NIWAC on behalf of our member Councils and RLPBs applied for a grant of $98,635 for control in our area for the 2004/5 year.
>
> We understand NIWAC's recommendation was with the Minister late September 2004 {early October) in time for the proposed utilisation, if approved, during the SJW's growing season yet we were not advised until late December 2004 that the application was unsuccessful. This is of particular concern to us because we consider SJW a weed of high significance in our area and had already spent considerable money this financial year on control.
>
> For the previous five years an average of $92,000 per year was funded by the Minister, and to be allocated 'nil' is heart breaking. The idea of funding a project for a period of five years for a considerable amount of money and then to cease that funding, allowing the situation to deteriorate again does seem futile and unsupportive. …

Just recently I had the opportunity of going up in a helicopter in Gunnedah with our local weeds control officer. It was very educational. Everything is very technologically based these days. The officer had a laptop computer on his knee, linked to a global positioning system and was able to very clearly identify weeds from the air. He pointed out to me tiger pear and galvanised burr, Bathurst burr infestations and Noogoora burr, but one thing that came through loud and clear from the observation was that the Gunnedah shire has no St John's wort.

The neighbouring shire of Liverpool Plains is virtually inundated and there is extreme concern on the part of Gunnedah Shire Council that unless remedial activity is continued that shire will also face an infestation of St John's wort. The Government reducing or removing the funding completely sends a totally wrong message to the people who have been so diligent and vigilant in controlling this extremely dangerous weed.

I urge the Government when it is considering funding allocations to consult widely and very carefully with local shire councils. As other speakers have said, one of the critical factors in this whole process is to make sure that local government is not the victim of cost shifting again when the Government pulls back from its responsibilities and places the onus on local government, which simply does not have the funds to continue the good work that has been done in the past. There are many aspects of this bill that I find a little troubling. However, in conjunction with the Government and the Opposition, I will be supporting the thrust of it.

Debate adjourned on motion by Mr Carl Scully.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Thursday 24 February 2005 at 10.00 a.m.

The House adjourned at 9.48 p.m. until Thursday 24 February 2005 at 10.00 a.m.