

LEGISLATIVE ASSEMBLY

Thursday 23 June 2005

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

Mr Speaker offered the Prayer.

BRIGALOW AND NANDEWAR COMMUNITY CONSERVATION AREA BILL

LOCAL GOVERNMENT AMENDMENT BILL

Messages received from the Legislative Council returning the bills with amendments.

Consideration of amendments deferred.

COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

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

MR SPEAKER

The Legislative Council desires to inform the Legislative Assembly that, having considered the Legislative Assembly's message of 9 June 2005, regarding the Committee on Parliamentary Privilege and Ethics, it has this day agreed to the following resolution:

That this House:

- (a) notes that on 6 April 2005 the House referred to the Privileges Committee for inquiry and report the drafting of appropriate protocols to be adopted for the execution of search warrants on members' offices by law enforcement agencies and investigative bodies,
- (b) notes Report 15 of the Standing Committee on Parliamentary Privilege and Ethics entitled "Report on sections 13 and 13B of the Constitution Act 1902", dated March 2002, and requests the Committee to reconsider its recommendation in relation to section 13B of the Constitution Act 1902,
- (c) notes Report 21 of the Standing Committee on Parliamentary Privilege and Ethics entitled "Report on inquiry into the Pecuniary Interests Register: Supplementary Returns", dated December 2002, which recommended that the Constitution (Disclosures by Members) Regulation 1983 be amended to provide for supplementary returns by Members, and
- (d) informs the Assembly that under the standing orders of the Council the Privileges Committee has power to join together with any committee of the Legislative Assembly to take evidence, deliberate and make joint reports on matters of mutual concern.

Legislative Council
22 June 2005

JENNY GARDINER
Deputy-President

DUTIES AMENDMENT (ABOLITION OF BOB CARR'S VENDOR DUTY) BILL

Bill introduced and read a first time.

Second Reading

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [10.05 a.m.]: I move:

That this bill be now read a second time.

Yesterday in this House we saw from within the Australian Labor Party one of its most senior backbenchers open up—

Mr Kim Yeadon: Come on!

Mr JOHN BROGDEN: I note the criticism from the Left of the honourable member for Blacktown. Today we have represented in the Chamber the Left, and the left right out—the honourable member for

Granville. He was once a great member of the Carr Labor Government but was shafted by the Left faction at the last election and is now faced with the indignity of sitting next to the honourable member for Swansea and the honourable member for Monaro, who is surrounded by all his friends, that is, sitting alone.

Mr Steve Whan: Look at your support today. When the Premier comes into the Chamber the Government benches are full.

Mr JOHN BROGDEN: The only reason the Premier gets a full audience when he speaks in this place is because the Government members hope that will be the speech he announces his retirement, and they all want to be there for that moment. Today I introduce a bill that abolishes Bob Carr's 2.25 per cent vendor duty. It is the stated policy of the Liberal-Nationals Coalition to abolish Bob Carr's 2.25 per cent vendor duty. This tax is destroying the New South Wales economy. This tax, titled by the Labor Party alone as the world's dumbest tax, must go. This bill abolishes the 2.25 per cent vendor duty. The Government should never have introduced this legislation in the first place. Having done so, it should have abolished it in the budget a month ago. It failed to do so.

After more than 12 months of its operation we now know the real effect of this tax. We have seen a significant reduction in various sectors. We have seen the loss of jobs from the construction sector, the loss of value in houses and properties and investment opportunities fly north. The only person who has won from this tax is Peter Beattie, the Premier of Queensland. We have seen the ridiculous spectacle of the Government introducing a piece of legislation, reportedly to make up for the shortfall in the GST that goes to Queensland, which has produced an outcome that has seen direct investment go from New South Wales to where? Queensland. Other States, such as Victoria and Western Australia, have also benefited significantly from this tax. Did we ever think we would live to see the day when the Auckland property market was more interesting than the Sydney property market? Is it any wonder that the Premier's preferred nation of investment, New Zealand, has benefited from this tax?

This tax is damaging mum and dad property investors. It is a clear point of differentiation between the Liberal-Nationals Coalition and the Labor Party. Unlike the Labor Party, we believe that people who work hard all their lives, invest in their retirement and build their wealth should be rewarded, not punished. We believe that people should be encouraged to build their wealth. We believe that people should be encouraged to invest in their retirement. We believe that people should be encouraged to do better. The Labor Party punishes people who invest in their retirement. The great act of stupidity from the Labor Party was to predict that this would be a political non-event. They predicted that the only people who would be affected by this tax, the only people who would be hurt by the introduction of the 2.25 per cent vendor duty would be multibillionaire property investors. Bus drivers own investment properties, schoolteachers own investment properties, plumbers own investment properties and carpenters own investment properties.

For generations creation of wealth for a family and an individual, and planning for a person's retirement—indeed, in many cases, the creation of something to give to your children when they leave home or when they marry—has been through investment in property. But now, the only government in Australia that taxes you when you buy an investment property and again when you sell that property is the Government of New South Wales. The creation of this new tax last year has led to New South Wales becoming the least attractive investment market in the entire country, so far as property is concerned, and the flow-on effects are clear. Yesterday, in his regular report on the state of finances in Australia, the ANZ economist, Saul Eslake, said in part that the New South Wales economy is now a drag on the national economy. We have seen the worst Treasurer in the history of New South Wales, Andrew Refshauge—

Mr Milton Orkopoulos: Give him a chance!

Mr JOHN BROGDEN: Give him a chance? He had a chance—it was called the 2005 budget, and he did absolutely nothing. In his short tenure as Treasurer of New South Wales he has established himself as the highest taxing Treasurer in the country and the highest taxing Treasurer in this State's history—and is the Left Wing proud of him! The vendor tax is having an effect on people throughout New South Wales. As the statistics clearly show, parts of the south-west of Sydney have the greatest number of property investors in the State. This tax is not damaging only the traditional Liberal and National heartland; the reverse is in fact the case. Vendor duty is affecting people in the aspirational part of greater Sydney and greater New South Wales who want nothing more than to invest in their future and to get ahead.

The Opposition believes that those people should be rewarded. This bill will put pressure on members of the Labor Party to vote for the abolition of the vendor duty. It will put pressure on every member of the Labor

Party in New South Wales to indicate whether or not they support this legislation and exactly what they are going to do about it. We are witnessing, courtesy of the vendor tax and 10 years of this Government's appalling performance in budgeting in particular, the title "powerhouse of the nation" slipping away from New South Wales.

An analysis in Tuesday's *Australian Financial Review* indicated that, while other State treasurers had vowed to cut land tax and duties affecting business, New South Wales had actually increased taxes in the 2005 State budget. The Chief Executive Officer of Australian Business Ltd, Mark Bethwaite, stated that New South Wales was less competitive for business than other States. In the 2005-06 budget year the Victorian tax ratio, a measure of gross State product to tax revenue, will be 0.07 percentage points below the Australian average and 0.57 percentage points below figures for New South Wales. Victoria is fast becoming an aggressive market for new investment and we know that Queensland has continued to cut taxes. In contrast, New South Wales has fallen behind.

In its recent budget the Queensland Government promised even bigger tax cuts, pledging a \$3.48 billion in cuts to business duties such as lease duty and credit card business. This Government seems to be ignoring those figures and ignoring the reality. Let me turn to the property finance sector. Finance for purchasers of dwellings for rent and resale by individuals between March 2004 and March 2005, a period during which the vendor duty was in operation for 11 months, showed a reduction of 4 per cent in finance in Victoria, an increase of 14.75 per cent in Queensland, and an increase of 23.4 per cent in Western Australia. But in the same period finance for property in New South Wales dropped a massive 21 per cent. What is clearly happening is that the flow-on of the New South Wales only vendor duty is specifically damaging the New South Wales economy.

We have also witnessed a massive slump in home starts. The ABS figures released in April for the March quarter showed that New South Wales dwelling unit commencements had dropped by 14.8 per cent while Queensland's had increased by 9.2 per cent in the same quarter. In the 12 months to March 2005, New South Wales new dwelling commencements had dropped by some 3,873 homes and units. That means 3,873 fewer work sites and the loss of thousands of jobs. It also has a flow-on effect for businesses that supply timber, tiles, paint, transport, cement, bricks, furnishings and landscaping. They are doing less business courtesy of the Premier's vendor duty. At the table today, representing the Government, is the honourable member for Tweed. The honourable member for Tweed, whose electorate is just across the border from the aggressive low-taxed State of Queensland, supports the policies of his lazy high-taxing Government and says nothing—unlike the brave member for Blacktown.

Mr Andrew Constance: What did he say?

Mr JOHN BROGDEN: The honourable member for Bega wants to know what he said. The honourable member for Blacktown said yesterday that the vendor duty is hurting mums and dads. He said it was a stupid tax. From day one the Government's rhetoric has been that it had to introduce vendor duty in order to pay for the exemption from stamp duty for first home buyers paying less than \$500,000. That has been the Government's weak rhetoric and yesterday the honourable member for Blacktown exposed it as a lie. He said in this House:

Well, let me say this, no money is required to fund the first home buyers scheme because the Government is merely forgoing a small amount of income from stamp duty and mortgage duty paid by the first home buyer ... as I say, the vendor tax hurt so many ordinary people, including mum and dad investors, tenants and workers in the property industry.

The honourable member is right. By way of flourish, he added:

It is a little bit akin to giving somebody a hiding and then, as they are walking out the door, you give them a kick in the backside.

Mrs Jillian Skinner: He said that on the radio this morning.

Mr JOHN BROGDEN: What did he say on radio this morning? The honourable member for North Shore encourages me to go to the audiotape. The brave member for Blacktown, the courageous member for Blacktown, said:

... I am elected by the people in my electorate firstly and they're the people that I am responsible to and I wouldn't be doing justice if I didn't say what I feel. You know, ... there's no doubt the vendor tax has failed to raise its projected revenue. The fifty-seven and one half million monthly revenue target, we've never achieved it and never will.

He went on—Call Waiting was going crazy, the mobile phone was ringing and Walt was on the phone. They were trying to black out Blacktown. They were trying to get Telstra to cut the wires so that Gibbo could not keep going, but he did:

And the worst part Alan is simply this, the State's missing out in two ways because people aren't selling their property, so we're missing a massive amount of stamp duty on the sale of that property and also on the purchase of that property.

He ought to stop stealing my speeches. A theft has taken place here. Reflecting on the revelations of the last few months about leaking, I am confident that the leak has come from my office on this occasion! Paul Gibson went on to say:

So we're missing out twice and I believe and I've got no doubt that I'm right—
and neither have we—

that if the exit tax or the vendor tax hadn't of been implemented we would have raised more money ...

Paul Gibson is right. The interview continued:

Jones: Correct

Gibson: in revenue for the people of this State

Jones: no doubt about that

Gibson: for hospitals, schools and railways

Jones: I had thought that this would be addressed at the ALP State Conference, was some deal done on the floor of the Conference?

Gibson: Well Alan I'm not privy to that ...

I get the feeling he is not going to be privy to much at all in the next little while.

Mr Steve Whan: That's about right.

Mr JOHN BROGDEN: "That's about right," said the honourable member for Monaro. You should show some loyalty to the member for Blacktown. Why does he not have the guts to back the abolition of the vendor duty? Why does he not find some courage, like the member for Blacktown? Why does he not find some spine?

Mr SPEAKER: Order! The honourable member for Monaro will cease interjecting and the Leader of the Opposition will address the Chair.

Mr JOHN BROGDEN: I will address the Chair. Why do you not ask him why he does not find some spine?

Mr SPEAKER: Order! The Chair does not ask questions.

Mr JOHN BROGDEN: The member for Blacktown went on to say:

Well Alan I'm not privy to whether the deal was done or not, but I believe, if somebody has got a cancer, if you've got a cancer then you've got to cut it out. You know because that's the only chance you have. I believe this is a cancer, I believe it can affect every one of our marginal seats and it's something that we've got to get rid of. And it's no good waiting until this time next year with an election pending early in 2007 and we have to address it now.

It is very clear from all the comments from the member for Blacktown that he understands what we understand but Bob Carr does not: the vendor tax is hurting ordinary people. The member for Blacktown went on to say:

I just think it hurts ordinary people ...

I've always believed that the government admits its mistakes and I think Queensland is a great example. Governments make mistakes, we're not infallible. Let's be big enough when we make a mistake, say we were wrong and we'll change it.

Wisdom from the sage member for Blacktown! And he is right on this issue. We encourage the Government to listen to Paul Gibson, and we encourage his colleagues to stop attacking him. He should not be made a scapegoat for the truth—and that is what the Labor Party wants to do. What does the truth tell us? Real estate agents CB Richard Ellis have noticed increased interest in south-east Queensland properties by southern investors. They said that the New South Wales Government's failure to abolish the vendor duty in last month's budget meant that Queensland was now a more attractive investment option for Sydney investors. Robert

Walker, the Executive Director of the Property Council of Queensland, agrees that Queensland will remain a more attractive investment option because New South Wales has retained its vendor tax and increased its land tax rate. He said:

Council research shows that the NSW vendor tax is a revenue failure that has cost the Carr Government in lost purchaser duty.

The message is very clear—once again, not from our side but from the Labor side. This time I will quote from the left of the Labor side. The State Secretary of the Construction, Forestry, Mining and Energy Union [CFMEU], Andrew Ferguson, said:

The vendor duty is the world's dumbest tax ...

Every investor that moves their money interstate or overseas because of this unfavourable tax, Government revenue, jobs and investment are lost.

The Assistant State Secretary of the CFMEU, Brian Parker, said:

We will actively campaign against the State Government until this vendor duty is reversed ...

We estimate that it could affect at least 50 per cent of the jobs in our industry because investors are investing in other States.

The CFMEU has now formed an unlikely but critical alliance with the Property Council of Australia, the Housing Industry Association, the Urban Development Institute of Australia, and the Real Estate Institute to campaign against what it calls—and rightly so—the world's dumbest tax. But we know that Paul Gibson is joined by some other leading lights in the Labor Party.

Mr Andrew Fraser: Tell us who.

Mr JOHN BROGDEN: Maybe we could guess. Are there any guesses on who would join Paul Gibson in criticising Labor?

Mr Barry O'Farrell: "Leading lights" is too difficult.

Mr JOHN BROGDEN: When I said leading lights, I thought it was a giveaway. Eddie Obeid likes the light because it comes from heat—

Mr Andrew Tink: That pyromaniac!

Mr JOHN BROGDEN: That is him. He is the one we need. Eddie Obeid gets value for money out of his fire levy, does he not? Recently the *Daily Telegraph* reported Eddie Obeid as saying that the vendor duty is killing investment and seriously hurting Labor voters. He said:

Vendor duty is not a rich person's tax, it is hurting people right across Sydney, with many investors living in traditional Labor seats, a high proportion coming from Sydney's Western Suburbs.

Particularly hardest hit small-time investors, working families and tradespeople who, over time, do not have sufficient superannuation accrued and rely on investment in small houses and units to finance their retirement.

It is now very clear, from all the evidence and the continued evidence, that a tax that has been described as the world's dumbest tax, a tax that has been campaigned against by the CFMEU—a left-wing union in New South Wales—by the property sector, and to date somewhat successfully by the Opposition, is hurting New South Wales investors. This is a tax that is hurting the New South Wales economy. We are no longer the powerhouse economy of Australia, courtesy of 10 years of Labor. We are no longer the leading economy, because of the decisions of this Government.

It is as though, in an attempt to slow the property market, the Government took out a sledgehammer to crush a nut. But in doing so, rather than slow the property market the Government has destroyed the property market. It has killed it. Why is property important? Property is important because it is the investment of choice for the majority of this State's citizens so they can build their wealth. It is the investment of choice for the majority of working people so they can get ahead. This is not a rich person's tax; rather, it is a hardworking person's tax. It affects people who are simply trying to get ahead, and it is destroying the New South Wales economy.

The vendor duty is a tax that was created, with no consideration, by the former Treasurer before he left this place earlier this year. It is a tax that the Government had an opportunity to deal with. The Government had an opportunity in the budget to abolish the tax, but it failed to do so. Indeed, it went the other way: it increased

taxes in other areas, such as insurance. The Government failed to avail itself of the opportunity to deal with the tax. I have a message for the people of this State. Should the Labor Party at any point between now and the next election come to its senses and abolish this tax, I say this to the people of New South Wales: The Government has done it to you once, and it will do it to you again. It cannot manage the State's economy. It does not want to provide opportunities for hardworking individuals, both young and old, to grow their wealth and invest in their retirement. Indeed, it wants to discourage them. The Government is actively forcing investment out of New South Wales—north, south, west, and east to New Zealand—because it does not understand how our economy works, and it really does not care any more.

What is clear is that this tired, old Government has run out of ideas. This tired, old Government has run out of what it takes to run the biggest economy in the country and, indeed, the second largest government in the country. It has run out of ideas, it has run out of capacity, and we see a tired, old Premier who is unwilling to recognise that people should be given encouragement to invest in their retirement. It is all right for him because he has invested in New Zealand. He does not care about people who want to invest in New South Wales. It is all right for the Treasurer because he does not have this tax. But the rest of the people of New South Wales deserve encouragement to invest in their retirement.

Let me conclude where I started. This bill provides an opportunity for every member of the Government to vote against the vendor duty and vote in favour of their constituents. It provides an opportunity for me to restate the policy of the Liberal-Nationals Coalition, and that is that we voted against the vendor duty when it was introduced in April last year and, upon election in 2007, we will abolish the dreaded vendor duty. It is a tax that will go and then we will see a growth in the economy that has been denied through the creation and maintenance of this stupid tax. It is time that the Labor Party members here came out from behind the Premier and stood up for their own electorates by supporting this legislation and voting against the vendor duty.

Debate adjourned on motion by Mr Neville Newell.

COMMUNITY PROTECTION (CLOSURE OF ILLEGAL BROTHELS) BILL

Second Reading

Debate resumed from 23 September 2004.

Mr MALCOLM KERR (Cronulla) [10.30 a.m.]: A situation exists in my electorate that makes it urgent that the House pass the Community Protection (Closure of Illegal Brothels) Bill. I am going to speak about the history of illegal brothels in the Sutherland shire. As members of this House would be aware, enforcement of the regulations regarding the legality of brothels was transferred from the State Government to local government. That has incurred considerable expense to the ratepayers of the Sutherland shire. Enforcement by the council is very difficult because it requires private inquiry agents to be hired by the council to attend these brothels and to engage in activities in the course of their duties, which I will not detail to the House.

Ms Peta Seaton: It should not have to be that way.

Mr MALCOLM KERR: It should not have to be that way. A majority of the councillors of the Sutherland shire put up a local environmental plan in which they sought to prohibit sex shops and brothels.

Ms Peta Seaton: Good for them.

Mr MALCOLM KERR: As the honourable member for Southern Highlands said, good for them. I believe that accurately reflected the views of the overwhelming majority of ratepayers in the Sutherland shire. The councillors who voted against the prohibition are entitled to their views, and I would expect them to go to the next election saying they support brothels and sex shops in the shire and make that a prominent part of their platform. However, the Department of Planning would not approve that local environmental plan while it contained that prohibition. This meant that State planning laws would be in force until the local environmental plan was implemented.

That entailed Sutherland Shire Council having to produce a development control plan in relation to sex shops and brothels. There was then an application for two sex shops to open, one at Caringbah and one at Cronulla, which the council rejected. The applicant lodged an appeal to the Land and Environment Court and both matters were heard on site. The application for a sex shop at Cronulla was refused by the commissioner of

the Land and Environment Court. However, Commissioner Hussey granted conditional approval for a sex shop at Caringbah, despite the fact that it was opposed by the council and by local residents.

The overwhelming evidence was certainly against the opening of that sex shop. Nevertheless, it appears that the shire in general and the people of Caringbah in particular will have to put up with it despite the fact that in a democracy their views should prevail. This bill is necessary because it brings an element of commonsense back to the situation. Right across Sydney, including in Bondi Junction—

Ms Peta Seaton: 29 Newland Street. It is notorious.

Mr MALCOLM KERR: It is notorious.

Mr Milton Orkopoulos: You are advertising a brothel, are you?

Mr MALCOLM KERR: It may well be that the Bondi branch of the Labor Party might decide to have its annual general meeting there.

Mr ACTING-SPEAKER (Mr Paul Lynch): It would give new meaning to the word "stack".

Mr MALCOLM KERR: Yes, it would.

Mr Andrew Tink: Maurie Stack.

Mr MALCOLM KERR: That is true. People on their application forms could sign the bottom line in relation to that part of the application.

Mr Andrew Tink: I don't think he is very happy with the Labor Party.

Mr MALCOLM KERR: Who is that?

Mr Andrew Tink: Maurie Stack.

Mr MALCOLM KERR: No, he is not, but that is another matter in relation to compensation and justice. In fact, we are looking at a range of matters. The law as it presently stands is not working. Brothels and sex shops are being imposed on areas that are quite inappropriate. As I said, that other place in Bondi Junction that we mentioned earlier—

Ms Peta Seaton: 29 Newland Street. The electorate office of the member for Coogee is in the same building.

Mr MALCOLM KERR: I think it is upstairs. That shows what a total farce the law has become when one of the Government's own members has to face its consequences. That is why this bill is necessary. I believe that all honourable members of this House, and of the other place when the bill is debated there—and hopefully it will be—should vote in favour of it. The honourable member for Southern Highlands is raising a concern that applies not only to her constituency but to all the constituencies we represent. Overwhelmingly, people across the State see the existing law as being totally unsatisfactory. It is unsatisfactory from the point of view of the people we represent; it is unsatisfactory for local government, which has the economic consideration; and it is unacceptable in terms of a lifestyle that these establishments seek to maintain.

Brothels do not just have a sexual element attached to them: brothels and prostitution these days are connected with the drug trade and, therefore, organised crime. We are not simply dealing with a social problem, we are dealing with a criminal problem; with the corruption of this State and with something that is affecting many tens of thousands of fellow Australians. While these establishments exist they act as honeypots to the drug trade. Brothels pose a moral danger and danger associated with organised crime and the drug trade. I am hopeful that this bill will enjoy unanimous support. I challenge all Government members to present arguments to the House in support of the existing legislation and give reasons why this bill is not an improvement. If they do not do that they will be deemed to support it.

Mr ANDREW TINK (Epping) [10.40 a.m.]: I place on record my strong support for the bill, particularly the provision that would facilitate the prompt closure by local councils of illegal brothels. In giving

local councils the responsibility of closing illegal brothels, the Government did not give them the proper power to do so. It has become another wretched, underfunded mandate of local government. I know from concerns expressed by Hornsby Shire Council in particular how much money is spent on investigators and complicated processes in attempts to close down illegal brothels.

Councils and ratepayers should not be saddled with that financial expense, and people should not have to suffer the continual problems associated with having a brothel located next door to them simply because of the legal hoops councils must jump through in the absence of clear-cut responsibilities and powers to properly close brothels. It is the responsibility of the Government to undertake the legislative work to facilitate the prompt closure of illegal brothels, because this loophole must be closed. Unfortunately, there are illegal brothels in the electorates of most members, and the Government accepts that it is a planning issue rather than a policing issue. It must support the bill to ensure that councils have the necessary powers, through proper planning policy, to close illegal brothels.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.42 a.m.]: I place on record that Ku-ring-gai residents support the legislation put forward by the honourable member for Southern Highlands. That is not the just the normal rhetoric that passes for a political contribution in this place. Last year and early this year Ku-ring-gai had a problem with a brothel that was operating illegally opposite Warrawee Public School and causing enormous distress to the school community and residents. As would any local member, I attended meetings with residents to try to resolve the issue. We all know the sorts of obstacles they face. The residents were aware of this legislation and raised it with me. The Internet is a marvellous device; it allows people to search for solutions when they have difficulties.

My residents searched for solutions. They know the sorry history of this affair, as outlined by the honourable member for Epping. They know that communities are unable to control their own destinies in relation to illegal operations. They consider this bill appropriate, they want it enacted and they want to know why the Government will not support it. I say to Government members that their communities also suffer from these illegal operations and it is time we had a rational system to deal with it. The honourable member for Southern Highlands has suggested one such system, and if Government members are not prepared to support the bill it is incumbent upon them to put up an alternative. It is no solution merely to allow the existing situation to continue.

Ms PETA SEATON (Southern Highlands) [10.43 a.m.], in reply: It is business as usual for the Australian Labor Party [ALP] on illegal brothels. It is a disgrace that Labor members will vote down this bill and, with it, neighbourhood concerns, the safety of children, protection for exploited women and sex workers, and women who are under age and under duress. This is the party that launched Neville Hilton and tried to protect him and the disgraceful Port Kembla brothel. It was revealed that a then current ALP branch member, now a former ALP member, was not only running an illegal brothel in Port Kembla but also employed the services of under-age girls to provide a service in the illegal brothel.

I thank and commend a number of speakers on this bill. I thank the honourable member for Baulkham Hills and the honourable member for Willoughby, who spoke about the cost to ratepayers and the time involved in dealing with concerns of council and constituents. I thank the honourable member for Hornsby, who spoke about a street in South Wahroonga, neighbourhood problems and deterioration in amenity over the previous 12 months. I thank the Deputy Leader of the Opposition, who has also been working with the honourable member for Hornsby on these issues, and the honourable member for Cronulla, who spoke about the Caringbah sex shop premises and lack of powers of local residents over planning determinations.

I thank also the honourable member for Epping, who was present with Mayor Nick Berman and me, in supporting a council officer who was trying to close down an illegal brothel in a house in a local street. One could see the school only a stone's throw from the front of the illegal brothel. In fact, a school sign was located just outside the premises. These people want this legislation to be passed. The honourable member for Tweed, who is at the table, said that government legislation was "sufficient and adequate". How can he possibly maintain that position in the face of all the evidence and further evidence I will produce today, proving that there is illegal brothel activity in the same building as the electorate office of the honourable member for Coogee?

The performance of the honourable member for Coogee was disgraceful. He protected the status quo, and for years has done nothing about the situation. He argued that the bill would not work because council officers were not able to get addresses right when they sought to pursue compliance with existing legislation. It

is an insult to blame council officers and suggest they are incapable of getting addresses right when seeking compliance with the Government's existing legislation. I also commend Councillor Kerryn Sloane, Councillor Sally Betts and Malcolm Turnbull for the stand they have taken against brothels in that area. With respect to the brothel at 29 Newland Street, Bondi Junction, I understand council moved a motion for the preparation of a development control plan [DCP] for brothels. Councillor Kerryn Sloane suggested that guidelines should be prepared for a DCP for brothels, but certain Labor members of the council opposed the motion.

On 20 July 2004 council had that one opportunity to have some control and power over this scourge, but the motion was opposed by Labor members, including the honourable member for Coogee, who did not want to spend money on preparing a DCP. Despite having the opportunity to crack down on illegal brothels, he did not do so. The honourable member for The Hills outlined his concern about the illegal brothel activity in his area. The honourable member for North Shore made a valuable contribution when she spoke about the distress of women and children as a result of the operation of illegal brothels.

If honourable members opposite are in any doubt about the problems illegal brothels cause in local communities they should think very carefully before they vote on this bill. I was given a copy of reports obtained by private detectives who conducted a number of investigations in allegedly illegal brothel premises at 29 Newland Street, Bondi Junction, on Friday 12 July 2004, Sunday 25 July 2004 and Tuesday 27 July 2004. There are some details of the reports that I will not place on the record because their content may be inappropriate. However, to allay any doubts that this evidence is strong, I will read selected parts of the reports and any honourable member is welcome to look at the full reports, if they wish. The detective spoke to a prostitute in one of these premises. The report states:

We asked if she would go further next time. D told us that if we returned, that she would go further. She then provided us with \$10 change.

That is evidence of a commercial transaction in this particular activity. The report for Sunday 25 July stated:

Our agent was able to procure sexual intercourse for payment—

that is an illegal activity—

She offered the same service at the same price, however when asked whether she could offer more, she replied that oral sex was available, but not vaginal sex ...

Another woman offered 'that sexual intercourse was not available' initially, however we could discuss it further once I had paid'.

Once again that is evidence of a commercial transaction of this nature being offered. The report continued:

Then met 'D'. 'She took the money in one quick moment ... Further sexual activity occurred. I asked her if we could go further. She advised that for another \$50 [a particular activity] was available. I paid her the money. ... We proceeded to have sexual intercourse'.

The report for Tuesday 27 July stated:

With 'D'.

'I requested a full service and she confirmed this was available for \$190 ... I handed the cash to her and she then departed the room'. 'We proceeded to have sexual intercourse'.

That is evidence from private detectives of services transacted with both prior consent and arrangement, and paid for with cash. The services included erotic massage offered for money, sexual activity without intercourse in exchange for money and sexual activity, including full sexual intercourse, on two occasions. Yet Labor says that this is not a problem and is refusing to support this bill. Councils are finding it impossible to oppose unwanted brothels and are being forced to put up with undesirable types with criminal associations who are getting approvals to run sex shops and other activities in their areas.

A recent court decision allowed a brothel development application to proceed in Parramatta despite the fact that the council was vehemently opposed to it. In the decision in *Krausman v Parramatta City Council*, 2004, the court overturned Parramatta council's strict representations on the matter. There was evidence that the premises had been used as a commercial brothel without development consents since about December 2003. It was further shown that:

The New South Wales Police does not support this application as the proprietor and her associates are unfavourably known to police.

Yet despite all that, the court found in favour of the applicant, and Parramatta council is now required to put up with a brothel development that it knows, as a result of briefings from police, was intended to be operated by people with known undesirable and criminal associations. Councils must put up with an impossible situation. A

number of honourable members whom I expected to hear from in this debate are missing in action. Where are the honourable member for Keira, the honourable member for Wollongong, the honourable member for Illawarra, the honourable member for Heathcote and the honourable member for Kiama?

They should have taken a great interest in the appalling situation that developed in Port Kembla as a result of the illegal activities of the now convicted Neville Hilton, a former Australian Labor Party [ALP] branch president. I understand that he wielded enormous power in the ALP in the Illawarra. I do not know whether he still wields enormous power in the ALP. Neville Hilton operated an illegal brothel in the main street of Port Kembla and has since been convicted of offences relating to the employment of under-age girls in that illegal brothel. Two young girls had their lives changed forever as a result of exploitation by this man.

I expected to hear Labor members talk about the situation and to line up in support of this bill. But we have not heard from one of them in this debate. They have fled the Chamber because they are too embarrassed about what happened in Port Kembla and they cannot bring themselves to speak about this issue. I want to know where the honourable members representing the electorates of Keira, Wollongong, Illawarra, Heathcote and Kiama stand on this bill. This is a chance for them to sit with Opposition members and vote in favour of this legislation, which would give councils in their area the power to act swiftly to clean up illegal brothel activity.

Where is the honourable member for Parramatta? She should take an interest in the issue that I have just described. People in her electorate are being forced to put up with a brothel or sex-related premises when everyone in the community, including police and councillors, spoke out against it. Under this State Government, the people of Parramatta are being forced to put up with this sort of activity despite the fact that none of them want it. Where is the honourable member for Granville? I can only assume that Labor members are not concerned about illegal brothel activity or that—even worse—the ALP is soft on illegal brothels. New South Wales needs this legislation. Councils and residents across New South Wales want this legislation. Now is the time to stand up for our neighbourhoods, children, women who are being exploited in these places, law-abiding property owners and law-abiding tenants, and to crack down on illegal brothels. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 33

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

Noes, 48

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

Pairs

Mr Brogden
Mr Humpherson
Mr Souris

Ms Allan
Miss Burton
Mrs Perry

Question resolved in the negative.

Motion negatived.

DISTINGUISHED VISITORS

Mr SPEAKER: I welcome to the public gallery a delegation from Shaanxi Province and Xian City in China. The delegation is being led by Mr Shengchao Zhang, President of Shaanxi Chamber of Commerce and Vice-Chairman of the Standing Committee of the Shaanxi Provincial People's Congress.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (PROHIBITION ON VOTING BY CRIMINALS) BILL**Second Reading**

Debate resumed from 1 April 2004.

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [11.06 a.m.]: The shadow justice spokesman wants to remove voting rights for all prisoners. Before he embarks on legislative reform, perhaps he should know what the law is. In his report on his 42-day study trip, the honourable member for Davidson wrote:

In New South Wales, prisoners who are serving sentences for two years or more [are] not entitled to vote at State election.

He is wrong. Section 21 of the Parliamentary Electorates and Elections Act provides that a person is not entitled to vote if he or she has been sentenced to imprisonment for 12 months or more. If the shadow justice spokesman really wishes to reform the scheme he should discuss it with his Federal colleagues, who have displayed monumental legislative mismanagement on the issue. The Commonwealth Electoral Act used to provide that a person is not entitled to vote if he or she has been sentenced to imprisonment for five years or more. In August 2004 the Commonwealth Parliament changed the Act to remove voting rights from prisoners.

Later in August 2004 the Commonwealth Government further amended the Act to provide that a person is not entitled to vote if he or she has been sentenced to imprisonment for three years or more. The Commonwealth partially reversed its original amendment as it had insufficient time to remove the names of prisoners from Commonwealth electoral roles before the recent Federal election. Its mismanagement of the issue is indicative of the Coalition's approach to prisoner voting rights. The honourable member for Davidson's predecessor, Michael Richardson, wanted to reform the Federal system differently again. In a press release dated 11 March 2003 he said:

We'll be lobbying the Howard Government to bring the Commonwealth Electoral Act into line with the New South Wales Act.

In 2003 Michael Richardson proposed that periodic and home detainees continue to be allowed to vote as at present. In 2004 the honourable member for Davidson proposed that voting restrictions would apply to persons serving home and periodic detention. The Commonwealth Electoral Act allows periodic detainees to vote in Federal elections. Every other State and Territory jurisdiction, besides Tasmania, has more generous voting rights than New South Wales. Western Australian prisoners have the same voting rights as prisoners in New South Wales. In South Australia all inmates can vote. In Victoria inmates serving less than five years can vote. Queensland, the Northern Territory and the Australian Capital Territory are tied to Commonwealth rules. Hence, inmates serving less than three years can vote. In Western Australia inmates serving less than one year can vote. The law in Tasmania has been changed from completely disqualifying all inmates from voting to allowing those serving less than three years to vote (Electoral Act 2004, s. 31). The Government opposes this obdurate bill.

Mr ANTHONY ROBERTS (Lane Cove) [11.09 a.m.]: The Parliamentary Electorates and Elections Amendment (Prohibition on Voting by Criminals) Bill was introduced by the shadow Minister for Corrective Services, the honourable member for Davidson, who has shown great leadership on this issue. The object of the

bill is to disqualify anyone who has been convicted of an offence and is serving a sentence from voting in a New South Wales election. The disqualification applies to any person who is serving a sentence by way of full-time detention, periodic detention or home detention, is on remand pending sentencing or is subject to a parole order or community service order. At present, a person is disqualified from voting only if that person has been sentenced to imprisonment for 12 months or more and is imprisoned serving that sentence. The amendment to schedule 1 states:

Section 21 Disqualifications from voting

Omit section 21(b). Insert instead:

- (b) has been convicted of an offence, whether in New South Wales or elsewhere, and is:
 - (i) serving a sentence of imprisonment for that offence, whether by way of full-time detention, periodic detention or home detention, or
 - (ii) on remand pending sentencing for that offence, or
 - (iii) subject to a parole order or community service order in relation to that offence, or

The honourable member for Davidson said in his second reading speech:

The Coalition has introduced this bill with the objective of denying criminals who are serving their sentences the right to vote. We do not believe that those who have shown disrespect for their fellow citizens and who have been given a just sentence by a court should have the right to vote whilst they are serving their sentence. The object of the bill is to disqualify anyone who has been convicted of an offence and who is serving a sentence from voting in a New South Wales election. The disqualification applies to any person who is serving a sentence by way of full-time detention, periodic detention, or home detention, or who is on remand pending sentencing, or who is subject to a parole order or community service order. At present a person in New South Wales is only disqualified from voting if the person has been sentenced to imprisonment for 12 months or more and is in prison serving that sentence.

The effect of this legislation is to deny any person who is serving a sentence the right to vote in State government and local council elections. It is the Coalition's original design and intention, as it would have to be with the concurrence of the Government, for the amendment to have effect at local government elections in New South Wales. The right to vote is an important privilege of citizens in our society. The right to influence the outcome of the democratic processes at a State or local level is a significant privilege that should be afforded to those who respect the laws of our land.

Mr Chris Hartcher: Hear! Hear!

Mr ANTHONY ROBERTS: As the honourable member for Gosford concurs, it is a significant privilege that should not be extended to those who have broken the law and are currently serving minor prison sentences, periodic detention or community orders. The bill will take away the privilege of a right to vote from those who do not respect the law and do not respect the rights and property of their fellow citizens. Once again referring to the second reading speech, the honourable member for Davidson said:

A number of people are serving a punishment imposed by the justice system because they have broken the law and have been convicted. This bill provides that while they are completing a sentence involving full-time, weekend, or home detention they are denied the right to participate in democratic processes.

By their actions, they have proven they do not deserve the right to participate. The honourable member continued:

New South Wales prisoners serving sentences of 12 months or more are not entitled to vote at State or council elections. That applies to about 5,000 offenders in the State's corrective services system. Yet another 13,000 or more offenders who are currently serving one form of punishment or another retain the right to vote and retain the right to influence democratic processes.

Currently, there are 13,000 offenders serving a punishment in this State who have the right to vote at State elections and who will have the right to vote and influence the outcomes of State and council elections. By virtue of that right, they have a significant influence on government and local government policy decision-making and the composition of governments and councils. I share the belief of the shadow Minister and my colleagues that those serving a sentence, having not respected the rights of their fellow citizens, should not be able to retain the right to vote. The honourable member continued:

Currently 5,000 people in the corrective services system in New South Wales do not retain the right to vote, and almost three times as many currently serving some other form of punishment do retain the right to vote. This legislation would apply to every

one of them. A person serving a part-time incarceration, such as weekend detention or home detention, would not have the right to vote whilst that person still has an unexpired portion of their sentence to serve. A person in custody, whether on remand pending sentencing or serving a full-time prison sentence, no matter how short the sentence is, would not have the right to vote. A person completing a community service order, that is, an unexpired commitment to a punishment, would not have the right to vote. A person who has served the custodial part of a full-time sentence and is on parole will be deemed to be still serving part of the original punishment and will not have the right to vote.

I praise the diligence and hard work of the shadow Minister for Corrective Services in leading the charge to reform the system.

Mr Chris Hartcher: He is a reformer.

Mr ANTHONY ROBERTS: He is a reformer and he is showing continued leadership.

Mr Chris Hartcher: In more than one area.

Mr ANTHONY ROBERTS: As the honourable member for Gosford says, in more than one area. We thank the honourable member for Davidson for his contribution on this issue. The Coalition is sending a clear message to the people of New South Wales that we do not just talk the talk, we walk the walk. We are tough on crime and we are tough on prisoners. Unlike the Government, which has more spin cycles than a Whirlpool washing machine, the Coalition is sending a clear message to the people of New South Wales that anyone who breaks the law, who goes outside the system and the rules of law, will be punished and should not have the ability to contribute to the democratic processes of our society. I commend the bill to the House.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [11.16 a.m.]: I oppose the ill-conceived and contradictory Parliamentary Electorates and Elections Amendment (Prohibition on Voting by Criminals) Bill. This bill demonstrates that the honourable member for Davidson is not a reformer. He is in cloud-cuckoo-land if he proceeds with this notion. The amendment is unconstitutional, as any basic research would have demonstrated. Article 25 of the International Covenant on Civil and Political Rights [ICCPR]—a treaty I am sure the honourable member would have read—which is the inspiration for and schedule to the Human Rights and Equal Opportunity Commission Act 1986, states:

Every citizen shall have the right and opportunity ... without unreasonable restrictions ... to vote ... at genuine periodic elections which shall be by universal and equal suffrage ...

By introducing this bill the Coalition wants to take us back 200 years. The Government recognises the constitutional legitimacy of prisoners being able to participate in the basic right enshrined in our Constitution. Article 10 of the covenant provides:

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person ...

The penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation.

"Rehabilitation" may be a difficult word for the Coalition to understand, but that is a part of the corrective system. Australia signed and ratified this international covenant, which declares it is the universal right of citizens to vote. That right applies to everyone indiscriminately. It is understood that prisoners who have violated the law are denied their general right of freedom. The vast majority of prisoners will be released back into the community and they need to be effectively rehabilitated back into the community. That aim is reflected in the legislation.

If the primary aim of their incarceration is rehabilitation—which I am sure everyone would accept—with a view to their reintegration into society as contributing members, a move to deny all prisoners the right to vote cannot be deemed a reasonable restriction on universal suffrage in accordance with article 25 of the International Covenant of Civil and Political Rights. Many academics and members of the judiciary have acknowledged the growing influence of international law and its impact on domestic law, especially when such law concerns universal human rights. High Court Justice Michael Kirby recently stated in the case—

[*Interruption*]

The honourable member for Gosford must be the adviser behind this. I am sure the honourable member for Davidson would not have been ill-led if it had not been for the honourable member for Gosford sitting next

to him. As I was saying, High Court Justice Michael Kirby recently stated in the famous case of *Re Kavanagh's Application* [2003] HCA 76 that "it is permissible ... in accordance with the reasons of Justice Brennan in *Mabo* [No 2] to utilise the articles of the ICCPR in the development of the common law of Australia". The right to vote is entrenched in section 41 of our Constitution. Has the honourable member read that section?

Section 41 of the Constitution guarantees the right to vote to all people notwithstanding any Commonwealth law passed to the contrary. In a powerful and prognostic dissent by Justice Murphy in *The Queen v Pearson*; Ex parte Sipka (1983) 152 CLR 254—which the honourable member for Davidson should also have read—the right to vote was described as "so precious that it should not be read out of the Constitution by implication. Rather, every reasonable presumption and interpretation should be adopted which favours the right of the people to participate in the elections of those who represent them." That is what this is about.

Mr Anthony Roberts: By their actions!

Mr TONY STEWART: The honourable member may have lost sight of this, but it is about democracy. That is a system the Labor Party perpetuates. Honourable members opposite ought to remember that. The United Nations Human Rights Committee—the body that oversees the application of the ICCPR—criticised the United Kingdom in 2001 for its blanket ban on prisoner voting, and for failing to "discern the justification of such a practice in modern times". This is 2005, the twenty-first century. This is not the convict penal days; this is a different time and the honourable member needs to come to grips with that. He should dispense with the anachronistic approach he has adopted.

Indeed, in a landmark decision by the European Court of Human Rights on 30 March 2004, the court decided unanimously as a chamber of seven judges—which is very rare—that by imposing a blanket ban on voting by any prisoner serving a sentence, section 3 of the United Kingdom's Representation of the People Act 1983 breached the European Convention of Human Rights (*Hirst v The United Kingdom* (No 2)). In its reasoning, the European Court of Human Rights referred to the recent decision of the Supreme Court of Canada in *Sauve v the Attorney General of Canada* (No 2) where the court found that legislation denying the right to vote to every prisoner serving a sentence of two years or more infringed the Canadian Charter of Rights and Freedoms and therefore was unconstitutional. Hirst quoted from Chief Justice McLachlin's majority summary where it is written that:

The right to vote is fundamental to our democracy and the rule of law and cannot be lightly set aside. With respect to the first objective of promoting civic responsibility and respect for the law, denying penitentiary inmates the right to vote is more likely to send messages that undermine respect for the law and democracy than messages that enhance those values ... To deny the prisoners the right to vote is to lose an important means of teaching them democratic values and social responsibility. That is what this is about: rehabilitation. People have to accept that they have a responsibility.

Mr DEPUTY-SPEAKER: Order! The honourable member for Lane Cove has had an opportunity to speak in the debate.

Mr TONY STEWART: Elsewhere Chief Justice McLachlin stated:

The argument that only those who respect the law should participate in political processes cannot be accepted. Denial of the right to vote on the basis of attributed moral unworthiness is inconsistent with the respect for the dignity of every person that lies at the heart of Canadian democracy and the Charter.

A respect for the dignity of every person is enshrined in our Constitution. National consciousness should be reflected in the approach taken in this House. The mere fact of imprisonment does not necessarily negate a person's ability to vote in an educated manner in the same way that the mere fact of citizenship does not guarantee that a person will cast a clued-up vote. Perhaps Justice Arbour of the Supreme Court of Canada best rejected this argument when he stated in *Sauve v Attorney-General for Canada* (No. 1), "Many voters have chosen to live in a universe figuratively not much larger than a prison cell." The reform proposed by the Opposition is surely nothing but an anachronistic piece of legislation that can be carbon dated to the United Kingdom's Forfeiture Act 1870—and judging by the suit he is wearing today, I can understand the honourable member's approach. Nevertheless, it needs to be stated clearly that the bill introduced by the honourable member for Davidson is simply ridiculous. It is out of step with our times. It is unrealistic and it has to be rejected.

Mr CHRIS HARTCHER (Gosford) [11.25 a.m.]: I commend the shadow Minister for Justice, the honourable member for Davidson, for his ongoing commitment to the protection of the community and for upholding the rights of the innocent in our community, as distinct from the Australian Labor Party, which always upholds the rights of the guilty. If there is one political party that stands for the criminals, it is the Labor

Party—soft on crime, and soft on the causes of crime. How appropriate that the Labor Party should plead the International Covenant of Civil and Political Rights when only last week it passed legislation that allowed people to go to gaol without trial by jury, the workplace fatalities legislation. How appropriate that it was the Labor Party that introduced into the New South Wales Parliament the original Workplace Fatalities Bill, which denied an independent prosecutor—

Mr Paul Lynch: Point of order: I understand that it is Thursday and I understand that it is the honourable member for Gosford who is speaking, but even he is bound by the standing orders. So far he has not touched upon the substance of the bill. He has not even got within cooee of it. I ask that you direct him to the standing orders and to the leave of the bill before the House.

Mr DEPUTY-SPEAKER: Order! I am sure the honourable member for Gosford is about to return to the substance of the bill.

Mr CHRIS HARTCHER: The member for Gosford is speaking to the bill because the member for Gosford is replying to points raised by the honourable member for Bankstown about the International Covenant of Civil and Political Rights. If the honourable member for Liverpool had been in the Chamber he would be aware of that. But you were here, Mr Deputy-Speaker, and you heard every word that was said, I am sure. I will continue with what I was saying. The Australian Labor Party introduced the Workplace Fatalities Bill, which denied the fundamental rights laid out in the International Covenant of Civil and Political Rights—denial of trial by jury, denial of an independent prosecutor.

Mr Paul Lynch: Point of order: The honourable member for Gosford continues to be well outside the leave of the bill. This is not about industrial manslaughter or anything even approaching that. This debate is on the bill introduced by the honourable member for Davidson, and the honourable member for Gosford has not referred to it yet.

Mr DEPUTY-SPEAKER: Order! I am sure that the honourable member for Gosford will now commence referring to the bill. If he does not, he will resume his seat.

Mr CHRIS HARTCHER: No, he will not, because the member for Gosford is replying to points raised in debate by the honourable member for Bankstown, who cited the International Covenant of Civil and Political Rights. I did not take a point of order that that was irrelevant.

Mr DEPUTY-SPEAKER: No, you interjected all the time.

Mr CHRIS HARTCHER: I am now replying to that.

Mr DEPUTY-SPEAKER: You will have to put up with interjections.

Mr CHRIS HARTCHER: It is obvious that the honourable member for Liverpool does not like to be caught out. The honourable member for Liverpool postures and poses. He is the greatest posturer and poser—

Mr Paul Lynch: Point of order: The honourable member for Gosford has now not only decided to deal with matters relating to industrial manslaughter that are irrelevant to this debate, he has now decided to launch a personal attack upon me. If he wishes to do that, he must do it by way of substantive motion. He has failed to do that. He continues to be irrelevant to this debate and, indeed, irrelevant to this Chamber. He really ought to adhere to the standing orders and come back to the leave of the bill.

Mr DEPUTY-SPEAKER: Order! The point of order is reasonable. If the honourable member for Gosford intends to move a substantive motion against the honourable member for Liverpool, he should do so using the forms of the House.

Mr CHRIS HARTCHER: What? That he is a poser and posturer? Let us have a debate on that! Everybody would agree. I would not lose that vote.

Mr DEPUTY-SPEAKER: Order! I would appreciate the honourable member for Gosford listening to what I have to say. If he is not willing to do so, I suggest that he return to the leave of the bill and continue the debate.

Mr CHRIS HARTCHER: Certainly. I am always interested to hear what you have to say. I am sure they are words of wisdom. Notwithstanding the Labor Party's total indifference to civil liberties, as exemplified repeatedly by the honourable member for Liverpool, the legislation seeks to achieve proper protection of the community. The legislation provides that a person who is convicted of a crime must serve the penalty imposed for that crime. I wish to acknowledge the assistance of Mr Matthew Devlin and thank him for the notes he has prepared for me. Mr Devlin is from St Joseph's High School and has been in the gallery this morning. He works as a voluntary researcher for the honourable member for Lane Cove.

Pursuant to sessional orders business interrupted.

SCHOOLS SAFETY

Debate resumed from 26 May 2005.

Mr GREG APLIN (Albury) [11.30 a.m.]: I speak to the sycophantic motion moved by the honourable member for East Hills. I draw to the attention of the House the fact that in May 2004 the Bureau of Crime Statistics and Research published a report indicating that over the period from 1998 to 2003 the number of violent incidents on school grounds had increased by 46 per cent. One may well ask: Where is the data for the period May 2004 to May 2005? The figures for that period have not yet been released. Perhaps it is a case of the Government wishing to hide unfavourable information. Perhaps it is a case, yet again, of the Government hiding the bad news and commissioning a report to divert attention from the growing problems in our schools. In trying to sweep the extent of violence in schools under the carpet, the Government is condemning teachers and students to real risk.

The New South Wales Teachers Federation survey of teachers last year, which was conducted after the federation had complained that the Government was not counting violent incidents in the classroom, came up with detailed descriptions of attacks that were so violent they had not been released for fear of identifying particular schools. However, rather than owning up to the deteriorating conditions in schools, the Government, through this sycophantic motion, boasts about making schools safer. Let us look at why the New South Wales Teachers Federation is so concerned about the situation faced by its members. The federation said that teachers were being forced to deal with abuse in the classroom. It further said that teachers are reporting an increased level of low-level abuse, verbal harassment and disruption in classrooms. Indeed, the federation said that many teachers report that they are frightened in the classroom.

I am sure any of us would be frightened if we were faced with abuse such as being punched, kicked, spat at, head-butted, and threatened with knives, replica guns, petrol bombs and other weapons. These incidents are part of a catalogue of dozens of violent acts perpetrated on teachers in schools across New South Wales during the past year. Teachers have had chairs thrown at them, they have been struck with rocks and beaten, and they have had their cars vandalised. Cyber violence is also on the rise, with the Internet increasingly used by students to make threats against teachers and schools. Let us look at the concerns of parents. The parents of a child who lives in the electorate of Albury wrote to me as follows:

Unfortunately, we have a small minority of constant troublemakers who are for different reasons causing problems in and out of the classrooms making it increasingly difficult for the teachers to teach and other students to learn. Something needs to be done to protect all the children and teachers and make their working environment a safe place.

The government wants to make teaching a more attractive profession, especially for males, however the teaching staff are not receiving the support they need. The main occupational health and safety issue for teachers at our school is the violence of children towards them i.e. abusing staff both verbally and physically e.g. hitting, punching, kicking, throwing objects etc. The difficult children know the teachers have limited power to react. The same children continually act inappropriately and disrupt classes therefore the teacher's valuable time is taken away from the class who are there to listen and learn ...

School should be a safe and happy place where children want to be without being intimidated by other children. We don't want our children to be afraid to go to school. We want our classrooms and playgrounds safe from potential violence ...

Parents hold the teachers responsible for their child's welfare while at school. However, the teacher's hands are tied if they don't have enough options to deal with some situations.

My constituents then make a forecast for the future which the honourable member for East Hills may well take on board when he thinks about moving motions such as this in future. They write:

A day will come when parents of a child will sue the education department (not the school) because the system has been negligent in its duty to properly educate the child due to the teachers being too busy dealing with troublemakers ...

The children are not only disruptive but also often violent towards teachers and other students ...

Smaller and younger children have been assaulted in the form of being thrown on the table and pushed against a wall ...

Our teachers need resources and support to be able to help the difficult children. All children need support and encouragement to reach their full potential, but it is not fair that the good children are suffering to accommodate the difficult ones. The current situation needs improving ...

My constituents concluded their letter by saying they hope their concerns will be taken on board. I wish to highlight an example of violence in schools in my electorate. A year 6 pupil who was reportedly drunk and wielding a knife allegedly threatened a teacher and a classmate during a maths lesson at a public school in Albury. The incident occurred at 11.45 a.m. The teacher had to protect the victim, who then ran to get attention from the principal. Finally, the young offender was prosecuted and subsequently sentenced to youth justice conferencing. The problem exists. We have no safe schools at present. [*Time expired.*]

Mr ALAN ASHTON (East Hills) [11.35 a.m.], in reply: My motion might appear to be sycophantic, but the reality is that the Opposition is clearly embarrassed that the Safety and Security Directorate is working, and the school fencing program is eliminating violence and graffiti. I have some respect for the honourable member for North Shore; she is one of the better performing members in a fairly ordinary bunch of shadow spokespersons. However, on the last occasion the honourable member said something quite outrageous in response to my speech when I moved the motion. Being outrageous in this Chamber is not necessarily rare, but being dead-set wrong and ill-informed, or making up an argument based on lies as one delivers one's speech, is totally unacceptable. That is so even if the facts have been researched by someone from St Ignatius or St Joseph's, as in the case with the honourable member for Gosford. Quoting from the *Daily Telegraph*, a journal of great record—indeed, I call it News Ltd—the honourable member for North Shore said, as recorded in *Hansard*:

Only incidents that disrupt an entire school—not just one class—are being counted by the Education Department in figures on school violence ...

The honourable member repeated the claim later in her speech. When she first made the claim, I interjected, which I do not do very often. I said, "That's a false accusation." The honourable member for North Shore responded, "That is what the Teachers Federation said." She went on to say that the federation had embarked on a campaign on behalf of teachers, and she referred to comments by Maree O'Halloran. She went on to say:

[The department is] trying to under-report the instances of violence ... This goes against all the evidence that we have from our members, who believe the problems are much greater.

For the benefit of the honourable member for North Shore and the honourable member for Albury, it is mandatory that any violent incident in a school be reported to the Department of Education and Training. Of course, no such violence occurs in the non-government schools on the North Shore, which are in some of the best electorates, including Lane Cove. I cite, for example, St Ignatius and St Joseph's. There are no drugs or cocaine in those schools. But in Albury, where there are probably a couple of government schools struggling away because all the money has gone to the private schools, incidents of violence in schools must be reported.

Mr Anthony Roberts: Point of order: My point of order is relevance. The honourable member for East Hills should stop attacking Catholic schools and Catholics.

Mr DEPUTY-SPEAKER: Order! There is no point of order. The honourable member for East Hills will resume his speech.

Mr ALAN ASHTON: The honourable member for Lane Cove dobbed in the Catholics, not me. I was with Cardinal Pell last Sunday, and I let him know what the honourable member for Lane Cove said.

Mr Chris Hartcher: Point of order: Can we place on record our sympathy for Cardinal Pell in having to endure the honourable member for East Hills last Sunday?

Mr DEPUTY-SPEAKER: Order! There is no point of order. The honourable member for East Hills will resume his speech.

Mr ALAN ASHTON: This morning I rang a principal in my electorate and I said, "I just want to clarify this with you: the Libs are putting it around that you can only report a violent incident if it affects the whole school, that is, 800 boys at a school in my electorate." He laughed and said, "That's outrageous. If we

have a violent incident we have got to report it to the DET, the safety directorate, the police, occupational health and safety people, WorkCover, everybody". The implication by the Opposition that our security directorate and our fencing program are not working—and, worse, the lie told by the honourable member for North Shore when she claimed that a violent incident is not counted unless it disrupts the whole school—is outrageous garbage and should not be entertained in this Chamber. We can all gild the lily a little, but what the honourable member for North Shore said is totally wrong. If any violent incident happens in a school it is reported to the police and to all the other authorities I have mentioned. If it disrupts one student, one teacher or one parent it is mandatory that it is reported. The claim by the Opposition that this motion is sycophantic merely shows it has no interest in public schools whatsoever.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 43

Mr Amery	Mr Greene	Mr Orkopoulos
Ms Andrews	Ms Hay	Mrs Paluzzano
Mr Bartlett	Mr Hickey	Mr Pearce
Ms Beamer	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Sartor
Ms Burney	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Collier	Mr McLeay	Mr West
Mr Corrigan	Ms Meagher	Mr Whan
Mr Crittenden	Ms Megarrity	Mr Yeadon
Mr Debus	Mr Mills	
Ms Gadiel	Mr Morris	<i>Tellers,</i>
Mr Gaudry	Mr Newell	Mr Ashton
Mr Gibson	Ms Nori	Mr Martin

Noes, 35

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

Pairs

Miss Burton	Mr Brogden
Mrs Perry	Mr Slack-Smith

Question resolved in the affirmative.

Motion agreed to.

SMALL NUCLEAR WEAPONS RESEARCH

Mr DAVID BARR (Manly) [11.51 a.m.]: I move:

That this House:

- (1) notes that the United States Senate and House of Representatives have recently passed legislation that will allow the United States to recommence research into the development of small nuclear weapons;

- (2) notes that this action undermines the Nuclear Non-proliferation Treaty and is likely to lead to a renewed nuclear arms race; and
- (3) calls on the Federal Government to make immediate representations to the United States expressing Australia's strong opposition to small nuclear weapons research.

I gave notice of this motion on 27 May 2003, but it is as relevant today as it was then. This matter should be of concern not only to nations but to every man, woman and child on the planet. A proliferation of small nuclear weapons will lead to those weapons being used, and the nuclear fallout will have grave repercussions for the wellbeing of our planet. It would be like a Faustian bargain: a strong nuclear power seeking to use technology to develop every kind of nuclear weapon possible but, in the process, undermining the stability and wellbeing of the entire planet. The motion asks this Parliament to call on the Federal Government to express our strong concerns to our ally, the United States of America, about the direction it is moving on the development of small nuclear weapons. The Spratt-Furse amendment of 1994 prohibited the research and development of low-yield nuclear weapons of five kilotons or less. The bomb exploded at Hiroshima was 13 kilotons. The Spratt-Furse amendment also prohibited the research and development of what are called bunker busters, that is, robust nuclear earth penetrators of over 100 kilotons.

Since the Bush administration came to office, moves have been made to do away with those sorts of restrictions. In 2002 the Nuclear Positive Review supported the development of new nuclear capabilities to deal with chemical and biological weapons, and deeply buried and hardened targets. It successfully lobbied for repeal of the Spratt First amendment, and it was repealed in November 2003. Pentagon forces pushed for development of these types of weapons to give it more flexibility in trying to destroy terrorist weapons embedded in caves, tunnels and underground areas. The Acting Director of the National Nuclear Security Administration told the Senate Arms Forces Committee:

We are seeking to free ourselves from intellectual prohibitions against exploring a full range of technical options.

I question whether they are intellectual prohibitions or ethical prohibitions because this person is talking about expanding nuclear weapons. In November 2004 the House and Senate Appropriation Committee eliminated funding for those weapons. That was a blow to the Bush administration, but since then there have been further pushes. Late last year, Donald Rumsfeld told the Energy Department:

You can count on my support for your efforts to revitalise the nuclear weapons infrastructure and to complete the Robust Nuclear Earth Penetration Study.

The Bush administration is pushing hard to include a variety of nuclear weapons in its arsenal, but once these sorts of weapons are developed, they will be used. In the 1964 presidential campaign Republican candidate, Barry Goldwater, the conservative Senator from Arizona, was up against Lyndon Bains Johnson. Goldwater advocated nuking North Vietnam. At that time the slogan of the Republicans was, "In your heart you know he's right." The Democrat response was "In your guts you know he's nuts." Compared to some of the neo-conservatives surrounding the Bush administration today, Barry Goldwater would look like a tepid Liberal.

We face the risk that once these kinds of weapons are developed, they will be used. The threshold will have been crossed and, instead of nuclear weapons being totally firewalled from any other kind of weapon—they have not been used since the Second World War—there will be more of a continuum. The military will want to use small weapons because it will make life easier for them. They will not have to worry about body bags coming back containing their own soldiers and the political ramifications of that. The United States military will be able to target areas and send in the bombs—an extension of the awe and shock tactics, as they are now called, that they currently use. There will be no domestic casualties, but casualties at the other end could be horrific. In April 2003 the Arms Control Association stated:

[The collateral damage of even] a one-kiloton earth perpetrator would be quite devastating in a city, and against really deep targets, yields in the hundreds of kilotons would be required. The radioactive blast from a one-kiloton warhead (just 1/13 the yield of the bomb that destroyed Hiroshima) detonated at a depth of 25-50 feet would eject more than 1 million cubic feet of radioactive debris from a crater about the size of ground zero at the World Trade Center.

That debris would be carried by winds over vast areas. When we talk about using nuclear weapons, we are talking about putting in jeopardy the health and welfare of millions of people who may be far removed from a particular target. Obviously, the larger the weapon, the greater the problem. As a nation we should stand up and say to the United States, which we respect and admire, "We are an ally and value our alliance, but we are deeply concerned about the way you are moving on foreign policy issues, particularly with respect to nuclear weapons."

One of the concerns that many people throughout the world have about the United States is that the traditional Republican isolationism has morphed into a doctrine of pre-emption, that is, "Take out the other side before it can do anything to you." That is a long way from the traditional isolationism of Republican administrations. As part of its unilateral pre-emptive approach, the United States has shown no interest in many international conventions. In this process America is undermining the traditional grounds on which we had nuclear weapons, which was deterrence, and what used to be called mutually assured destruction—one side would not use nuclear weapons because it knew that the other side could retaliate.

America is the super power. It spends more on defence and weapons than probably all other countries put together. That may be a slight exaggeration, but it is not a great exaggeration. We should be concerned that America is adopting a unilateral approach and is showing clear indications in terms of nuclear weapons. The American Administration is adopting what we call a "Son of Star Wars" approach. That is a carryover from the "Star Wars" approach of Ronald Reagan, whereby attempts were made to limit damage that could befall America by shooting missiles as they approached. The theatre of conflict now being postulated by America is outer space. More than \$100 million was spent on "Star Wars" and it had no effect at all. Now, unfortunately, it looks as though Australia is joining up to the 25-year development program known as the "Son of Star Wars". We should be telling the Federal Government that we as State representatives want our Federal representatives to make it clear to America that we do not support small nuclear weapons and that we should not in any way countenance the Faustian bargain that would bring. [*Time expired.*]

Mr BRYCE GAUDRY (Newcastle—Parliamentary Secretary) [12.01 p.m.]: The Government supports the motion moved by the honourable member for Manly. This matter should be referred to the Federal Government for consideration. I hope that members on both sides of the House, after mature reflection on what the honourable member for Manly has put before the House, will support the motion. Recently the American Senate and House of Representatives passed legislation allowing America to recommence research into the development of small nuclear weapons, which would undermine the nuclear non-proliferation treaty and could lead to a renewed nuclear arms race.

The honourable member pointed out that America is what I would call offshoring the issue and creating issues that are certain—and I emphasise the word "certain"—to lead to a growth in small nuclear arms, which could eventually be used. There is no doubt about that. We need to understand that the use of nuclear arms or a nuclear bomb is a generation-to-generation threat. That was clearly indicated by the use of depleted uranium in weapons during the first war in Iraq; there are many areas of conflict in that country now. The citizens of Iraq were exposed to the waste created by the use of depleted uranium weapons, which were very effective in breaking through the defences of tanks and fortifications. But at the same time the explosions delivered radioactive dust and particles that will be destructive to the human condition and genetic change over centuries and, indeed, thousands of years.

The significant issue is not only conflict but also the health of generations of people. In this motion the honourable member for Manly is asking the House to call on the Federal Government to make representations to America expressing strong opposition to research into and use of small nuclear weapons. It is not as though we do not know the consequences, as perhaps was the case in the 1940s and 1950s when, under linkages between the United Kingdom and Australia, nuclear experiments were carried out at Montebello and Woomera, and in other parts of Australia, and the population was exposed to nuclear fallout. Obviously that is not the position now, as we know the consequences. We know the likely move of small weapons out of the hands of what I would call responsible governments and into the hands of groups that would use them not as a bargaining chip in the mutually assured destruction period of great power, as the honourable member for Manly said, but potentially to use them in a terrorist attack.

The motion moved by the honourable member for Manly is very responsible. It does not ask for what I call wildfire action; it makes a responsible statement to the Federal Government on behalf of the citizens of New South Wales that we need to clearly tell America that the movement away from accepted international agreements towards a small weapons program is unsatisfactory, that it will not add in any way to the peace and stability of the planet, and that the use of dangerous and deadly weapons will have an impact on future generations. The Government supports the motion.

Mr ANTHONY ROBERTS (Lane Cove) [12.06 p.m.]: I move:

That the motion be amended by leaving out paragraphs (2) and (3) with a view to inserting instead:

- "(2) commends the United States for its leadership in seeking to prevent the development of nuclear weapons by North Korea and Iran.
- (3) requests the Federal Government to support the United States in its campaign against the spread of nuclear weapons, both large and small."

No-one is more passionate than I when it comes to opposing nuclear weapons both large and small. We have seen the destruction that nuclear weapons impose on populations and generations of people. Thank God we live in a world in which the mutually assured destruction principle is not looming over us like a dark cloud. This motion, and the amendment in particular, supports one of the world's great democracies, the United States of America—the champion of democracy throughout the world. Rather than beating up America, we should be supporting America in opposing the development and proliferation of nuclear weapons by countries such as North Korea and Iran.

North Korea and Iran have various forms of dictators. Indeed, with the downfall of the old Soviet Union and the collapse of communism, more and more nuclear weapons—which can be used by terrorist organisations to attack Western democracy—are spreading onto the world market. I understand what the honourable member for Manly said, and I commend him for it. Indeed, I share his concern about nuclear weapons both large and small. I am sure everyone would like to see the removal of all nuclear weapons. However, we should not beat up our good neighbour, ally and friend for so many decades, our coalition partner in the current war on terrorism. We should be supporting America and that great president George W. Bush in his fight to stop the proliferation of nuclear weapons in countries such as North Korea.

North Korea, which has one of the most evil dictatorships in the world, has developed a nuclear arsenal. It is snubbing its nose at world opinion and is threatening to use its nuclear arsenal. It is unstable. This House should be concerned about North Korea's threat to use its nuclear weapons, rather than beating up the democracy in America, which is our ally. The United States of America should be commended for its leadership in the fight against terrorism. I know full well the damage, particularly the physical damage, that can occur over generations from radiation. I have conducted and have been involved in numerous courses on nuclear and biological defences, and have seen some tragic photographs and media clippings from Hiroshima right through to modern-day events such as the Chernobyl disaster.

While I completely understand what the honourable member for Manly is attempting to achieve, it is very important that the House focuses on supporting the rights of the United States, our country and Western democracies to oppose the proliferation of nuclear weapons by countries such as North Korea and Iran. That is the most important danger facing us today. The honourable member for Gosford will agree with me that we are against nuclear weapons, both small and big. The Coalition supports the United States and our allies in the war against terror. [*Time expired.*]

Mr ALAN ASHTON (East Hills) [12.11 p.m.]: I am very happy to support the motion of the honourable member for Manly. It is good for the House to have the opportunity to talk about big world issues. First I will make a brief comment about the speech by the honourable member for Lane Cove. While he talked about North Korea, Iran and Israel, he did not say much about America, except for the references in his amendment to the motion. He believes America has the backing of the world in its endeavour to rid the world of nuclear weapons. Meanwhile, it wants to build up its stockpile. That is hardly sending out a message to North Korea, Iran, Israel, Argentina, South Africa and many other countries that nuclear weapons are not the way to go. If only one power in the world ends up with nuclear weapons, it is good for that one power, but other powers will always seek to have them.

We should recall the history of arms races, which the honourable member for Manly refers to in his motion. World War I was largely the result of arms races and fear. If one side of any political, national or geographical debate begins an arms race to defeat its enemy or proposed enemy, the other side will always retaliate. When the British introduced the Dreadnought, it not only made the German fleet obsolete but it also made the British fleet obsolete. So the Germans built the Dreadnought. That led to the submarine, so the British had to catch up with the better German submarines. That led to all sorts of other weapons such as poison gas and the like. Fear is the factor that leads to war. Soldiers went to the First World War thinking it would be fought by cavalry, on horses, like the charge of the Light Brigade. Of course, it was not, and millions died on the Western Front and in other parts of the world.

Hitler first had soldiers training with wooden guns. Then he built up his army. He used to say to people, "Do you think I have all these weapons for nothing? I am going to use them." In those days there were several appeasers—Chamberlain, Menzies and several others. Only Churchill stood up and said he was a lunatic. It was very popular in those days to say, "We do not want a war with Hitler; we have already been through that." But Hitler said he would use the weapons, and we know he did. In the 1960s we had the Cold War—the Berlin Wall and other things; and in 1962 the Cuban missile crisis. The Russians were putting nuclear missiles in Cuba with the aim of being able to fire them on much of America. On that occasion America responded appropriately.

That led to the instigation of better co-operation between the Russians and the Americans, who realised that while World War III would be fought with nuclear weapons, World War IV would be fought with sticks and stones. If Americans are encouraged by the Bush regime to continue to believe in the idea of "Star Wars",

better planes and the better delivery of small nuclear weapons, will the rest of the world sit back and say that the United States of America is the only country we all trust to have the right to have nuclear weapons?

Mr Anthony Roberts: Hear! Hear! Well said.

Mr Chris Hartcher: May it be recorded that the honourable member speaks good sense.

Mr ALAN ASHTON: I remind the honourable member for Gosford that that is the problem—those countries do not believe that. Members opposite can call out "Hear! Hear!" but those countries do not believe it. Speaking of the honourable member for Gosford, I want to refer to the word "MAD". However, on this occasion it does not refer to him; it stands for mutually assured destruction. The view in the 1960s was that if the Soviets, as they were then, had roughly the same number of nuclear weapons as the Americans there would not be a nuclear war: If we fire our lot and you fire your lot the world will be all over.

Unfortunately, Ronald Reagan went to a new policy. He thought of pre-emption and "Star Wars". He thought he could win a nuclear war without the other mob getting their weapons in the air. That is a great risk. I am afraid the MAD policy has now been killed off. If only one or two powers have nuclear weapons they will eventually want to use them. As a school student I asked the question: If the Americans are fair dinkum why do they not just nuke North Vietnam? Of course, they did not do that; they would not be that stupid. But it would seem that the Bush regime wants to reinvent a nuclear arms race. I support the motion of the honourable member for Manly, as does the Government.

Mr WAYNE MERTON (Baulkham Hills) [12.16 p.m.]: I can well recall a famous English Prime Minister leaving an aeroplane in 1938 or 1939 clutching a piece of paper and saying there would be peace in our time. The document was signed by none other than Adolf Hitler. That is another lesson in history.

Mr Peter Black: Do you remember that?

Mr WAYNE MERTON: The honourable member for Murray-Darling probably remembers it; I read about it. He was fundamentally wrong, and the Second World War occurred. It was not appeasement. It happened because of inactivity and because people thought this simply could not happen. Our amendment is aimed at preserving world peace. History tells the story of tyranny. History tells the story of aggressive nations. We have not learned a lot from our past. When countries are in conflict and believe they cannot resolve their problems by discussion, they resort to war. The Opposition is not talking about resorting to war. We do not glorify war. We say there is nothing glamorous in war. War is cruel and callous, and results in great tragedy to humanity.

On the other hand, a stand must be taken to prevent such tragedy, to prevent a travesty of justice and to prevent the ultimate killing of innocent people. That is what that great nation the United States of America is doing. It has a policy of saying to those other countries: We want to preserve peace. We want to protect the security of the world. We are not about to sell out to minority nations. We are not about to sell out to nations that have ideas of domination, ideas of imposing their political aspirations and philosophies on others.

We want to protect the democratic principles and foundations that have made this nation great and have allowed members, such as my friend the honourable member for East Hills, to speak in this House. Although I do not agree with what he said, I will defend to my dying day his right to say it. That is democracy. The honourable member for Manly, who moved this iniquitous motion, is living in the land of fantasy. He is not living in the real world where every day the newspapers report on terrorism and injustices and inequities throughout the world. He does not watch the nightly news on the television. Perhaps he tunes into an FM station in Gulargambone central heights that reports on the weather, which is a worthwhile topic. Some nations have an agenda that is contrary to our and America's beliefs. We have a responsibility to support America. We believe it is fundamentally right and that it is preserving world peace. It is a hard struggle and some people may not agree with the methods. I pose this question: How many people in Iraq would say they are better off now than they were under Saddam Hussein? The answer is simple.

Mr Alan Ashton: Where were the weapons of mass destruction?

Mr WAYNE MERTON: What about the millions of people who were killed and executed? What about the people who were terrorised and exterminated? Has the honourable member for East Hills forgotten about them? Does he support that regime? I do not think he does. America stands for principles which we support. Our nations have common principles. The Coalition opposes this motion and supports the well-drafted amendment moved by my colleague the honourable member for Lane Cove.

Mr DAVID BARR (Manly) [12.21 p.m.], in reply: I am pleased to see the passion expressed by speakers in this debate. I thank all members for their contributions. I will deal with them briefly in the short time I have available. Nuclear weapons are the big daddy of weapons of mass destruction. The honourable member

for Newcastle referred to depleted uranium weapons being used in Iraq. In the first Gulf War 800 tonnes of uranium weapons were dropped, leaving thousands of alpha radioactive particles in the environment with a half-life of 4.5 billion years. The long-term effect of the inhalation or ingestion of those particles will cause diseases such as cancer. That is the legacy of using nuclear weapons or related matters. That war marked a cross over the nuclear threshold.

If we go down the path of small nuclear weapons, as they get smaller and smaller—below one kiloton—they will become easier to move around. That poses the much greater risk of those types of weapons ending up in the hands of terrorists, and then we will have serious problems. At present the United States of America spends \$6.95 billion a year maintaining the current stash of nuclear weapons but less than \$500 million to secure weapons-grade nuclear material outside the United States. It is this weapons-grade material outside the United States that is of grave concern. We know there is an international nuclear black market and we know there is a serious and significant risk of nuclear weapons and material falling into the hands of terrorists and others who are not our allies. Many people believe, as do I, that if the United States continues to go down this path, it is inevitable that weapons of this nature will get into the hands of terrorists. It would be paradoxical if weapons being developed as part of an antiterrorism strategy and envisaged to be used to destroy terrorists in their strongholds and caves contributed to terrorists being in possession of nuclear weapons.

The Opposition talked a fair bit of bunkum. I agree with the Opposition's comments about North Korea, but that is not the subject of this debate. The debate is about small nuclear weapons and asking the Federal Government to make representation to the United States Government stating that we as a nation are opposed to going down this path because of the ethical issues and military risks involved in having others in possession of small nuclear weapons. The way the United States has been moving is of some concern. Its move towards more pre-emptive strikes does not work in any of our interests. Dwight Eisenhower in his farewell to the nation speech, which he made four days before the inauguration of President John Kennedy, warned against the power of the military establishment and a large arms industry. He said it was a new American experience. Then President Eisenhower said:

The total influence—economic, political, even spiritual—is felt in every Statehouse ...

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex.

In his draft speech Dwight Eisenhower referred to the "military-industrial-congressional complex". The arms manufacturers are having a field day with the war on terrorism. They can persuade governments that they need to significantly expand their military acquisitions. Small nuclear weapons are a part of that acquisition. How legitimate is the push by the big arms manufacturers to persuade the Congress of the United States and other countries that they need to spend huge amounts on weapons? The issue of small nuclear weapons is a very important one for us all. We should stand up to the arms manufacturers, who obviously will make huge bucks from small nuclear weapons, from "Star Wars" and from all the other proposals that are presently before the United States Congress. We should send a clear message to our friend America that we do not wish it to go down the path of small nuclear weapons. I thank the House.

Question—That the words stand—put.

The House divided.

Ayes, 54

Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Barr	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 Shearan
Ms Burney	Mr Knowles	Mr Stewart
Mr Campbell	Mr Lynch	Mr Torbay
Mr Collier	Mr McBride	Mr Tripodi
Mr Corrigan	Mr McLeay	Mr Watkins
Mr Crittenden	Ms Meagher	Mr West
Ms D'Amore	Ms Megarrity	Mr Whan
Mr Debus	Mr Mills	Mr Yeadon
Mr Draper	Ms Moore	
Mrs Fardell	Mr Morris	
Ms Gadiel	Mr Newell	<i>Tellers,</i>
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 29

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

Pairs

Ms Allan	Mr Brogden
Miss Burton	Mr Slack-Smith
Mrs Perry	Mr Souris

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 54

Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Barr	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 Shearan
Ms Burney	Mr Knowles	Mr Stewart
Mr Campbell	Mr Lynch	Mr Torbay
Mr Collier	Mr McBride	Mr Tripodi
Mr Corrigan	Mr McLeay	Mr Watkins
Mr Crittenden	Ms Meagher	Mr West
Ms D'Amore	Ms Megarrity	Mr Whan
Mr Debus	Mr Mills	Mr Yeadon
Mr Draper	Ms Moore	<i>Tellers,</i>
Mrs Fardell	Mr Morris	Mr Ashton
Ms Gadiel	Mr Newell	Mr Martin
Mr Gaudry	Ms Nori	
Mr Gibson	Mr Orkopoulos	

Noes, 29

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

Pairs

Ms Allan
Miss Burton
Mrs Perry

Mr Brogden
Mr Slack-Smith
Mr Souris

Question resolved in the affirmative.

Motion agreed to.

[Mr Speaker left the chair at 12.42 p.m. The House resumed at 2.15 p.m.]

BUILDING LEGISLATION AMENDMENT (SMOKE ALARMS) BILL**PAWNBROKERS AND SECOND-HAND DEALERS AMENDMENT BILL**

Messages received from the Legislative Council returning the bills without amendment.

CROWN LANDS LEGISLATION AMENDMENT BILL

Message received from the Legislative Council returning the bill with amendments.

Consideration of amendments deferred.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Report**

Mr Speaker tabled, pursuant to section 78 (2) of the Independent Commission Against Corruption Act 1988, the report entitled "Report on Investigation into the Relationship Between Certain Strathfield Councillors and Developers", dated June 2005.

Ordered to be printed.

BUSINESS OF THE HOUSE**Routine of Business**

[During notices of motions]

Mr SPEAKER: Order! I draw the attention of the Leader of The Nationals to the length of his notice of motion. I will consult with the Clerk and make a determination at a later time as to whether it is in order.

PETITIONS**Alstonville Bypass**

Petition requesting that the Alstonville Bypass be completed by the end of 2006, received from **Mr Donald Page**.

Land Tax Threshold and Vendor Duty

Petition requesting the reintroduction of an indexed land tax threshold and the removal of the vendor duty, received from **Mrs Shelley Hancock**.

Gaming Machine Tax

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

Government Cleaning Contracts

Petition requesting the maintenance of jobs and cleaning standards under government cleaning contracts, received from **Mr Steve Cansdell**.

Kurnell Sandmining

Petition opposing sandmining on the Kurnell Peninsula, received from **Mr Barry Collier**.

Bungonia Quarry Construction Application

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

Jervis Bay Marine Park Fishing Competitions

Petition requesting amendment of the zoning policy to preclude fishing competitions, by both spear and line, in the Jervis Bay Marine Park, received from **Mrs Shelley Hancock**.

Crime Sentencing

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

Anti-Discrimination (Religious Tolerance) Legislation

Petitions opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Mrs Shelley Hancock, Mr Malcolm Kerr, Mr Steven Pringle, Mr Anthony Roberts, Mr Andrew Stoner, Mr Andrew Tink and Mr John Turner**.

Yamba Policing

Petition requesting an increase in police numbers for Yamba, received from **Mr Steve Cansdell**.

Breast Screening Funding

Petition requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell**.

Campbell Hospital, Coraki

Petition opposing the closure of inpatient beds and the reduction in emergency department hours of Campbell Hospital, Coraki, received from **Mr Steve Cansdell**.

Coffs Harbour Aeromedical Rescue Helicopter Service

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

Public Hospital Security and Staffing

Petition requesting that the Department of Health guarantee the safety of patients and employ sufficient staff in public hospitals, received from **Mr Barry O'Farrell**.

Hunters Hill Early Childhood Health Centre

Petition requesting reinstatement of services at Hunters Hill Early Childhood Health Centre, received from **Mr Anthony Roberts**.

F6 Corridor Community Use

Petition noting the decision of the Minister for Roads, gazetted in February 2003, to abandon the construction of any freeway or motorway in the F6 corridor, and requesting preservation of the corridor for open space, community use and public transport, received from **Mr Barry Collier**.

Nowra Bypass

Petition requesting an appropriate bypass for Nowra, after community consultation, received from **Mrs Shelley Hancock**.

Barton Highway Dual Carriageway Funding

Petition requesting that the Minister for Roads change the Roads and Traffic Authority's priority for Federal AusLink funding for the Barton Highway, received from **Ms Katrina Hodgkinson**.

Macdonald River Signage

Petition requesting that the Macdonald River be provided with signage stating "4 or 8 knots, no skiing, no wash", received from **Mr Steven Pringle**.

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**.

CountryLink Rail Services

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

South Coast Rail Services

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

School Bus Seat Belts

Petition requesting financial incentives for bus operators to install seat belts on school buses, received from **Mrs Shelley Hancock**.

Southern Tablelands Rail Services

Petition opposing any reduction in rail services on the Southern Tablelands line, received from **Ms Katrina Hodgkinson**.

Newcastle Rail Services

Petition requesting the retention of Newcastle rail services, received from **Mr John Mills**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

Murwillumbah to Casino Rail Service

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

Blacktown to Richmond Night Bus Service

Petition requesting a bus service from Blacktown along the Richmond line between midnight and 5.00 a.m., received from **Mr Steven Pringle**.

Bus Routes 538 and 539

Petition request that bus routes 538 and 539 operate on Sundays and public holidays, received from **Mr Anthony Roberts**.

Mid North Coast Airconditioned School Buses

Petition opposing the removal of airconditioned school buses from the mid North Coast, received from **Mr Andrew Stoner**.

Milton-Ulladulla Public School Infrastructure

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

Wagga Wagga Electorate Schools Airconditioning

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

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**.

Shoalhaven River Water Extraction

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

Kempsey Water Fluoridation

Petition opposing the addition of fluoride to the Kempsey and district water supply, received from **Mr Andrew Stoner**.

Isolated Patients Travel and Accommodation Assistance Scheme

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

Crown Land Leases

Petitions requesting the withdrawal of changes to the rental structure of Crown land leases, particularly enclosed road permits, received from **Mr Thomas George** and **Ms Katrina Hodgkinson**.

Shoalhaven City Council Rate Structure

Petition opposing a 27 per cent rate increase proposed by Shoalhaven City Council, received from **Mrs Shelley Hancock**.

Collector Bushrangers Reserve Motorcycle Track

Petition requesting approval for the construction of a motorcycle track at Collector Bushrangers Reserve, received from **Ms Katrina Hodgkinson**.

Great Lakes Council Rate Structure

Petition opposing a 30 per cent rate increase proposed by Great Lakes Council, received from **Mr John Turner**.

Business Enterprise Centres

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

Bomaderry Milk Processing Plant

Petition opposing the decision of Dairy Farmers to close the Bomaderry milk processing plant, received from **Mrs Shelley Hancock**.

Whale Protection in Australian Waters

Petition requesting that whales are protected in Australian waters, received from **Mrs Judy Hopwood**.

Public Housing Tenants Rights

Petition requesting amendments to the Residential Tenancies Amendment (Public Housing) Act to provide public tenants with the same rights as other tenants and to protect their security of tenure, received from **Ms Clover Moore**.

QUESTIONS WITHOUT NOTICE

SYDNEY OPERA HOUSE AND SYDNEY HARBOUR BRIDGE COUNTER-TERRORISM MEASURES

Mr JOHN BROGDEN: My question without notice is to the Premier. In view of clear and continuing terrorist threats, will he now replace the unarmed private security officers patrolling the Opera House and the Sydney Harbour Bridge with 24-hour-a-day, seven-day-a-week New South Wales police?

Mr BOB CARR: We make decisions about sensitive matters of security on the advice of the State's Counter-terrorism Command and the Commissioner of Police. As I said earlier today, the closest one can get to a guarantee of a free society is good police intelligence. There are a multitude of targets available to terrorists in any open society.

[Interruption]

The honourable member for Gosford said "Police intelligence is a contradiction in terms", again attacking police. That is disgraceful!

Mr Chris Hartcher: Point of order: That is a deliberate misrepresentation.

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

[Interruption]

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

[Interruption]

Mr SPEAKER: Order! The House will come to order.

Mr BOB CARR: On September 11 in New York two office towers were targeted by terrorists. In Bali it was a nightclub; in Jakarta it was a hotel. Faced with the operations and depredations of terrorist groups, in an open society any structure can be considered a target. We have spent millions lifting security on the Opera House. The private security guards allocated there and to other icons are the eyes and ears of police, with whom they are in contact. What an absurd bit of opportunism for the Leader of the Opposition to suggest, because there is a front-page story today about police activities directed at terrorism, for the first time today we should have armed security guards instead of unarmed security guards at the Opera House. That is a silly bit of daily opportunism, and it is what we have come to expect from him. No wonder the Opposition does not have a policy or plan to bless itself with. A few days ago it had to advertise in plaintive tones—

Mr Andrew Tink: Point of order: Forgive me, I am about to sin procedurally, but I have to remind the Premier that this is his record on Opera House security. We have every right to ask him a question about security, because that is his record.

Mr SPEAKER: Order! The mood of the Chair is far from forgiving. I place the honourable member for Epping on three calls to order.

Mr BOB CARR: Today I was able to announce, after a briefing from police, that, first, NSW Police is working in close co-operation with the Australian Federal Police, ASIO and, in this case, the Victorian police, on surveillance and monitoring of people who might be considered potential terrorists. Second, the activity in Victoria last week involves potential terrorists about whom NSW Police has been kept informed and about whom it is knowledgeable. It is not up to me to canvass operational aspects of policing, but I assure the public that our police, equipped with all the resources available, and the State Counter-terrorism Command that we established, are monitoring those who might be considered terrorists risks. That monitoring will go on. Police assured me they are very happy with the level of co-operation that exists between them, ASIO and the Australian Federal Police. The House and the public of New South Wales should find that reassuring.

MENTAL HEALTH COMMUNITY CARERS ASSISTANCE

Ms NOREEN HAY: My question is to the Minister for Health. What is the latest information on assistance for mental health community carers?

Mr MORRIS IEMMA: I am pleased to provide the honourable member for Wollongong with the latest initiative in support for those caring for someone with a mental illness. Living with and recovering from a mental illness is a difficult and challenging experience at any time. Similarly, caring for a person with a mental illness places considerable stress on individuals and families. Families and carers rarely choose to be carers. They are often thrown in the deep end when a crisis hits a member of the family, a friend or a colleague. At present, New South Wales has some 845,000 carers. About 10 per cent of those carers look after a person with a mental illness. Around 80 per cent spend 20 hours a week—often more—in this important role. On average they spend between two and 24 years living the life of a carer, looking after a loved one or a friend recovering from, dealing with and living with a mental illness.

The role of families and carers is vital to the treatment and the recovery process of a person living with mental illness, but without adequate community support greater stress is placed on carers and those suffering mental illness. Carers themselves require community support and support from programs to give them relief and provide assistance for the vital work they do in continuing to provide important care for a loved one, friend or colleague. Better support for families and carers has significant long-term benefits for the whole community, not just those being cared for. In recognition of this need, in 2001 the Government established a mental health carers program. We committed \$1 million from the \$13 million Caring for Carers program to provide general support for carers.

That \$1 million recurrent funding has been allocated to establish programs for carers through non-government organisations such as the Schizophrenia Fellowship, the Association of Relatives and Friends of the Mentally Ill [ARAFMI], Carers New South Wales and other organisations in the Wentworth and Southern area health services. I can inform the House—in particular, the honourable member for Wollongong who has followed this issue closely—that this successful program, which was established in 2001 with an annual allocation of \$1 million, is to be extended with today's announcement of an additional investment of \$2.6 million to provide additional support for carers.

[Interruption]

I inform the honourable member for Willoughby that the New South Wales per capita expenditure on mental health is \$103, which places this State above the national average. When the Coalition was last in office the per capita expenditure on mental health was a miserable, pathetic \$53. That put New South Wales last on the national league table for spending on mental health. Today it stands at \$103 per capita, which is above the national average. Today the Government has announced a further investment in mental health services, specifically targeted towards community mental health.

I inform the honourable member for Wollongong that the \$2.63 million investment will be shared between non-government organisations, which will have the opportunity to tender for \$1.7 million of this investment in support for carers, and the balance will be made available through our health services direct to carers as additional support. That investment will be provided across the State. Non-government organisations will be entitled to tender for this additional money, including organisations such as ARAFMI.

Ms Gladys Berejiklian: Whose funding was cut last year.

Mr MORRIS IEMMA: That is correct. The honourable member for Willoughby mentions funding cuts to ARAFMI. Yesterday in the House she gave notice of a motion about a funding cut to ARAFMI.

Ms Gladys Berejiklian: In Illawarra staffing is down from four to one.

Mr MORRIS IEMMA: That is correct. I can inform the House that ARAFMI has had its funding cut. A mental health integration program has provided funding support of \$52,000 to ARAFMI. As the honourable member for Willoughby has interjected, yes, the money has been cut. Guess which government cut the money—John Howard's!

Ms Gladys Berejiklian: Point of order: I ask that the Minister stop misleading the House. He has cut funding to non-government organisations. New South Wales has the worst record in the country in relation to non-government organisations and he knows it.

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

Mr MORRIS IEMMA: ARAFMI Illawarra received \$52,000 for a family support program under the Commonwealth-sponsored mental health integration project. This funding has ceased. That is the cut to ARAFMI funding.

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

Mr MORRIS IEMMA: I can also inform the House that ARAFMI Illawarra receives \$52,000 in annual funding from the New South Wales Government and that that funding has not been reduced. Perhaps the honourable member for Willoughby should have done a little bit of basic research. It would be unkind to criticise the honourable member for Willoughby for getting it wrong because she is inexperienced. The honourable member for Willoughby should have amended her notice of motion to condemn John Howard for having cut ARAFMI's funding. At the same time she might have reminded the Federal Minister for Health and Ageing that in the Federal budget brought down just over a month ago not one extra dollar was provided for one extra bed or one extra operation and there were no additional resources for mental health. It is yet another example of the shadow Minister for Mental Health getting it wrong, just as she did with Bridgeway House in Parramatta, the State mental health budget and this latest embarrassment over ARAFMI funding. Like a range of non-government organisations, ARAFMI will be entitled to bid for the additional \$1.7 million to provide additional support for carers.

That latest investment will take funding for the mental health carers program to \$3.6 million, which will enable the State Government to provide vital assistance and support to carers and additional assistance to non-government organisations that support carers. The Federal budget did not reinstate funding that had been cut to organisations, like ARAFMI, that support mental health. The State budget has provided an additional 9 per cent in funding for mental health, \$71 million extra, and has a mental health budget of \$854 million. New South Wales funding in mental health is above the national average. In 1995, when the Coalition left office, New South Wales was at the bottom of all the States for per capita spending in mental health. I can also inform the honourable member for Wollongong that the foundation of this new plan to boost support for carers and non-government organisations in mental health comes from work that ARAFMI did for the New South Wales Government in 2003.

The Centre for Mental Health provided funding for ARAFMI NSW to undertake a comprehensive carers service review and ARAFMI did some excellent work. The work undertaken by ARAFMI in that review forms the basis of today's announcement about additional investment and the new plan to provide more support for carers. The review found a need for additional information to carers and for additional financial security; and, importantly, additional training for carers in identifying mental illness issues and being able to deal with them. Additional support will also be provided to assist them to advocate on behalf of their family members or friends with clinicians. Additional support will provide a link to care plans and to the discharge plans required for those they care for. Additional support for carers in the sense of enabling them to take time out when needed will also be provided. That is essential in order to sustain carers in the work that they do.

The very important work ARAFMI did on behalf of the Government forms the basis of today's announcement of the additional investment. It highlighted the fact that this is a sound investment, one that will produce better health outcomes for those suffering a mental illness, and provide better support for carers. There are also financial rewards because Access Economics has provided the Government with the results of a survey

conducted in the United States of America in 2002. The survey provided by Access Economics confirms that every dollar invested in supporting those with a mental illness in the community, and every dollar invested in supporting carers to look after them, results in a saving of \$34 in the costs associated with readmissions to acute hospitals, admissions to acute hospitals and relapses in the condition of those suffering mental illness. Today's announcement builds on the Government's strong and successful record of investing in mental health.

PREMIER GUNNEDAH VISIT

Mr ANDREW STONER: My question without notice is directed to the Premier. Given that he is scheduled to visit Tamworth tomorrow, will he not accept the community's invitation to visit Gunnedah, which is only 40 minutes away, to meet with community representatives devastated by his Brigalow decision?

Mr BOB CARR: The community itself says it is not devastated by our decision, which is designed to make forestry sustainable. I am proud of our decision to save the western woodlands of New South Wales.

CRIME STATISTICS

Mr GEOFF CORRIGAN: My question without notice is directed to the Premier. What is the latest information on crime statistics in New South Wales?

Mr BOB CARR: Today the Australian Bureau of Statistics [ABS], a respected independent national statistical organisation, released its crime figures for 2004. The figures offer further confirmation that crime in New South Wales is on the way down. The ABS data for 2004 shows that in New South Wales, for example, total homicide offences including murder, attempted murder and manslaughter dropped by 36 per cent on the previous year. That is a fall of almost half from the past decade's highest figure in 1996. Robbery offences dropped by 18 per cent, and that is also down by almost half from the peak in 2001.

Unlawful entry with intent offences dropped by 13.8 per cent, and that is a fall of more than one-third from the past decade's peak of 171,865 in 1998. Motor vehicle theft offences dropped by 4.6 per cent, a 40 per cent fall from the highest level over the past 10 years, which was in 1997. Other theft dropped by 12.2 per cent, which is a fall of 27 per cent from the peak in the year 2000. These are very impressive figures by any measure and the causes are not hard to find. They are intelligence-based policing—unlike what the honourable member for Gosford said at the start of question time, which was defamatory of police; tough new laws; high-visibility policing; increased police numbers; modern crime fighting technology; and those progressive drug policies I reported on in the House yesterday.

Mr Andrew Stoner: What about the injecting room?

Mr BOB CARR: The Leader of The Nationals asks "What about the injecting room?" His leader voted in favour of a medically supervised injecting room! Boy, dumb and getting dumber by the minute! He asked about the medically supervised injecting room, when the Leader of the Liberal Party, sitting next to him, and all the Liberals on the front bench, voted in favour of it. I mean, I just don't know! The Leader of The Nationals was interviewed on radio this morning and he could not confirm whether John Anderson was going to retire. He would have been the last person John Anderson would have thought of calling. John Anderson cannot name the Leader of the Nationals in New South Wales.

Mr John Brogden: Point of order: We are wondering if the Premier heard Paul Gibson on radio this morning? Did you hear Gibbo on radio? He did a lot of good for you, Bob. You would have cut yourself when you were shaving this morning if you were listening.

Mr SPEAKER: Order! There is no point of order. The Leader of the Opposition will resume his seat.

Mr BOB CARR: It is quite appropriate that I stand here and once again congratulate the men and women of the police force of New South Wales, because working in partnership with us in government they have brought about this significant reduction in crime. We congratulate them.

[Interruption]

There they go again, looking for an opportunity to rubbish and defame hardworking front line police. They never give up! They are always attacking the police and their leadership, whingeing and whining without a

positive policy to bless themselves with. Despite the objections of the Opposition, we congratulate the police, 14,500 of them. We have record police numbers in New South Wales. We thank them for using the resources we have given them and the tougher laws we have passed to bring down crime. The ABS figures show other areas of crime that remained a concern—kidnapping and abduction, and blackmail and extortion. Anecdotal evidence suggests that many of the kidnapping and abduction cases relate to custody battles between estranged parents. In regard to blackmail and extortion, the slight increase comes off a very low base, up from 80 to 94. This remains an uncommon crime.

There is always more to be done, as the honourable member for Gosford seems to be confirming by his little tinkling interjections. No-one is suggesting that crime is about to be eliminated from the catalogue that describes the human condition, but crime levels are moving in the right direction because of the right policies and the partnership between government and front-line police that those opposite are only interested in disrupting. The partnership will go on producing good policy outcomes in this area.

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

Mr BOB CARR: Brad is good-natured today, isn't he? What about a cheer for Brad to encourage him! He will be described one day in a forthcoming biography as "the last Liberal."

[Interruption]

I noticed that following the recent Nationals conference The Nationals got no publicity whatsoever. Conferences of the Nationals are not reported, certainly not with this great leader. I had to bring the conference to the attention of the House, because nobody had heard about it. Following the conference the Leader of The Nationals made a plaintive bid in a press conference. He urged the member for Port Macquarie to rejoin his party.

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

Mr BOB CARR: The Leader of The Nationals said, "Country people have got to understand that if they vote for Independents they'll help a State Labor government"—a very acute political observation! That was the choice put to the people of Dubbo only a few months ago. Members opposite are attacking a member who is working hard for his electorate. The more they attack the Independents from the bush, the deeper the support for those Independents grows in rural New South Wales.

[Interruption]

What percentage of the vote did the member opposite get in the last election in some of those National Party booths? He got 90 per cent of the vote—or that is what he says. The people of rural New South Wales used to vote for The Nationals, but now they vote 90 per cent for the honourable member. As a result, following the Nationals conference he plaintively pleaded with and lectured the people of rural New South Wales that they must no longer go on being naughty little boys and girls by voting for country Independents. Looking at the team opposite, why would they not be looking for alternatives in the bush?

FREIGHT INFRASTRUCTURE ADVISORY BOARD

Ms PETA SEATON: My question without notice is directed to the Minister for Infrastructure and Planning, and Minister for Natural Resources. Given that the Director-General of the Department of Infrastructure, Planning and Natural Resources [DIPNR], Jennifer Westacott, told a parliamentary committee that Laurie Brereton was not being paid to chair the Freight Infrastructure Advisory Board, how does the Minister explain the leaked DIPNR payroll document confirming that his Labor mate has been paid \$30,593?

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat and allow the Minister to answer the question.

Mr CRAIG KNOWLES: What a shocking revelation! Ian Sinclair and Laurie Brereton have done a good body of work, and I can assure honourable members that when the freight strategy is released it will be worth every zack and a whole lot more. The strategy is one of the underpinning principles of an excellent transport plan for this State. I suggest that the honourable member for Southern Highlands go back to the share portfolio. As most members know, I take great interest in the Southern Highlands. I am a subscriber—

[Interruption]

How is Chippendale going? The honourable member for Southern Highlands has now moved from being last to second last. That is because the other day she was spotted in Chifley Tower having a latte, as the Southern Highlands Nationals do, while studying the *Australian Financial Review*, which is a much better guide to share market improvements than anything she has been able to subscribe to previously.

LOCAL COUNCIL REVIEWS

Mr KIM YEADON: My question is addressed to the Minister for Small Business, representing the Minister for Local Government. What is the latest information on local government in New South Wales?

Mr DAVID CAMPBELL: This morning the Independent Commission Against Corruption [ICAC] delivered its report into Strathfield Municipal Council. The ICAC has recommended the prosecution of six people, including two former councillors of Strathfield council. The report did not recommend the dismissal of the entire council because the ICAC has made no suggestion that the entire council is beset by corruption. The Government will keep a close watch on Strathfield council and will not hesitate to act if new information comes to light. The Government will not tolerate corruption or maladministration in local government. It disturbs the Government when, time and again, there are examples of a handful of councillors who tarnish the name of the industry as a whole. That is why, in the past eight years, the Government has dismissed eight councils: Liverpool, Walgett, Rylstone, Warringah, Windouran, Bega Valley, Maitland and Tweed.

The most recent sacking, that of Tweed council, occurred on 25 May following a damning, independent report that found a developer-funded group had constructed a campaign intended to secure a pro-development majority on council. Some of the matters raised in the report have been referred to the ICAC. Meanwhile, only yesterday the Minister for Local Government announced a public inquiry into Brewarrina Shire Council because of serious allegations of maladministration and financial mismanagement. The inquiry may recommend to the Minister the council's dismissal. It is better to strengthen the integrity of local government and, therefore, avoid sackings. That is why we have introduced a new flying squad of investigators.

Our Promoting Better Practice Program is improving the practices of councils. The Department of Local Government has conducted reviews into 13 councils, and another seven reviews are under way. The review program acts as a health check on councils. It gives recommendations to treat performance problems and prevent problems arising. Another important reform is the Local Government Amendment (Discipline) Act, which came into force on 1 January. The amending Act puts in place a new set of standards of behaviour that the community expects of councillors and council staff. These standards are set out in a comprehensive model code of conduct. The legislation also gives the Director-General of the Department of Local Government and the Pecuniary Interest and Disciplinary Tribunal the right to suspend councillors for proven misbehaviour. The director-general may impose suspensions of up to one month, while the tribunal may impose suspensions of up to six months.

The Government has introduced new laws to regulate partnerships that councils may form with private companies. These laws affect partnerships that are worth over \$50 million. The new laws were necessary after the independent inquiry into Liverpool council found that the council lost at least \$22 million of ratepayers' money during the Oasis project. Finally, last night the upper House passed legislation that will, among other things, tighten accountability mechanisms relating to fees and expenses paid to councillors. We are taking local corruption malpractice seriously. We have also put in place the most sweeping reforms to local government since the 1940s, and we have shown no compunction in sacking councils that do the wrong thing.

The ICAC findings on Strathfield council are very disappointing, but they prove two things: that the system of detecting and investigating wrongdoing works, and that wrongdoers will be brought to justice. We will not let the actions of a small minority tarnish the reputation of the State's councillors—dedicated women and men who are overwhelmingly ethical and responsible. The few who act outside the law do not represent local government as a whole. They are a disgrace. Such behaviour will not be tolerated in New South Wales. The Government looks forward to hearing what measures the Director of Public Prosecutions proposes to take against those named in the Strathfield report.

DEPARTMENT OF HOUSING CORRUPTION PREVENTION STRATEGIES

Mr ANDREW FRASER: My question without notice is directed to the Minister for Housing. Why did his department pay \$58,000, or \$51 a word, for the ¾ page report on corruption prevention when 73,000 people are waiting for public housing?

Mr JOSEPH TRIPODI: The report of Mant Consulting entitled *Corruption Prevention and Fraud in the Department of Housing* says that the strategies of the Department of Housing for dealing with corruption

complaints are working well. Since the report was released the Department of Housing has stepped up its corruption prevention activities, with improved analysis and risk assessment based on statistics from its fraud prevention hotline, quarterly meetings with the Independent Commission Against Corruption, and regular feedback sessions. Investigations are now completed more quickly, and staff now have easy access to information about corruption prevention. A corruption prevention and ethics committee was set up to ensure that all complaints are investigated properly and staff are kept up to date on corruption prevention strategies.

SENATE INQUIRY INTO CHILDREN IN INSTITUTIONAL CARE

Ms MARIANNE SALIBA: My question without notice is directed to the Minister for Community Services. What is the New South Wales Government's response to a recommendation, in the report of a Senate inquiry into children in institutional care, for an apology?

Ms REBA MEAGHER: It has been rightly said that a happy childhood is an inextinguishable memory and that if we do not have that we can be emotionally undernourished, spiritually void and running on empty throughout our adult lives. A two-year Senate committee inquiry has found that from the early 1900s through to the mid-1970s half a million orphans or surrendered children were badly treated by the system charged with their care and consolation. There was neglect and despair; brothers and sisters separated; educational possibilities needlessly lost; children pressed into domestic service; and abuse—emotional, physical and sexual abuse.

During its inquiry the committee received graphic and disturbing accounts of the experiences of these children. The committee's report, "Forgotten Australians", makes a number of recommendations, and we, like other State governments, pledge our best efforts to implement them. One course of action that is highly valued by the survivors of these institutions is for them to have access to records: the stories of their origins, of what happened to them—records that might help explain that persistent question: Why?

Another important step is for them to have information about brothers and sisters they did not know about. Consistent with privacy laws and the wishes of all involved, we will help reunite these families. We will offer counselling and support—a hand of comfort and understanding to help these victims deal with the past and face the future with greater confidence. But, most important, there is the question of a public and formal expression of regret, an apology that will be an important step in the healing process for those who suffered abuse. On behalf of the New South Wales Government, I accept and acknowledge the emotional, physical and sexual abuse suffered by many of the children entrusted to institutional care in this State. I, therefore, have the honour of offering them this heartfelt and sincere apology.

The Government of New South Wales apologises for any physical, psychological and social harm caused to the children, and any hurt and distress experienced by them while in the care of the State. We make this apology in the hope that it may help the process of healing. The New South Wales Government is strongly committed to supporting families to reduce the need for children to be in care. Where children and young people are placed in care, the Government will assist with the services available to them. We hope that this apology will be accepted in the spirit in which it is made and that the New South Wales Government, our community partners and the community at large can continue to work together to build a better and safer place in which our children can live, grow and flourish. We know we need to listen to these people and work with them to make this a reality. I thank the House for the opportunity to make this important and much overdue statement. I hope this apology, along with the other measures that I have outlined today, will help bring healing and help to those young Australians who, at a vulnerable time in their lives, were let down by the system.

Mr Brad Hazzard: Point of order: My point of order, and it is a serious matter, is that the Minister is making a ministerial statement which the Opposition would have liked the opportunity to support. This issue should be bipartisan, and the people who are sitting in the gallery are recognised for the strong work they have done in this area. We would have liked the opportunity—and we ask the Minister to give us the opportunity in the future—to address these types of issues in a bipartisan way.

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

MANLY QUARANTINE STATION

Mr DAVID BARR: My question without notice is directed to the Minister for the Environment. What is the status of the Manly Quarantine Station lease?

Mr BOB DEBUS: I always know that the honourable member for Manly will ask me about the quarantine station: that is his main subject. I can advise the House that I have issued a notice of intent to lease the quarantine station. That document will ensure that the public is made aware of any proposed lease on national park lands. As the House would be aware, that notice followed a most extensive public consultation process that included the preparation and exhibition of an environmental impact statement, a species impact statement, a conservation management plan, amendments to the Sydney Harbour National Park Plan of Management and an independent commission of inquiry.

Following that inquiry a planning approval was granted, with some 233 conditions, including a requirement for the permanent appointment of a quarantine station environment manager; the appointment of a heritage adviser; the establishment of a quarantine station community committee; the preparation of a number of detailed site plans to cover issues such as engravings and inscriptions, conservation works and site infrastructure; and a requirement for regular reporting and auditing of environmental performance. All of those conditions are incorporated in the amended draft lease document. The quarantine station environment manager and the heritage adviser commenced duty last year. I am sure that if and when a lease is finally issued we can be certain that this establishment will be a world-class environmental management system for the adaptive reuse and conservation of a place of very great significance. I cannot yet say exactly when it will be, but I anticipate that the final decision on the lease will be made in the very near future.

BUILDING SUSTAINABILITY INDEX

Mrs KARYN PALUZZANO: My question is directed to the Minister for Infrastructure and Planning. What is the latest information on government measures to improve building sustainability in New South Wales?

Mr CRAIG KNOWLES: The honourable member for Penrith would be interested to know that over the past 12 months more than 20,000 building sustainability index [the BASIX] certificates have been issued on line. In very simple terms that means homes that are built with those certificates will save substantial amounts of water and electricity at unprecedented levels. Compared with old-style building methods, a the BASIX certified home saves a minimum of 40 per cent on water and 25 per cent on electricity. Over the next 10 years the BASIX will save just under 300 billion litres of water and just under 10 tonnes of greenhouse gas emissions, the equivalent of taking 2.6 million cars off the road.

When the BASIX began a year ago there were some pretty disingenuous claims by some in the building industry that it would add tens of thousands of dollars to the cost of constructing an average new home. Of course, that has not been the case. Indeed, the building industry has adapted and has largely absorbed those costs. New industries have sprung up, and I mention particularly, for the benefit of Illawarra members, the big new industry in that area, BluescopeSteel, which is setting up a new, big investment in water tank production. That means a lot of money and a lot of new jobs, but, most importantly, in very simple, old-fashioned terms, ordinary families, mums and dads, get real savings in their water and electricity bills because their homes are being constructed in a more sustainable way.

The BASIX has been pretty well accepted over the past 12 months. The Housing Industry Association—the industry lobby—recently made it very clear in a public forum that it had not received a single complaint from its members about the the BASIX tool. That is a great tribute to the the BASIX team, but it is also a great tribute to the technology behind the software, which is now generating a great deal of interest around Australia and also internationally as people look for a good software-based tool to design homes on a sustainable basis. Another the BASIX milestone will be reached on 1 July, when the BASIX will be available to assess all new multi-unit residential developments.

This is the first time that such a tool has been applied to multi-unit construction anywhere in Australia. From 1 July, for a period of three months—that is, until 1 October—the BASIX will operate in a voluntary capacity for multi-unit developments. It will become mandatory from 1 October. As with other the BASIX components, the first three months are designed to allow the industry time to get used to the system, to evaluate the performance of their projects and to generate the necessary the BASIX certification. Of course, 1 July also signals the application of the BASIX for single dwellings beyond Sydney. In the coming days my colleague the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) will make further statements and announcements about the regional BASIX.

It will not surprise the Parliament that this new phase of the BASIX, like its introduction, has caused some in the industry to make the same old tawdry claims that this will add to the cost of development. The same

claims were made a year ago. I reiterate that those claims were baseless then and they are baseless now. There was no evidence then to support the claims and there is no evidence now to support the claims, which are being made by a very small minority within the construction sector. However, being the nice guy that I am, in order to assist the industry I will put on our Internet site all the quality survey [QS] data that sits behind the multi-unit the BASIX system. We will publish our QS and challenge anyone in the industry to find a problem with it. If there is a problem, we will work with them to make it an effective tool, as we have done for the past year. However, neither consumers nor the Government will believe claims that the sky will fall in, particularly now that we have had one year of practice, and 20,000 the BASIX certificates, and according to the HIA there has been not one complaint.

The the BASIX system is a very powerful addition to the way we sustain our resources, and conserve water and energy. Because of its statewide application now, as it rolls out from 1 July both the construction industry and consumers will benefit by having a uniform assessment tool rather than the hotch-potch of individual councils doing their own thing on the sustainability front. The BASIX provides one set of rules, one benchmark and one pass mark for all new residential buildings in New South Wales, ensuring that future generations will secure a dividend in sustainability, particularly in the areas of water and energy.

Questions without notice concluded.

POLICE INTELLIGENCE

Personal Explanation

Mr CHRIS HARTCHER (Gosford) [3.43 p.m.], by leave: In question time today the Premier sought to impugn my character by implying that I was insulting police by remarks about intelligence. My remark, which the Premier deliberately misquoted, was that the Minister does not have the intelligence to run the Police Force.

CONSIDERATION OF URGENT MOTIONS

Public Transport Tax Concessions

Mr MATT BROWN (Kiama) [3.43 p.m.]: My motion is urgent because it deals with the benefits and support of public transport. With this Government's significant investment in public transport, it is urgent that this motion be debated today.

Honourable Member for Strathfield Corruption Allegation

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.43 p.m.]: My motion is urgent because the people of New South Wales need to know what went on when the Labor Party ran Strathfield council. Today the ICAC report into Strathfield council has revealed that the Labor mayor, John Abi-Saab, was nothing but a common criminal. What is very clear from this report is that in order to restore power to the Labor Party on Strathfield council he undertook a disgraceful act of deception, seeking to blackmail Alfred Tsang—who was also proved in this report to be corrupt—and regain power of Strathfield council.

The motion is urgent because the report states that the former Labor Party mayor of Strathfield, John Abi-Saab, first gave evidence in private on 3 September 2004. On this occasion and on subsequent occasions he demonstrated that he had no regard for the truth and was prepared to lie on oath. That is what the people of Strathfield have had to put up with under the Labor Party. Thank God the ICAC has revealed today exactly how the Labor Party acts. But we should not in any way excuse the rest of the Labor Party members at Strathfield and their involvement. This House must debate the involvement of the member for Strathfield in all of this. Another person who was implicated, and will potentially face charges with regard to misleading—in fact, lying to—the ICAC is Anne Bechara. And who is Anne Bechara? I quote from *El-Telegraph* of Wednesday 11 December 2002, which stated:

Eddie and Anne Bechara celebrate in support for Ferjina Judge ... for her nomination in the Strathfield seat.

The chief fundraiser for the member for Strathfield is a crook, and the former Labor councillor and former colleague of the member for Strathfield is a crook. What is the common link between Anne Bechara and John Abi-Saab? It is Eddie Obeid! And who used to work for Eddie Obeid? The member for Strathfield, Virginia Judge. We have a rare combination of corruption in the Labor Party, Strathfield council, the Legislative

Assembly and the Legislative Council. The member for Strathfield is at the centre of this web of corruption, and she must answer as to her role in all of this because she received donations from people who were found to be corrupt. She knows them all. She has dined with them, lunched with them and had parties with them. They fundraise for her, and she is at the centre of their corrupt largesse.

Mr Alan Ashton: Point of order: The Leader of the Opposition has not stated why his motion is urgent. He has attacked the honourable member for Strathfield. He knows that under the standing orders he must move a substantive motion if he wants to do that. I ask that he either moves such a motion or speaks to the motion for urgency.

Mr SPEAKER: Order! I have heard enough. Both the points raised by the honourable member for East Hills are valid. I remind the Leader of the Opposition of the standing orders in relation to urgent motions.

Mr JOHN BROGDEN: My motion is urgent because this report was released today. It is urgent because the people of Strathfield deserve to know in detail how the Labor Party ran Strathfield council and who within the Labor Party ran it. We know all about John Abi-Saab, but who pulls his strings? The corrupt member for Strathfield does. She is at the centre of this corruption. Anne Bechara, a Labor Party fundraiser, raised funds for her. There is a photograph of the member for Strathfield next to this alleged corrupt individual in Strathfield. The grubby fingerprints of the member for Strathfield are all over this. She ought to explain her role and her connection to Eddie Obeid, who said that he made Virginia Judge. It is now time for the people of New South Wales and the people of Strathfield to find out how this corrupt individual operates. [*Time expired.*]

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

The House divided.

Ayes, 52

Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Barr	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
Mr Campbell	Mr Lynch	Mr Stewart
Mr Collier	Mr McBride	Mr Torbay
Mr Corrigan	Mr McLeay	Mr Tripodi
Mr Crittenden	Ms Meagher	Mr West
Ms D'Amore	Ms Megarrity	Mr Whan
Mr Debus	Mr Mills	Mr Yeadon
Mrs Fardell	Ms Moore	
Ms Gadiel	Mr Morris	<i>Tellers,</i>
Mr Gaudry	Mr Newell	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 29

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

Pairs

Ms Allan
Miss Burton
Mrs Perry

Mr Armstrong
Mr Constance
Mr Merton

Question resolved in the affirmative.

Ms Virginia Judge: Mr Speaker, I wish to make a personal explanation. The Leader of the Opposition has made some—

Mr SPEAKER: Order! The honourable member for Strathfield cannot make a personal explanation at this stage.

Ms Virginia Judge: He has maligned my character.

Mr SPEAKER: Order! The House has just voted on which urgent motion is to proceed and is still involved in the procedure relating to urgent motions. The first time at which the honourable member for Strathfield can make a personal explanation is at 4.15 p.m., when business is interrupted pursuant to sessional orders.

Ms Virginia Judge: I will be here, ready and waiting.

BUSINESS OF THE HOUSE**Routine of Business: Suspension of Standing and Sessional Orders**

Mr CARL SCULLY (Smithfield—Minister for Police) [3.59 p.m.]: I move:

That standing and sessional orders be suspended to permit consideration of Government Business at the conclusion of private members' statements at this sitting.

A number of bills are coming from the upper House. At the moment, it appears that the Government will accept amendments to most of them. I do not want to detain honourable members this evening. Private members' statements will conclude at approximately 6.15 p.m., at which time a number of bills will be ready for the House to consider. It is then hoped that we can depart to our electorates.

Motion agreed to.

PUBLIC TRANSPORT TAX CONCESSIONS**Urgent Motion**

Mr MATT BROWN (Kiama) [4.00 p.m.]: I move:

That this House calls on the Federal Government to investigate new tax concessions for public transport users similar to those afforded to private motor vehicle buyers.

This is an important issue in promoting public transport in this State. A range of salary-packaging ideas is available to people who buy new cars and drive them to work, but no similar incentives exist for people who catch buses and trains. Under the Federal Government's fringe benefits tax system one can get generous tax breaks for buying or leasing a new car and paying for it from one's pre-tax salary. This can be used to pay a whole range of things, such as parking, insurance and fuel. The more one drives, the better the tax concessions. There does not seem to be that incentive for public transport. Why should regular public transport commuters not get similar benefits from their purchase of bus, train or ferry tickets? When the GST was introduced, many car prices decreased but the cost of tickets for public transport increased by 10 per cent.

Recently the Minister for Transport addressed this issue with the Federal transport Minister, asking that this be argued at the next Australian Transport Council Meeting. It is about time we addressed the imbalance between people using cars, especially single occupant travellers in peak hours, and people using public transport. This is not a brand-new idea. It has occurred in other jurisdictions. The United States of America has allowed public transport users to access certain tax benefits. Although the Federal Government follows the

United States on many policies, it does not seem to be moving quickly on this one. It has adopted, as our Minister for Transport says, a "cars are us" attitude. This proposal would help a lot of people. I will use the Illawarra as an example of how this proposal might help. In the Illawarra and on the South Coast more than 100,000 trips are made on public transport on any average week day. The average number of trips made by people using trains is 55,000 and by buses is 49,000. Why should these people be disadvantaged by the Commonwealth Government's tax arrangements when compared to people using cars?

Mr Thomas George: They are lucky to have trains!

Mr MATT BROWN: The honourable member for Lismore is right—they are lucky to have trains. I would not begrudge them that, as the honourable member seems to be doing. On any measure of fairness, it is simply inequitable to offer a concession to car users that is not offered to public transport users. Restoring fairness is reason enough to act on this issue. There are other equally compelling reasons as well. It will remove a barrier to increasing public transport usage as well as provide the environmental benefit of reduced greenhouse emissions. Increasing the level of public transport usage is a good goal that we should all be working towards, but the tax arrangements do not provide that incentive. In fact, they do the opposite and create a significant barrier.

In the Illawarra, more than three-quarters of all passenger trips are made by cars—that is, 76.5 per cent are made in private vehicles. It is a big challenge to try to stop this number from increasing and eventually to reduce it. Under Commonwealth laws fringe benefits tax incentives can be offered to public transport users if they were given the same system that is used for cars. The Commonwealth Government's review on tax indicated this. The 1999 Ralph review recommended that fringe benefits tax rules relating to transport be reformed. It found that under the current arrangements there is a perverse incentive to drive extra kilometres to get even bigger tax breaks. In other words, the fringe benefits tax arrangements make it beneficial to drive a car more and use public transport less—which is no good for the environment—to get bigger tax breaks.

It is also a big expense to the environment. Everybody knows that increasing the use of public transport removes cars from our already congested roads and means the air we breathe is cleaner. Based on advice from the New South Wales Greenhouse Office, each year the average car emits around four tonnes of greenhouse gases into the atmosphere. When that is multiplied across the State that is a startling figure—it is about 77 kilograms a week or around 11 kilograms a day. I am referring to an average car travelling approximately 15,000 kilometres over a 12-month period, burning an average 11 litres of fuel per 100 kilometres travelled. In the Illawarra there are hundreds of thousands of car trips every day—in fact, 750,000 private vehicle passenger trips every single day. Reducing our dependency on cars is a big goal, and an important one.

It is interesting to read that the Opposition has described this issue as a joke. The honourable member for Vacluse, who was rudely interjecting earlier, has gone on radio across Sydney and regional New South Wales describing this issue as a joke. The honourable member for Vacluse might be laughing on the other side of his face when he looks into the facts of the issue and makes a more significant contribution to the debate. It may not be a joke to people living in the inner city and eastern Sydney, where the honourable member's electorate is, and where more than 300,000 passenger trips a day are made on public transport. Those areas are well serviced by public transport. People might not see the funny side of this issue being described as a joke by the State Opposition. Perhaps the Opposition shares its Federal Government counterpart's view on this matter. Is the Federal Government's "cars are us" approach supported by the State Opposition? I ask honourable members to contrast this with the recent record funding allocated to public transport in the Carr Government's State budget. It is a stark comparison. The State Labor Government gives a damn about public transport and has introduced record funding on this significant infrastructure project.

Mrs Karyn Paluzzano: What is the funding?

Mr MATT BROWN: It will be around \$2.5 billion on investment in our public transport system. The record transport budget delivered \$3 billion in funding to support and improve public transport across New South Wales. That represents a massive 12.6 per cent increase over last year's budget. When the borrowings and revenues from the fare box are included, the amount invested in public transport rises to \$4.6 billion. That is no small sum and a significant contribution. The money will go towards the rail clearway programs—separating the spaghetti-entangled gridlock of our rail network—so that five separate lines will run independently and more reliably. That initiative will increase efficiency and reduce congestion delays.

Also the Government has invested \$1.5 billion in a public-private partnership program to fast-track the replacement of CityRail's 498 non-airconditioned rail carriages in six years, which will make public transport a more comfortable and enjoyable trip forth. State Transit's capital works program is extensive in rail and new buses. The Government supports public transport. We want to make it more affordable and create incentives for more people to use it. I urge the House to support this motion and to support public transport.

Mr PETER DEBNAM (Vaucluse) [4.10 p.m.]: I welcome the opportunity to say a few words on this issue. This motion is a joke that the Government pulls out of the file every two years. It is a Government stunt. The honourable member for Kiama, who moved the motion, is also a joke. What employer would promote public transport in New South Wales while this Government is running the system? No employer in New South Wales would promote public transport for their employees to get to work while the Government is running it. The Government cannot get the trains to run on time; it cannot get the system to work. Except with help from the unions, it cannot get public transport to work. Yet the honourable member for Kiama talks about an initiative to encourage employers to promote public transport to their employees, even though they will not get to work on time.

The Government raises this matter today because it is embarrassed by Treasury comments about public transport in New South Wales. I refer to a memorandum of Treasury about public transport, dated November 2004, and the Government's running of the system. The memorandum reports on a meeting between Treasury and the Chairman and Chief Executive Officer of the Rail Corporation to discuss various issues driving financial aspects of public transport. One of the discussion points relates to the deficit in transport, RailCorp specifically. The memorandum states:

What drives the deficit?

The information provided to support higher funding requirements is grossly inadequate and does not allow an appropriate analysis by Treasury. Other government agencies must provide detailed information to support funding bids. Despite being the purchasing (or contracting) arm of Government, the Ministry of Transport fails to add any worthwhile input in this area.

The Government's own Treasury states that the Department of Transport, specifically RailCorp, is a dog's breakfast. The memorandum continues:

Treasury has been unable to get accurate staffing data from rail agencies. However, Treasury suspects that staff numbers continue to increase rapidly despite reforms.

Treasury wants to know what is going on within Transport. Clearly, it is concerned about the way it is heading. It is concerned about the financial projections—the honourable member for Kiama was talking about the finances of public transport—and about the lack of management activity. The Government Treasury goes on to say:

Corresponding service improvements are lacking.

According to the Government Treasury, no employer in New South Wales in its right mind would promote public transport to get its employees to work on time. When Treasury refers to "service improvements are lacking" it is talking about on-time running. The Government cannot make the system work. Treasury then goes on to say:

Rail has undertaken little or no benchmarking with other rail providers, calling into question the rigour in which organisational reform has been pursued in the past and, in particular, the calibre of negotiations on wage increases

Treasury, referring to the industrial framework, which is the Government's arrangement with unions, states:

The industrial framework supports inflexible work practices

Treasury is referring there to the rorts, such as we saw in this morning's *Daily Telegraph* where the Government has paid \$600,000 in taxi dockets.

[*Interruption*]

The honourable member for Kiama is the clown who was stupid enough to move this motion this afternoon. I will talk to him. Treasury states, "the industrial framework supports inflexible work practices". They are the rorts reported on in the *Daily Telegraph* this morning where the Government paid \$600,000 for a few employees of Sydney Ferries to get to and from work. Treasury goes on to say:

The cost of certain performance standards ... is not understood; and

Limited responsibility and accountability within the organisation to manage budgets and to identify priorities.

Treasury makes the point that within RailCorp Treasury is seen as a non-demand supplier of funding. The Government believes that anything is possible. Treasury goes on to demand in its memorandum:

Cost reductions must be pursued quickly—stations, driver and cleaning.

Treasury is directing RailCorp to close stations, sack drivers and get rid of the cleaning. Further, Treasury states:

Fare increases must be pursued actively

That is what the motion relates to: financial issues in public transport. In this document Treasury says that public transport in New South Wales is a dog's breakfast and demands the closure of stations, the sacking of drivers and the ceasing of cleaning. I wonder whether the honourable member for Kiama who moved this motion has read this memorandum from Treasury to RailCorp? The honourable member has provided us with an opportunity to debate public transport in New South Wales, which the Government's own Treasury thinks is a dog's breakfast. I refer to the Auditor-General's report that was tabled yesterday—

Pursuant to sessional orders business interrupted and motion lapsed.

HONOURABLE MEMBER FOR STRATHFIELD CORRUPTION ALLEGATION

Personal Explanation

Ms VIRGINIA JUDGE, by leave: I welcome the Independent Commission Against Corruption [ICAC] report, which was tabled in the House today. As the ICAC has made recommendations to the Director of Public Prosecutions to consider criminal prosecutions, I will not comment on the specifics in the report. However, I want to comment on the disgraceful allegations and comments made by the Leader of the Opposition about me. He has got into the gutter and attacked me personally. He has made a range of allegations about me, all of which are totally untrue.

I challenge the Leader of the Opposition to step outside the coward's castle of this Chamber and publicly repeat what he said in this Chamber today about me. I repeat: I challenge him to step outside this Chamber right now and repeat the allegations he made about me today. He will not do so because he knows all that he said about me is untrue and highly defamatory. I am very disappointed for the good people of Strathfield. I am pleased that the community is now informed about the Independent Commission Against Corruption report on the investigation into the relationship between certain Strathfield councillors and developers.

Mr Andrew Tink: Point of order: I refer to *Decisions from the Chair*. An attack on another member must not be made under cover of a personal explanation. Leave was given to make a personal explanation.

Mr ACTING-SPEAKER (Mr John Mills): Order! I read that ruling a moment ago. The honourable member for Epping is correct. Has the honourable member for Strathfield completed her personal explanation?

Ms VIRGINIA JUDGE: Yes.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Bob Debus agreed to:

That standing and sessional orders be suspended to permit the Attorney General to table an exposure draft of the Protection of the Environment Operations Amendment Bill, and to make a statement in relation to the bill.

ENVIRONMENT PROTECTION LEGISLATION

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [4.20 p.m.]: I seek leave to make a brief statement about the Government's plans to introduce significant reforms to the State's principal piece of environment protection legislation, the Protection of the Environment Operations Act

1997. I also seek leave to table an exposure draft of the Protection of the Environment Operations Amendment Bill. It will lay on the table over the winter recess to allow for targeted consultation with key stakeholders.

Leave granted.

Exposure draft bill tabled.

Mr BOB DEBUS: In 1997 the Carr Government transformed this State's environment protection and pollution control legislation. Our landmark Protection of the Environment Operations Act 1997, which came into force in July 1999, was widely welcomed by councils, industry associations and environment groups. It provided New South Wales with its strongest ever anti-pollution laws, along with an efficient enforcement regime. Prior to this legislation, this State's pollution laws were fragmented and difficult to enforce and some were up to 35 years old. They included various penalties and procedures to address different types of pollution offences. The confusing array of powers and responsibilities that existed under five different pollution control Acts were replaced with one comprehensive set of rules to protect the air, water and land, and to control the disposal and transport of waste. Outdated regulatory tools were revamped and transformed into effective, modern environment protection instruments.

The Act has been extremely successful. It has been responsible for significant reductions in pollution, and a cleaner, healthier environment. Using powers under the Act, the New South Wales Government has required polluting industries to spend more than \$1 billion dollars on environment upgrades. Each one of these has reduced pollution in our community. More than 150 new pollution reduction programs are negotiated each year. Under the load based licensing scheme set up under the Act, licensees have already agreed to prevent a total of 3,914 tonnes of pollution per year—that is, 1,653 tonnes of air pollutants and 2,261 tonnes of water pollutants have been kept out of our skies and waterways. It is little wonder that Sydney Harbour and our ocean beaches are the cleanest they have been for more than a century and that whales are returning in greater numbers.

There are many other examples of the successful implementation of this Act. For example, it has allowed smarter regulation of salinity in the Hunter River. New regulations have been responsible for not only slashing the level of harmful salinity in the river, they have allowed local industries to create 800 new jobs and expand the value of production by \$1.4 billion every year. This has been achieved through a world-first scheme that gives companies flexibility by allowing the online trading of salinity credits. The South Creek Bubble Pollution Licence in Western Sydney is another example. It has cut phosphorous levels in discharges from sewage treatment plants by 83 per cent and nitrogen by 50 per cent. These reductions have been achieved at a cost of \$45 million less than the cost under traditional forms of regulation.

But there is always more to be done. My aim is to further reduce pollution, to achieve better air and water quality. By way of background, the Act was reviewed during 2003 in consultation with key industry, conservation and local government stakeholders. Following that review, changes are now proposed to further improve the Act. The review confirmed the Act has been overwhelmingly successful. However, as with any complex legislation, it should always be kept up to date and it can always be improved. I table today a bill to update the Act. This bill will ensure that New South Wales remains at the cutting edge of pollution regulation, enforcement and regulatory innovation. As well as introducing several significant new provisions, the bill will clarify existing provisions to ensure the Act works in a clear and effective way.

This bill amends the Protection of the Environment Operations Act 1997, and also includes some minor amendments to the Protection of the Environment Administration Act 1997, the Environmentally Hazardous Chemicals Act 1985 and the Pesticides Act 1999. First, the bill includes major amendments to the Act's waste regulatory framework. The review of the Act confirmed the need for stronger provisions to prevent the inappropriate reuse or recycling of waste that may be harmful to the environment, in particular the use of hazardous industrial waste as fertiliser, landfill or fuel. The Environment Protection Authority [EPA] has reported cases of contaminated soils being supplied to innocent landholders as clean fill. These shonky operators reap substantial profits by charging full price to their customers, while failing to provide the means for proper disposal. They leave a substantial clean-up legacy to the unfortunate landowners.

To tackle this problem, the bill tightens the definition of "waste". It makes it clear that "waste" includes any processed, recycled, reused or recovered substance produced from waste that is applied to land or used as fuel in the circumstances to be specified in the regulations. It is proposed that the existing powers in the Act will be used to exempt wastes that are being reused or recycled appropriately. These amendments will facilitate the

appropriate reuse of waste, while stamping out the dangerous, polluting or harmful reuse of waste as fertiliser, fuel or fill. There is also a vital need to protect landholders, especially farmers, and the environment from damage caused by the harmful application of waste or other substances to land. The bill proposes a new strict liability offence for polluting land. Under this offence, a person who causes or permits the land to be polluted will also be liable, so that where innocent landholders are the victims of unscrupulous operators, proceedings can be brought against the operator for causing the land to be polluted.

Unlike existing waste offences in the Act, this offence focuses on the potential of the substance to cause harm. The new offence will allow substances to be prescribed by regulation that are deemed to cause land pollution. Let me stress that farmers will not be adversely affected by these provisions. The bill includes a set of explicit defences applying to common agricultural activities. These include the application of fertiliser that can be lawfully sold under the Fertilisers Act 1985, and pesticides that are regulated under the Pesticides Act 1999. The bill contains another new strict liability offence for a person who supplies false or misleading information about waste. A proper description of waste is critical for determining whether a licence must be obtained or whether other requirements of the Act are applicable.

It is also essential for all people dealing with waste to know what they are dealing with so that appropriate environmental and occupational health and safety precautions can be taken, and the waste can be taken to the appropriate place. The EPA has experienced difficulties in dealing with unscrupulous waste operators who falsify waste information for commercial or personal gain. These amendments will solve those problems. The bill also clarifies existing waste offences by extending the offence to situations where someone has caused or permitted an offence. This will enable the most culpable person to be prosecuted, including those ringleaders organising illegal operations without directly participating on the ground.

Let me now turn to another key part of the bill. Fines and penalties are obviously a crucial part of our pollution laws. To maintain an effective deterrent, and to send the strongest possible message to the very small minority of would-be polluters, the fines and penalties in the Act will be increased. As the House may be aware, the Act establishes three tiers of offence—tier 1 being the most serious and tier 3 the least serious. Tier 1 offences involve wilful or negligent conduct. When they were originally enacted, they were at the forefront of Australian environmental legislation and established environmental crime as a serious criminal offence. Since then, the penalty for tier 1 offences has not changed and a further increase is now justified. The bill will also differentiate between "wilful" and "negligent" conduct. In a case of wilfulness, a higher penalty will apply than for cases where negligence is involved. For companies, the maximum financial penalty for tier 1 offences will now be \$2 million for negligence and \$5 million for wilfulness. For individuals, the maximum penalty will now be \$500,000 for negligence and \$1 million for wilfulness. For tier 2 strict liability offences the maximum penalty will now be \$1 million for companies and \$250,000 for individuals. Daily penalties for continuing offences will also be increased.

These higher fines will provide a stronger deterrent to potential offenders, and a stronger financial incentive for companies to develop proactive pollution-reduction strategies. Under the current legislation it is sometimes less expensive for large companies to pay the fine than to change their equipment or practices to cut pollution. It is clearly inappropriate for an offender to profit from non-compliance with environmental laws. The Government believes it is essential that those who breach environmental laws do not gain any advantage over those who act responsibly to protect the environment. Had penalties of this magnitude existed in decades past, perhaps we would not be facing the sort of serious land contamination problems we are now seeing in parts of Sydney. The groundwater contamination problem in the Botany area, which originated in the 1940s, is a good example. It is important to balance tough penalties with a range of practical alternatives available to the courts for sentencing and civil enforcement.

The review of the Act indicated strong support for expanding the range of sentencing orders available. The bill will therefore expand the range of alternative sentencing orders available to the courts, including allowing courts to order funding to a third party to carry out works or projects and to order offenders to establish or attend training courses. Courts will also be able to order offenders to pay financial assurances to the EPA where offenders are required, for example, to carry out works to prevent the recurrence of an offence or implement an environmental restoration project. Under the current Act, the EPA can require licensed facilities to provide a financial assurance. This ensures that there are funds available for site remediation, in the event of a licensee abandoning a site or becoming insolvent. With these changes, the Land and Environment Court will also be able to require a financial assurance to ensure its orders are carried out.

The bill will allow the EPA to accept voluntary undertakings to remedy or restrain breaches of the Act. If the EPA considers that a person has breached a term of the undertaking, the EPA will be able to apply to the

Land and Environment Court for an order. Orders that the court can make will include requiring the person to make good any environmental harm caused by the breach of the undertaking, or to compensate a person who has suffered loss or damage as a result of the breach. The EPA will develop guidelines on when it will be appropriate for it to use its powers to accept enforceable undertakings.

The Government believes that senior executives of companies must take more responsibility for the activities of their organisations. The bill deletes the existing "no knowledge" defence, which can be used where an offence occurred without the person's knowledge. This defence is currently available to directors and managers charged with an offence committed by a corporation. This head-in-the-sand approach is no longer acceptable. Such a defence is out of step with modern principles in relation to corporate responsibility, such as those included in the Occupational Health and Safety Act. I should stress that defences will still be available where the person has exercised due diligence to prevent the contravention, or could not influence the conduct of the corporation.

The Protection of the Environment Operations Act successfully streamlined controls on at least 1,500 industrial activities. Previously multiple licences applied; now these activities are subject to a single licence. The EPA currently administers 2,262 such licences for the State's major potentially harmful facilities. The bill will further improve the licensing framework in the Protection of the Environment Operations Act. The current load-based licence scheme links licence fees to pollution emissions for the State's largest potentially polluting activities, and so provides industry with a strong incentive to reduce pollution. The scheme has enabled the EPA to better control the emission of 29 critical air and water pollutants. Load reduction agreements allow for an immediate reduction in load-based licence fees if the licensee commits to achieving a specific environmental outcome.

Licensees currently holding load reduction agreements have collectively agreed to prevent emissions of 3,928 tonnes of pollutants per year by 2007. The amendments in the bill will enable the introduction of a new scheme of independent certification for load-based licences. This will significantly improve confidence in the reliability of data in annual returns for load-based licences. The bill also substantially revises the "fit and proper person" test, and will allow an appropriate regulatory authority, when making licensing decisions, to take into account additional factors such as insolvency, bankruptcy, and convictions for fraud and dishonesty. These amendments will provide a stronger basis for refusing licence applications by suspect companies, and so strengthen the licensing provisions in the Act as well as provide for a more level playing field for legitimate waste operators.

In addition, the amendments provide for licences to be reviewed under the Act every five years instead of every three years. This will enable the EPA to concentrate its efforts on intensive reviews of the high-risk licences, rather than reviewing each and every licence every three years. The amendments also make it clear that the EPA can refuse an application for surrender of a licence where there will be an ongoing environmental impact after activity at the site has stopped. This will allow for the closure of the premises and the subsequent rehabilitation of the site to be regulated under the licence. It will also avoid the legacy of pollution problems associated with the closure of a site which is inherited by an innocent party, and is consistent with the polluter pays principle that forms the basis of the Act.

The notice powers in the Act allow for quick fixes to immediate problems. The bill will amend the notice provisions to enable clean-up notices to be issued for odour incidents. Offensive odours are the subject of a great many public complaints because they can significantly interfere with community amenity. Clean-up notices have been used successfully to deal with other types of pollution incidents where immediate action is required. Longer-term actions or works in relation to odour will continue to be dealt with through prevention notices or pollution reduction programs on licences. The bill will also provide for prevention notices, licence variation and noise control notices to take effect immediately. In other New South Wales legislation, notices can require action within an appeal period. This is balanced in the bill with the ability of the recipient of a notice to apply for a postponement of a notice during the appeal process. The bill will extend the powers of authorised officers to ensure that breaches of the Act can be more easily investigated, and that appropriate action can be taken quickly.

I now turn to another key aspect of the bill. The Government is committed to creating new opportunities for environmental innovation. The bill will therefore introduce a new part to facilitate what are known as "green offset" schemes. These schemes allow environmental harm arising from a licensed activity to be offset by environmental works undertaken away from the licensed premises. These offsets can result in significant environmental benefits, and at a lesser cost than would otherwise be the case. The bill will enable the

creation of tradeable green offset credits. These amendments follow the pilot of the South Creek Nutrient Offset Scheme, which is a voluntary pilot managed by the EPA under the New South Wales Government's green offsets for sustainable development initiative. This was the first pollution offset scheme trialled in New South Wales. The scheme has been extremely successful, and my aim is to ensure that these sorts of schemes are used elsewhere in the State. The implementation of green offset schemes and green offset works will include checks and balances to ensure that truly beneficial works are undertaken and that they are maintained to lock in the gains permanently.

The Government has also taken the opportunity to revise some outdated provisions in the State's environmental regulation. The bill repeals the classified waters scheme established in the 1970s under the Clean Waters Regulation 1972. The Government of course remains committed to preventing the pollution of waterways, and therefore the classified waters scheme will be replaced by the adoption of a range of factors that the EPA and other authorities must consider when issuing licenses or prevention notices under the Act relating to water pollution. The bill also makes other minor amendments to the Act, which are desirable or necessary in light of recent experiences in administering the Act on a day-to-day basis.

The bill amends the Environmentally Hazardous Chemicals Act 1995 to bring the Act into line with other environment protection laws by enabling breaches to be dealt with by the issuing of a penalty notice. Finally, the bill amends the Protection of the Environment Administration Act 1991 to require the EPA to prepare a state of the environment report every four years, rather than every three years as presently occurs. Moving state reporting to a four-yearly frequency will align and coincide best with the standards and targets framework recommended by the Natural Resources Commission, improve integration of monitoring and reporting, and avoid duplication of effort by agencies. The bill brings together a comprehensive package of carefully considered improvements to the State's core environment protection laws. These changes will ensure New South Wales remains at the forefront of environmental regulation, enforcement and regulatory innovation, and is served by a clear and effective set of environmental protection provisions. I thank the House for its indulgence.

PRIVATE MEMBERS' STATEMENTS

COFFS HARBOUR NEIGHBOURHOOD CENTRE

Mr ANDREW FRASER (Coffs Harbour) [4.38 p.m.]: I refer to an urgent and important issue that has arisen in my electorate over the past few weeks. The Coffs Harbour Neighbourhood Centre was to hold its annual general meeting tomorrow, but the meeting has been deferred because the centre has been experiencing problems regarding insurance premiums. I am pleased that the Minister for Community Services is in the Chamber. Over the last couple of years the centre's general insurance premiums have tripled. Its workers compensation insurance premiums have gone through the roof because the centre has made two major insurance claims in the last 12 months.

The centre runs a number of programs related to children, and for that reason it has had to employ a quality assurance manager to ensure that its employees comply with quality assurance standards. I commend the centre's employees for doing so. This centre has been in operation for a number of years. It provides an extremely valuable service to our community. In fact, over the past couple of years a number of Sudanese refugees have moved into the centre and the centre is providing a number of services to families such as those.

I do not know what the outcome of the annual general meeting tomorrow will be, but I understand the centre has a debt of between \$100,000 and \$200,000. The centre is funded by the Department of Community Services and also receives Federal funding through the Department of Family and Community Services via parents who pay for an after school hours care program. Unfortunately, that funding is not enough to meet the burgeoning costs the centre has had over recent months and years. I ask the Minister to urgently address this situation, if possible. I do not want the centre to take drastic action and close its doors for a number of months, or permanently. It is a great facility in the centre of town and, as I said, the people who work there are to be commended, especially the members of the voluntary board, who give their time freely and who have asked me today to raise this issue in the House.

I do not want to belt anyone up about this. I would love to have a shot at the workers compensation laws and other insurance legislation that have created liability problems for the centre. We need a commitment

from all levels of governments. The council uses the centre but it does not contribute to its funding. I would like a commitment that this centre, which provides valuable services, will be maintained so that the people of Coffs Harbour and the surrounding districts who utilise the services will not be unfairly discriminated against because of the problems the centre is experiencing. If there is anything the Minister can do to provide some bridging funding to get the centre out of debt it will be greatly appreciated by the Reverend Jane Fulcher, who is on the management committee, by the other management committee members and by the community as a whole. Perhaps the Minister's staff could look at the restructuring package that could result in the debt being reduced so that the centre can continue to provide its valuable services.

Ms REBA MEAGHER (Cabramatta—Minister for Community Services, and Minister for Youth) [4.41 p.m.]: I thank the honourable member for Coffs Harbour for bringing this issue to the attention of the House. I know he is deeply and genuinely concerned for the future of the Coffs Harbour Neighbourhood Centre. He has raised this matter with me this week and expressed his concern about the viability of the centre and the impact its potential closure, even for a limited period of time, would have on the local community. I share those concerns. Neighbourhood centres play a valuable role in our local communities that should not be undervalued. Neighbourhood centres deserve every assistance that all levels of government can give them, particularly at a critical time such as this.

This afternoon it has been brought to my attention that the annual general meeting will be held tomorrow. I am advised that officers from the Department of Community Services have made themselves available to attend that meeting to listen to some of the financial problems being experienced by the centre. They have made a commitment to work with the voluntary board to try to find a way of maintaining this centre as a viable hub of local community activity. We will work with the honourable member for Coffs Harbour to ensure that the neighbourhood centre in Coffs Harbour remains viable.

BULLDOGS RUGBY LEAGUE TEAM SYDNEY OLYMPIC PARK TRAINING AND ADMINISTRATION QUARTERS

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [4.43 p.m.]: I raise an issue of dire importance to my local area of Bankstown and its surrounding region, including Canterbury. To my absolute disbelief and dismay, the Canterbury-Bankstown Bulldogs rugby league team has decided to pull stumps and leave the local area entirely, heading off to an alien environment at Sydney Olympic Park, Homebush Bay, for the team's first-grade training and administration quarters. As one of my local papers pointed out a couple of weeks ago, that move signals the end of a 71-year association between the club and the Canterbury-Bankstown region.

While I recognise that the Bulldogs football club needs to make commercial decisions, the reality is, with great respect, that the decision to go to Homebush Bay is simply flawed. The deal to keep the Bulldogs football club in the Bankstown region was a beauty: it was cost-effective and provided this great club with a real future in my local area. It was in the midst of its supporters, the people who have made the Bulldogs what they are over generations spanning the past 71 years. This deal involved the Canterbury-Bankstown Bulldogs staying in the local area at the Bankstown velodrome, a post-Olympic site now under the planning control of Bankstown City Council and the management of the Bankstown District Sports Club. It is terrific to be a part of that state-of-the-art sporting facility, which, with the support of Bankstown council and Bankstown District Sports Club, offered the Bulldogs unparalleled training opportunities and venue space for the club's administration centre.

With the co-operation of the Bulldogs football club—in fact at its instigation—Bankstown council initially undertook several months of planning to provide proper venue opportunities at the Bankstown velodrome to support the Bulldogs training and administration needs. Bankstown Sports Club provided approximately \$100,000 in funding to process that request by the Bulldogs football club. During that period the Bulldogs football club never once indicated that it was seeking a site other than the Bankstown velodrome. But it is now clear that the club was secretly negotiating with the government-subsidised Olympic Park officials throughout the period that it appeared to be committed to the Bankstown velodrome site.

The Bankstown velodrome is the only post-Olympic site that remains autonomous. It does not receive the government financial support that all other Olympic venues receive. As I said earlier this \$70 million Olympic investment is currently managed, run and financed by the Bankstown Sports Club, under the planning control of Bankstown council. To date, Bankstown Sports Club has managed to do the impossible with the Olympic site: it has kept it viable. But that has been at a huge financial and administrative cost. I am advised that currently it is costing the Bankstown Sports Club approximately \$20,000 per week to run this post-Olympic venue. That is, it is losing \$20,000 per week. While the venue is not exactly a white elephant, it is heading that way.

If the Bulldogs football club had not reneged on what seemed to be its original intention to utilise the velodrome, the future viability of site would not have been in jeopardy. It is simply not fair or reasonable to expect the Bankstown Sports Club to continue to lose thousands of dollars each week in an effort to be a good citizen and a great club. It is losing that money by keeping the velodrome site viable, against a backdrop of what seems to be the inevitability of the site, without support from sporting groups such as the Bulldogs, becoming a scrapheap. The Chief Executive Officer of the Bulldogs football club, Malcolm Noad, was quoted in the *Bankstown-Canterbury Torch* on 25 May as saying:

Our heart and soul remains in the Canterbury-Bankstown District

Mr Noad went on to say that the club's juniors will remain in the Canterbury-Bankstown district. That is heartening. If that is the case, I urge the Bulldogs to come back to their homeland, back to where they count, that is, the Bankstown velodrome. My message to Malcolm Noad and to the Bulldogs football club is simple: Come back to your faithful heartland and support the local area, the local people that made you the outstanding club that you are and who are proud of you. Most importantly, let us put the name of Bankstown back into the Bulldogs, where it rightfully belongs.

EPPING RAILWAY STATION UPGRADE

Mr ANDREW TINK (Epping) [4.48 p.m.]: On 26 May 2005 I raised the issue of the relocation of the pedestrian overbridge across Beecroft Road that links Epping station to the Parramatta side of Beecroft Road. At that time I indicated I had made representations to the Minister for Roads, Mr Costa, and the Minister for Transport. It is now apparent that, notwithstanding the fact that the former Minister for Planning made it a condition of the review of environmental factors leading to alterations in the redevelopment of Epping station that the overbridge be moved, the Minister for Roads and the Roads and Traffic Authority [RTA] have no intention of moving the overbridge. That is a disgrace. In the *Northern District Times* of yesterday a spokesman for the RTA is quoted as saying:

... the current pedestrian footbridge is in "good serviceable condition and satisfies community needs".

That comment totally ignores findings by the Director-General of the Department of Planning when the relocation of the overbridge was considered. At that time the director-general took into account my concerns and those of Parramatta and Hornsby councils, which, in turn, took into account the overall views of the local community and the Physical Disability Council of New South Wales. How the RTA can suggest that not relocating the bridge satisfies community needs, in the face of all those groups wanting the overbridge moved to enable proper access, is beyond me. It is an appalling and arrogant attitude by the RTA, which is matched by the attitude of the Minister, as expressed through his Parliamentary Secretary, the Hon. Eric Roozendaal. Following my representations referred to in the House on 25 May, I received a reply a few days later, and it is clear that Mr Roozendaal is replying on behalf of the Minister. He said:

I'm advised this pedestrian bridge is the responsibility of the Roads and Traffic Authority (RTA) and currently there are no RTA proposals in place for adjustments to the structure.

I'm further advised that representatives of the RTA have been in discussions with Transport Infrastructure Development Corporation (TIDC) as they are redeveloping Epping Station ... TIDC advise they have no plans to upgrade or adjust the structure.

The comments of the RTA official reflect the arrogance of the Minister and his Parliamentary Secretary. To complicate matters, the Minister for Transport seems to have a different view. In a letter dated 29 May he stated that negotiations were currently under way with the RTA to move the bridge in line with the recommendation of the Minister for Planning and, indeed, development consent. The Minister also said:

During the design process, the requirement of the NSW Police's Safer by Design program will be applied to ensure that issues such as graffiti and safety are considered.

I regard that as an indication from the Minister for Transport that the bridge will be moved. However, we have the absurd situation in which he wants the bridge moved, the former Minister for Planning directed that the bridge be moved, but the Minister for Roads is refusing to do so. If the bridge is not moved, young mothers with children in prams and strollers and older constituents, who find it extremely difficult to travel the extra distance to access public transport, will all be inconvenienced. The Premier is always keen to turn up whenever there is a breakthrough in an underground tunnel. It is a good photo opportunity and a way of pretending that infrastructure planning is on course. However, the moving of a pedestrian overbridge is small matter in the grand scheme of things and the Minister for Roads does not want to know about it.

To add insult to injury the current Minister for Roads, when he was Minister for Transport Services, basically cut the project in half and left planning for the Epping electorate in a complete mess. Now he is refusing to budge on the relocation of this overbridge. I remind the Minister for Transport that many of his constituents travel via Epping station to schools and other facilities. If he does not prevail upon the relevant authorities to ensure that the bridge is moved for the benefit of the old, the infirm and young mothers with children in both our electorates, he will be held to account. It is not good enough for the Minister for Roads, who does not want to complete the job he commenced, to bully the Minister for Transport. The overbridge must be moved and the Minister for Transport and the Minister for Infrastructure and Planning should ensure that the Minister for Roads honours his commitment. To do otherwise means that any semblance of a promise by the Government about transport planning and infrastructure is a joke. [*Time expired.*]

ITALIAN NATIONAL DAY CELEBRATIONS

Ms ANGELA D'AMORE (Drummoyne) [4.53 p.m.]: I acknowledge this evening an important day in the Italian Community, the Italian National Day Celebrations held on Sunday 29 May 2005. This year marks the fifty-ninth anniversary of the foundation of the Italian Republic and our annual Italian National Day Celebrations in Sydney were held at Darling Harbour. To honour this important occasion each year the Italian National Day Celebration Committee—under the auspices of the Italian Consul General, Dr Antonio Verdin, in Sydney and in conjunction with the Italian Chamber of Commerce and Industry—organises a wonderful day of festivities. This celebration is one of Sydney's most popular annual events in the Italian community. It advances the interests and achievements of Italian Australians by promoting and preserving Italian heritage in Australia, encouraging the teaching of the Italian language and culture in schools and universities, and supporting young Italo-Australians in their education and careers.

I acknowledge the work undertaken by the members of the Italian National Day Celebration Committee in organising the annual festival and making it such a success. These include President John Caputo, Vice-President Joseph Santarosa, Treasurer Luigi Stivala, Secretary Vince Santarosa, Assistant Secretary Rosalie Saitta and youth representative, Anthony Colombo. The working committee members are Giuseppe Fin, Lucho De Nicola, Riccardo Montrone, Mario Beddoni, Filomena Calabria, Antonio Caputo, Pierino Centorame, Salvatore D'Angelo, Kerim El Gabaili, Pino Frezza, Tony Mustaca, Lorenzo Porfiri, Filippo Reitano, Bruno Riccio, Giovanni Romeo, Eugenio Rosso and Alfredo Vari. The celebration of the Italian National Day marks the birth of the Italian Republic on 2 June 1946 and is a key event in Italian contemporary history. Until 1946 Italy was a monarchy ruled by the House of Savoy—kings of Italy and previously of Sardinia. In 1946, after the results of a popular referendum, Italy became a republic.

Democracy was not a new concept in Italian politics. Italy had become a liberal State with the reforms of King Carlo Alberto and his famous Lo Statuto Albertino in 1845. In 1911 the Government of Giovanni Giolitti introduced universal suffrage for all male citizens. At the beginning of twentieth century, many observers thought that, in comparison to other countries, Italy was developing in the direction of a modern democracy. But a crisis arose in Italian society as a result of the First World War, social inequalities and the consequent tension between Marxist and left-wing parties on one side and conservative liberals on the other.

This crisis led to the advent of Fascism, which destroyed freedoms and civil rights of residents, and established a dictatorship in Italy. Fascism broke the continuity of the parliamentary tradition. The support of the ruling elite, and especially the Italian monarchy, was crucial for the seizure of power by Benito Mussolini. After the invasion of Italy by Allied forces in 1943, Italy and its government were split in two. At the end of the war, Italy was a severely damaged country, with innumerable victims, a destroyed economy, and in a desperate general condition. The defeat left the country deprived of the empire it had fought for in the past two decades. The depressed state of affairs in Italy led to a mass migration of Italians to countries such as Australia, America, South America and other European communities seeking a better future for their families.

Italo-Australians are proud of their history and the role that Italian migrants have played in New South Wales. In the spirit of Italian National Day Celebrations, Co.As.It holds the Italian Ball every year in June. This event is hosted to raise funds for the Italian Bilingual School, which is an independent school established in 2002 by Co.As.It, a non-profit organisation in New South Wales. The Italian Bilingual School is the first school in Australia to provide a bilingual education utilising English and Italian as the two languages of instruction. The school is currently registered to provide its educational services to children from kindergarten to year 4 and it is envisaged that it will gradually progress to year 6 and beyond.

The students of the Italian Bilingual School are from different linguistic and cultural backgrounds: approximately 40 per cent have no direct or indirect connection to Italy or the Italian language. The reason

underpinning the decision of parents to enrol their child at the school is a belief in the value of learning through two languages, as well as an obvious appreciation of the Italian language and culture. The Italian Bilingual School does not as yet have its own library. The students access resources in the Italian language through Co.As.It, the Multimedia Resource Centre, and in the English language through public libraries. I acknowledge the brilliant work and dedication of the Principal Valeria De Fina and the teachers. I also extend my gratitude to parents for choosing the Italian Bilingual School as the school to meet the educational needs of their children. I also note the role of Lorenzo Frazzini, the President of Co.As.It, Andrea Comastri, and Peter Todaro in the success of the school.

Last year I requested financial assistance for the school and Premier Bob Carr made a \$5,000 grant available for the mobile library, which I announced as the Premier's representative at the ball in 2004. This year, in conjunction with the Italian Bilingual School, we sought an additional \$10,000 to enhance the mobile library. I am pleased to state that at this year's ball the Minister for Health, Morris Iemma, announced an additional grant of \$10,000 to the bilingual school, which was welcomed by the school and Italo-Australian community. The Italian ball raised \$30,000 and I sincerely thank all the sponsors for their generosity and all the guests who attended. I note that the school is currently seeking a new site and this week I met with representatives from Co.As.It and the Minister for Educational and Training, Carmel Tebbutt. We look forward to ensuring that we assist this school in whatever way we can.

MARITIME AUTHORITY COMMERCIAL LEASES POLICY

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [4.58 p.m.]: In September 2000 the Deputy Premier, the then planning Minister, announced the Sharing Sydney Harbour Vision, which comprised 10 projects. One of those was a review of the tenders of waterfront operations and included the quote, "To ensure a more secure operating environment, thus encouraging long-term investment." I particularly emphasise the words, "to ensure a more secure operating environment". We have become used to the Orwellian language of the Government, where black means white, on time means late, spin means inaction, and secure means absolutely nothing. I raise the draft commercial leasing policy issued by the New South Wales Maritime Authority which, if implemented, will sound the death knoll for many of the 37 boat yards and marinas that operate on Sydney Harbour and the inlets and bays running off the harbour.

This policy will place onerous requirements on lessees that are likely to force many out of the businesses they have been running for some time. The proposed new rules will mean that at the end of a lease one will not have any tenure and the lease will be put out to competitive tendering. That means that the cost of upkeep of the marinas—that is, fuel pumps, food outlets and tackle hire—will not be compensated as goodwill when the lease is up. Long-term leaseholders will also not have the first right to renegotiate when the lease ends. This is particularly bad news for tenants and long-term investors of marinas if the marina and land is leasehold. It is important to recognise that the laws will cover not only, say, big boats and where they are moored but the boating battlers—the owners of what the *Sydney Morning Herald* has described as the "100,000-plus weekend tinnies" that dot our magnificent harbour.

Currently, whether commercial marine operators own or lease their land, all areas below mean high-water marks are leased. Until now, whenever a lease ended the first option was given to the previous leaseholder. That made sense because boat yard and marine operators used to go to considerable expense to construct jetties, slipways, boat sheds and other improvements below that mean high-water mark. However, under the proposed policy, the lease will be put out to the market at lease end without the outgoing tenant being paid for the facilities or the business goodwill. Under this policy, marina operators would no longer have any commercial incentive to improve their facility. The policy not only contradicts the statement of the Deputy Premier in September 2000; it contradicts the Carr Government's Sydney Harbour regional environmental plan that ends the moratorium on marina upgrades. There is even a push for control over freehold activity in terms of taking a strip of freehold land for permanent access to the water line.

I turn to employment in the small businesses involved in this industry across our harbour. I point out that this is yet another push for residential development by this Government, because if the policy is ever implemented many boat yard owners and businesses would become untenable. They would be forced to turn over the land, which would then be used for residential development. I am concerned about this because many boat yards, marinas and the like are operated by small business people. I have been approached by one who is well known to me; he told me about the lack of rights in the policy for those who sublease their businesses from other lessees who have absolutely no rights and whose businesses and staff are threatened by a policy that masquerades as something designed to improve the security of the environment in which these businesses operate.

What is of particular concern is the way in which the New South Wales Maritime Authority—I will not use the words "lied" and "cheated", although I am tempted to—has sought to dissemble, deceive, mislead those who represent the people who have businesses on the harbour. The authority has been incredibly slow in communicating with those bodies. Months have passed before it has responded to communications. Commitments have been given and have been left unfulfilled. Ministers of the Crown seem to be completely oblivious to the concerns of these genuine small business operators who, like most other small business operators in this city and in the State, are struggling to make a living, employ people and provide a service to the city and those who enjoy the waterways of this city. I raise this issue in the hope that the Government gets serious about providing security of environment to these people. It should scrap these draft proposals and sit down with organisations such as the Boat Owners Association to put together a fair dinkum policy that will protect the investment, employment and real future of a working port. The Premier talks about a working harbour. This is his opportunity to give a real commitment to his comments.

VESAK DAY CELEBRATIONS

Ms VIRGINIA JUDGE (Strathfield) [5.03 p.m.]: I draw the attention of honourable members to a historic event that was recently celebrated at New South Wales Parliament House. The event was Vesak, which is otherwise known as Buddha's Birthday. This is a key event within the Buddhist calendar and one that I was keen for us as a Parliament to acknowledge. The event was attended by the Governor of New South Wales, Marie Bashir, the Premier and his lovely wife, Helena, and a host of other dignitaries and community leaders. As guests arrived in the Parliament House foyer, which was decorated with a Buddhist artwork display, the Lao Sunday School Orchestra was playing in the background. After speeches by the Governor and the Premier, the Chair of the Buddhist Council, Graeme Lyall, spoke very well. A highlight of the evening was the presentation of a cheque on behalf of the Pure Land Learning College to the University Buddhist Education Foundation for the establishment of a Chair of Buddhist Studies at the University of Sydney. We then moved to the Jubilee Room for speeches on the spiritual significance of Vesak Day. This was followed by Thai and Japanese dancing, Korean instrumental music and UNIUDS choir performances.

The 2001 census reported that Buddhism was the second largest religion in Australia, with approximately 360,00 followers. That figure is about 2.1 per cent of the New South Wales population. This begs the question: Why is there increased interest in a spiritual practice in a secular Western country, of all places? In this postmodern, consumer-driven society where promotion and encouragement of desires is seen as the fulcrum for a strong economy and full employment, a society where jingles and mass media confuse and delude people, a society where we are told that contentment means having the latest status symbols, whether they be mobile phones, kitchen gadgets, prestige cars or computers, it is difficult to comprehend that inner peace cannot be attained by material accumulation and the need to constantly possess and control leads to fear, greed, intolerance and hatred. Yet many think, "This is no way to live!" There is turmoil in people's minds and there is no inner peace. This is where Buddhism can help. Indeed, during the celebrations there was a guided meditation and a variety of cultural performances that highlighted the peacefulness that Buddhism espouses.

I would like to thank everyone who made the evening such a success. However, some people must be specifically acknowledged and thanked for their presence. I thank Her Excellency Marie Bashir, the Governor of New South Wales; the Premier; and the Ambassador of Thailand, Miss Suchitra Hiranprueck. I thank also the Consul Generals and their representatives of Britain, Mr and Mrs Holmes and Ms Glenniss Pallier; Czechoslovakia, Mr Darmovzal; Indonesia, Mr Wardana; Italy, Mrs Riccio and Mrs Polegri; Pakistan, Mr Ejaz Ahmad; Russia, Mr and Mrs Tolraya; Sri Lanka, Mr. Senanayake; and the United States of America, Mr Smith. There were many Ministers and members of Parliament; Judges of the Supreme Court; Justice Dowd and Mrs Dowd; the Chair, Mr Kerkyasharian; the Deputy Chair, Mr Marx, OAM; and members of the CRC, including Mr Marucic, OAM, and Mr Pan, OAM; the State Director of DIMIA, Mr Jim Callaghan; the President of the Islamic Council of New South Wales, Mr Ali Roude, OAM; the President of the Hindu Council of Australia, Dr Balasubramaniam; the Director of the Exodus Foundation, Reverend Bill Crews; and Sister Giovani Farquar of the Catholic Commission for Inter-faith Relations.

Also present were the Chaplaincy Co-ordinator for the Department of Corrective Services, Reverend Father Rod Moore; the Principal of the Pure Land Learning College, Toowoomba, Queensland, Ven Wu Hsin; Mr Kilbir Singh Maholtra of the Sikh Community; Reverend Pracrajika Ajayaprana and Mr Robert Grant of the Ramakrishna Sarada Vedanta Society of New South Wales; the Secretary General of the World Conference of Religions for Peace; Sister Josapha Lergessner of the Holy Spirit Sisters; the Administrator of the Corrective Services Chaplaincy; Sister Pauline Staunton RSC, of the Sisters of Mercy; the Chair of the Asia Pacific Friendship Group, Mr Jeff Hunter, who was accompanied by his parents; the Asian-Australian CCD Officer for

the Casula Powerhouse Arts Centre and Liverpool Regional Museum, Mr Cuong Phu Le; the Co-curator of "Buddha in Suburbia", Ms Karen Greenhalgh; the Executive Director of the Casula Powerhouse Arts Centre and Liverpool Regional Museum, Mr Kon Gouriotis, OAM; the Head Curator of Asian Art and the Art Gallery of New South Wales, Ms Jackie Menzies; and the curator of Asian Art at the Art Gallery of New South Wales, Ms Anne Mcarthur.

Sponsors included Buddhist Craft and Joss Stick Trading, which was represented by Mr Leung Wai Kee; Windhorse Tibetan Buddhist Emporium, Ms Jen Somers; Grace Hotel, Mr Philip Law; Steam Power Car Wash, Mrs Jung Suk Ok; and Maha Bodhi Crafts, Mr Michael Chen and Mrs Jenny Chen. Reflecting upon the events of the night and the wise words of our Governor, the Premier and other community leaders, I could see the inspiration that so many people draw from Buddhism. Although Buddhism has only fairly recently arrived on our shores, the Buddhist beliefs have been around for many thousands of years, and this continuum of precious life is meaningful to many Australians. The historic Vesak Day celebrations that I was able to participate in at both Parliament House and in China highlight the rich tapestry of cultures, history and people that makes up this great State of New South Wales. In conclusion I mention a small inscription on a board in front of one of the inner chambers of the Forbidden City in Beijing. This area was the resting place for the ancient emperors when they were on their way to important events. The inscription reads:

The way of heaven is profound and mysterious and the way of mankind is difficult. Only if we make a precise and unified plan and follow the doctrine of the mean can we rule the country well.

BRINDABELLA AND WEE JASPER VALLEYS CO-OPERATIVE WILD DOG-FOX PLAN

Ms KATRINA HODGKINSON (Burrinjuck) [5.08 p.m.]: On Thursday 2 June I had the great pleasure of attending the official signing of contract documents for the Brindabella and Wee Jasper Valleys Co-operative Wild Dog-Fox Plan for 2005-2010 at the premises of the Yass Rural Lands Protection Board. This program is an excellent example of what can be achieved when landowners, rural lands protection boards, the National Parks and Wildlife Service, and Forests NSW work together in a spirit of trust and co-operation. The problem of controlling feral animals, particularly wild dogs and foxes, has been around for years. At the signing of the contracts that will guarantee \$500,000 funding for the next five years to control wild dogs, it was noted that this would finally provide financial security for this essential service. One speaker noted that towards the end of past financial years departments would become gravely concerned if they had wild dog reports, as their annual funding was at its end. These new contracts will provide the security they have been seeking. In 2003 one statewide newspaper stated:

Packs of wild "superdogs" that tear apart flocks of sheep are forcing farmers to retreat from land near the Snowy Mountains.

I am sure many members of this House will remember that statement. The article went on:

Graziers claim they are being forced to remove sheep from paddocks near national parks, with more than 24,000ha now vacated.

It is a genuine fear in rural areas near national parks that wild dogs could possibly lead to the extinction of several endangered native species within a matter of years. Wild dog and fox attacks are estimated to cost Australia's economy about \$66 million a year. The Brindabella and Wee Jasper valleys lie to the west of the Australian Capital Territory and adjacent to the northern boundary of the Kosciuszko National Park. In this area alone, during the four years prior to 2001 farmers suffered wild dog and fox attacks about every 16 days, losing on average 138 sheep a year. The first co-operative wild dog and fox control plan started on 1 July 2002. Last year the number of days between attacks increased to 40, and 40 sheep were reportedly killed. In the first three years of the program 293 dogs were trapped or baited and 625 foxes were controlled. This compares very favourably to a yearly average of only 34 dogs and nine foxes for the four years prior to 2001. What is particularly impressive about such outstanding results is that the funding per sheep on control programs has increased by only 60¢.

Co-operation makes a difference. Previous dog and fox control programs had been unco-ordinated, with these feral animals being able to retreat to safe havens in national parks and State forests. The current program has a nil-tenure approach—in other words, all feral animal habitats are targeted at the same time. Feral animals have no safe haven and no place to hide. In addition, a six-kilometre buffer zone covering some 150,000 hectares, with baits and traps, has been established around sheep grazing areas. Landowners are restocking areas that have not been grazed for 15 years because of wild dog attacks. The lambing rate for these areas has increased from as low as 30 per cent to around 85 per cent, and goat kiddings are up by 140 per cent.

The success of the program could not have been achieved without the willingness of all parties to work co-operatively to address this serious problem. Many locals deserve a mention for their hard and dedicated work. I particularly mention professional dog man, Bill Morris, and his trainee, Andrew McDougal. The Brindabella and Wee Jasper program was built around Bill's extensive local knowledge and seven-day-a-week commitment. Steve Horsley and Rob Hunt from National Parks deserve recognition for responding to the concerns of locals and assisting with the development of the program.

Local landowners John Parker, John Newman, Peter Stanford, Allan and Tim Blundell, and Helen and Peter Cathles provided particular assistance to the program, as did Peter Southwell, who was the chair of the Yass Rural Lands Protection Board when the program was first mooted. The current chair of the Yass Rural Lands Protection Board, Mac Wilson, and manager, Kim Turner, rate a special mention for having the vision to see that this was more than a problem that affected a few farmers but was a fundamental flaw in the way that public land was managed. The managing ranger of the Yass Rural Lands Protection Board, Kevin Baker, also deserves recognition, as do local members of the New South Wales Farmers Association Andrew Huckle, Brian Tomlin and David Hodgkinson.

I pay tribute to Noelene Franklin, who has been a strong and consistent advocate for the Brindabella's flora and fauna and general environment. I have strongly supported Noelene's efforts since I was first elected into this House. I will continue to support her. I also highlight the strong support provided to this program by former member for Monaro Peter Webb. I commend to the House the Brindabella and Wee Jasper valleys co-operative wild dog and fox plan as an example of co-operation for the common good and from which many areas of the State could significantly benefit. This Government could do a lot worse than to learn from the co-operation that this plan generated, which benefits the local community and, as a result, will benefit the State as a whole. I thank the House for its attention.

SPANISH SPEAKING COMMUNITY

Mr PAUL LYNCH (Liverpool) [5.13 p.m.]: I advise the House of a number of functions and events I have attended in my capacity as member for Liverpool involving Spanish speakers. Many of these involved constituents of mine and certainly all are of interest to many of my constituents. This reflects the role and importance of Spanish-speaking residents in Liverpool. The first of the events to which I wish to refer was the opening of the new extensions of the Residential Gardens for Spanish Speaking Frail Aged Inc. This occurred on Sunday 29 May at the Residential Gardens. Though located within Rooty Hill, most of the residents and their families come from south-west Sydney.

The Residential Gardens is an aged care hostel for Spanish speakers that has operated for 10 years. It currently accommodates 44 residents and includes services such as home care, day care and respite care. I have been a frequent visitor over the years as these facilities continue to expand and develop. This particular occasion was the official opening of extensions, including an extension to the existing dining room, additional space on the ground floor for a new treatment room, and a new administration centre on the first floor. This extension has been supported by community fundraising. The next phase of development will establish 32 new places. This reflects the general ageing of the population, which naturally does not exclude Spanish speakers.

The official opening included a number of dignitaries, including Councillor Edmund Atalla from Blacktown Council; Jorge Pouy, Chilean Consul-General; Padre Jose Maria; Pastor Estevez; and the president of the management committee, Antonio Zagarosa. Much credit goes to Marta Aquino, the chief executive officer, an all-round organiser of the Residential Gardens. Marta is a well-known figure in the Spanish speaking community and is also a part-time commissioner with the Community Relations Commission. About 300 people attended this event. It was not only a good event in itself, but it was a recognition of the important role played by this institution in the Spanish speaking community in Sydney.

I mentioned in my speech at that event that I had recently had many dealings with Latin American visitors in Sydney. The first of these was Zoila Quijada, who is currently a member of the El Salvadorian Congress. At the behest of two residents of my area, Jose Pena and Giovanni Ortiz, I organised a meeting in this building on 19 May between Ms Quijada and several interested members of Parliament. Also in attendance was a constituent of mine, Gerardo Dias. Zoila Quijada is an extraordinary individual. As well as being a Deputy to Congress, she is currently the co-ordinator of the National Secretariat for Organization of the Farabundo Marti National Liberation Front [FMLN], an organisation in which those of us with progressive politics have been interested for many years.

Zoila Quijada has been a member of the National Secretariat for Organization since 1992. As a Deputy to Congress she has served on the Health Commission, Environmental Commission and Commission for Human Rights and Justice, among others. She has also served as an alternative deputy for two years. She was recently re-elected to FMLN National Council, which is the party executive. She has travelled regularly and extensively to the United States and Canada to build and strengthen bonds of solidarity between El Salvador and Salvadorians displaced during the war. She struck me as a very impressive figure and, in common with other FMLN activities—and participants in places such as South Africa, the north of Ireland and East Timor—she has made the transition from military liberation struggle to electoral politics.

On 25 May I hosted another meeting in this place between several members of Parliament and a visitor from Latin America, Debora Barros, an indigenous South American woman from the Wayuu people in the north of Colombia. She was in Australia to speak about the slaughter of her family and people. This is a matter of great significance to many in my electorate because of the apparent involvement of BHP Billiton in this massacre. Any such involvement would be a matter of grave concern. In April 2004 a group of paramilitaries arrived in the community where Debora's family were located, and 12 people were butchered there and 30 were taken away. A total of 42 were killed.

The paramilitaries told the survivors that if they did not leave immediately they would be killed in the same way. The methods of killing were quite barbaric. The community was completely displaced, and fled to Venezuela. The Wayuu community believes that BHP Billiton, which is part owner of a nearby coalmine, is financing paramilitary groups to remove and clear the Wayuu people from land that can then be used for mining. There is indeed evidence that BHP Billiton has a direct responsibility for this massacre—this slaughter—by the paramilitaries. Following Ms Barros's visit, more than a dozen members of this place have written to BHP Billiton expressing our concern about that company's involvement with paramilitaries.

The final Latin American woman to whom I wish to refer tonight is a visitor from Cuba, Dr Aleida Guevara. Dr Guevara is a significant figure. She is a paediatrician and an anti-globalisation campaigner. She has also engaged in international solidarity work, as have so many Cuban doctors. She was in Sydney for a public meeting on Saturday 28 May and for a book launch on Friday 27 May. I was delighted to be present at both events. She was brought to Australia by Ocean Press, which publishes books about Cuba in Australia. As well as being a significant figure in her own right, she is the daughter of one of the twentieth century's truly legendary figures, Ernesto Che Guevara. It was a delight and pleasure to once again meet with her. I would recommend the book to anyone interested in Latin American politics and history. It contains an interview between Dr Guevara and Hugo Chavez, the great Venezuelan leader. I am happy to pay tribute to the contribution of Spanish speakers to my electorate.

SUTHERLAND SHIRE COUNCIL PLANNING

Mr MALCOLM KERR (Cronulla) [5.18 p.m.]: I wish to raise an issue relating to planning in the Sutherland shire, an issue that directly affects my electorate. Yesterday the honourable member for Miranda criticised Councillor Kent Johns, a former Australian Labor Party mayor of Rockdale, and suggested that Councillor Johns was responsible for the overdevelopment of Rockdale. At the time Councillor Johns was mayor of Rockdale, George Thompson was the member for Rockdale. Anyone who remembers George Thompson would know that he was an honest, hard-working local member who would not have hesitated to criticise any overdevelopment in Rockdale. Yet no criticism was made during Kent Johns' mayoralty, nor has any criticism been made by the present member for Rockdale, the Minister for Energy and Utilities, about the mayoralty. Councillor Johns was a comrade and member of a Labor Party caucus.

The honourable member for Miranda referred to 41 amendments to a local environmental plan [LEP] that were put forward by Councillor Johns at a meeting. One would get the impression from reading the honourable member's speech that Councillor Johns was ramming through 41 amendments to the local environment plan, which would be implemented by council. In fact, the local environmental plan, which has now been amended, is sent to the Department of Infrastructure, Planning and Natural Resources for approval and exhibition. I suggest that the honourable member for Miranda consider each of the 41 amendments and indicate whether he is in favour of them or not. For example, as to railway land, the Government has advised that the prohibition on the development of land owned by Rail Estate removes development rights, including that of air space above railway stations. The council has expressed its concern that development on railway land or over railway stations may form part of the planned duplication line to offset costs, so the Government wants development over railway stations. I do not believe that is the view of members of the Sutherland shire.

The Sutherland Shire Council and I have been pressing for part of the railway land at Cronulla railway station to be made available for commuter car parking. That proposal has been rejected by the Government. Once again, I ask that land be made available for parking for workers. Earlier today I spoke in this House about brothels. One of the amendments to the LEP would prohibit sex shops and brothels. Where does the honourable member for Miranda stand on that issue? I pay tribute to Councillor Magdi Mikhail, who has led the charge against sex shops in Caringbah and Cronulla.

Let each of the Labor members in the shire indicate whether they are in favour of or oppose these 41 amendments. Let us have a constructive debate. The Department of Infrastructure, Planning and Natural Resources will not allow that LEP to go on exhibition. But it cannot keep it secret. The amended LEP is available at the premises of Sutherland Shire Council. I urge members of the public to go to the premises, have a look at the amendments and decide for themselves whether they want them. Then they should write to their councillors and their local members. Let us get it all out in the open. Let us have a constructive debate about making a better shire. Let us get away from political point scoring, which I personally deplore. I want to improve the shire. I urge the honourable member for Miranda to say where he stands in relation to the 41 amendments.

CATTLE TICK MANAGEMENT

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [5.23 p.m.]: As honourable members would recall, on 4 May in this House cattle tick management was discussed as a matter of public importance. Since that discussion I have spoken with Mr Garry West, who is undertaking an inquiry on behalf of the Government into the possible alteration of the present restrictions on the use of a vaccine in New South Wales. Together with the honourable member for Lismore, I have held meetings with staff of the Queensland Department of Primary Industries [DPI]. At the DPI station at Wacol, Queensland, we spoke to the centre co-ordinator, Mr Bert de Vos, and the principal scientist, Mr Russell Bock.

The honourable member for Lismore and I held meetings with the assistant director of the Queensland Department of Primary Industries and Fisheries and its chief veterinarian, Kevin Dunn, at its headquarters in Margaret Street, Brisbane. I have had a further meeting with the chief veterinarian on the North Coast, Mr Peter McGregor, who is in charge of the tick control program for the North Coast. As honourable members may recall, the average number of cattle tick outbreaks in northern New South Wales is around 30. In a wetter season, which is favourable to the proliferation of ticks, it may be more, and in drier years it may be less. It should not be understated that because of the good work done for the past 50 or more years and the investment in tick control by successive New South Wales governments the incidence of the potentially fatal tick fever disease is almost zero.

Despite the two outbreaks earlier this year, the negligible incidence of tick fever is because of the control of cattle ticks, the vectors of the disease, that has been attained and maintained over the years in New South Wales, and the restrictions on and procedures for cattle movement from the tick areas in Queensland. As a result, the protozoan parasite *Babesia bovis*, which causes the disease, is almost absent in cattle in northern New South Wales. Neither I nor any of the veterinary officers I have spoken to can recall an incidence of tick fever in a dairy herd in New South Wales—only the occasional incidence in beef herds. In the Queensland tick area cattle are vaccinated, and if tick fever does occur the chemical Imidocarb is used. Imidocarb is restricted in its use on dairy cattle with a withholding period of 14 days. Amazingly, it is licensed to be used only by dairy farmers in Queensland who are members of the Queensland Dairy Organisation.

New South Wales could obtain such a licence for use by applying to the Federal regulatory authority in Canberra. This needs to be done even though we have never had a tick fever outbreak in dairy herds in New South Wales in living memory. The use of the vaccine in Queensland cannot be compared to the present situation in New South Wales. That is because the *Babesia* parasite is endemic in the Queensland tick zone, whereas in New South Wales the parasite is largely absent. In New South Wales the occurrence of tick fever is almost nil and is a notifiable disease, whilst in Queensland the disease is not notifiable and there are hundreds of incidents a year. Queensland literature indicates some 250 outbreaks per year, plus any number of unreported incidents.

Some comparisons are apparently being made between the cost of the chemical drench Imidocarb and the cost of vaccination in an attempt to underscore the lessening of the present restriction on the use of the vaccine in New South Wales. The Queensland Department of Primary Industries and Fisheries distributed the drench at a cost of \$1.80 per 100 kilograms of body weight, that is, about \$7 to \$10 per head. However, when

purchased through a veterinarian, undoubtedly with some urgency, it may cost as much as \$6 per 100 kilogram of body weight. The vaccine is distributed from the Wacol facility at a cost ranging from \$3 per dose for a bulk order, that is, about 100-plus doses, to \$6 per dose for a smaller number. The vaccine is routinely administered to young stock in the Queensland tick zone. It is advisable not to use the vaccine on heavily pregnant cattle and to closely monitor all stock post vaccination. A small number of stock react adversely and require chemical treatment, and a small number of stock will not develop immunity following vaccination.

A most important point is that as the vaccine is a live but attenuated vaccine, that is, a weakened selection of the protozoan *Babesia bovis*. It must be recognised that cattle tick can transfer *Babesia* from a vaccinated animal to another. This, coupled with the fact that the attenuated form can revert to the wild type, means that having vaccinated animals in a herd with cattle ticks will in time lead to the spread of *Babesia bovis* and an incidence of tick fever in New South Wales. As I said earlier, the general level of contamination of the New South Wales herd with *Babesia* is negligible or virtually nil. If the vaccine is permitted to be used on cattle remaining in New South Wales this will progressively alter towards the general level of thorough contamination, as occurs in the Queensland tick zone today. That will have significant impacts on the cost of production for North Coast cattle producers and the management of animal health.

Part of my reasoning for this claim is that farmers in the tick zone invariably encourage a degree of cattle tick presence to maintain their herds' immunity status. It was interesting to hear that many farmers in the protected zone that rings the tick zone, which comprises mostly central Queensland, are spending considerable dollars to attain tick-free status so that they can be included in the tick-free zone. A further warning is that with global warming ticks will survive much further south than they do at present. I await with interest, and with some degree of concern, Mr West's report to the Government.

PACIFIC HIGHWAY UPGRADE

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.28 p.m.]: On previous occasions in this Chamber I have expressed concern about the route chosen by the Roads and Traffic Authority [RTA] and the Minister for the Kempsey to Eungai section of the Pacific highway upgrade. Specifically, I have referred to the country to the east of Kempsey, which frequently floods, and to the RTA's proposal for the road to be routed through that flood plain. Tonight I want to refer to the other part of this project, known as the northern zone of the proposed upgrade. I am concerned that the RTA's preferred route in the northern zone, the route known as NW2, is significantly more expensive than the alternative route, known as NW1, and that the reasons given by the RTA are demonstrably spurious. Briefly, the NW1 route is far more direct, about 1.8 kilometres shorter than the NW2 route. However, it passes through Tamban State Forest.

On the RTA's own figures NW1 is some \$30 million less expensive than NW2, without allowing for the additional costs of private property resumptions associated with NW2. Neither does this cost differential estimate allow for higher engineering costs associated with NW2's passage through lowlands near Clybucca, which often flood. One of the reasons given by the RTA for its decision was that "significant archaeological sites" were present. However, verbal advice from the consultant archaeologist and representatives of the Kempsey Local Aboriginal Land Council indicate that there is no significant archaeological difference between routes NW1 and NW2. Another reason given by the RTA for its decision is that the section of the Tamban State Forest involved contains "a seed orchard". This is disputed by local residents, who state that this area of forest is in fact plantation forest and that seed stock is widely available.

I am further advised that a geotechnical consultant recommended the NW1 route due to the existence of favourable geology including ready access to fill, which could be used in conjunction with the upgrade. I ask why, in the face of very significant additional costs and based on the fairly flimsy and demonstrably spurious reasons given by the RTA, the Government is so insistent on proceeding with the NW2 route, which is to the east of the NW1 route that travels through the Tamban State Forest. I suspect that the very close and cosy relationship between the Labor Government and the Greens is the real reason. In fact, the Tamban State Forest has been the location of frequent protests by local greens groups who are concerned about the existence of a timber industry in that forest—even though, as I say, much of the forest is plantation forest.

I can only conclude that the Greens have an ambit claim over this section of forest, and that the Government has been instructed to ensure that the Pacific Highway upgrade does not go through the forest because the Greens want it locked up as yet another national park. We have seen this happen in this State time and again when this Premier, in the pursuit of Greens preferences, has been prepared to hand over large areas of State Forest to appease the Greens desire for these forests to be declared national parks. If that is the case in

relation to the Pacific Highway upgrade, and this is the real reason for selecting the NW2 route over the NW1 route, it would involve at least \$30 million additional expenditure of taxpayer money just for a cosy deal to appease the Greens and obtain Greens preferences. I ask that this matter be thoroughly investigated by the newly appointed Minister for Roads. He must assure the community that taxpayer funds are being used wisely.

BUILDING COMMUNITY CONNECTEDNESS IN PENRITH CENTRAL

Mrs KARYN PALUZZANO (Penrith) [5.33 p.m.]: I refer to the Penrith Central research project Building Community Connectedness in Penrith Central, which was launched on 14 June. Many people have been involved with the research project over a number of years. They include Carmen Boserio, the Manager of the Werrington Community Project Inc, the auspice body. I also wish to thank members of the advisory group to the Penrith Central project. They include Helen Sawle from Community, Child and Family Health Services; Julie Edwards from the Department of Education and Training; Humair Ahmad from the Cranebrook Neighbourhood Centre; Kathy Williams and Joy Sneesby from the Department of Housing; Maree McDermott from the South Penrith Youth and Neighbourhood Services Inc; Megan Formosa and Graham Welch from the Werrington Youth Centre; Judy Cobb and Jane Skelton from Penrith City Council; Thelma Anderson and Rae Paine from the Kingswood Park Neighbourhood Centre—both of whom are from the Older Women's Network—and Brett Louat, Dianne Boswell and Mario Aquilina from the Department of Housing.

Before I detail the findings of the project, I want to go back to 1998. At that time a young Kingswood mother with two children and pregnant with her third child was working with a fellow called Max Harrison, also from Kingswood. At the time Kingswood, which is part of the Penrith Central research project, did not have a neighbourhood centre or place for community groups to link into. Max Harrison and the woman I referred to were called to a meeting with the Mayor of Penrith, who said, "8.30 in the morning on Monday is when we will meet with you." At that meeting they obtained a commitment from council that consideration would be given to constructing a Neighbourhood Centre at Kingswood.

The mother of two from Kingswood stands before you today as the member for Penrith. But for that meeting, held at 8.30 in the morning to discuss an issue important to a community, I may not have thought, "Hang on, there needs to be a little bit of equity in representation here" and I may not have stood for election to council the following year. The four areas that the research project covers are Kingswood, Kingswood Park, Central Penrith and Cranebrook. Kingswood has 10 per cent of the Penrith local government population, with 7,142 residents living in the suburb. It has an increased proportion of older people, a large indigenous population and an increased proportion of overseas-born residents. It has more medium density housing, higher rental and more public housing, but the least number of jobs in the Penrith area.

Only a few community facilities and projects were operating in that area, and when I was first elected to council I made council aware of the older established areas in Penrith and the need for services. As I worked through being a councillor we put money towards the Penrith Central research project. As member for Penrith I was proud to launch that research project on 14 June. The outcome of the project, the key findings, disclosed the need for improved access to basic services, programs and activities in the Central Penrith area. It also disclosed the need for resources to support building connections with local communities to address a lack of sense of community.

It is interesting to note that among those born overseas there is no prominent language group. There are a lot of people from a lot of countries but no one language group can be targeted, which makes it a particularly interesting area to deal with so far as services are concerned. The project identified various issues relating to families, children, young people, older people and indigenous people. The project's key themes were limited sense of community, lack of activities and lack of co-ordinated resources. I look forward to being involved with the research project. Fortunately, the group received WASAS funding to allow it to continue the project for another three years. I commend the project to the House.

BARLINGS BEACH SUBDIVISION

GENERAL PRACTITIONER PROCEDURALISTS

ABALONE INDUSTRY

Mr ANDREW CONSTANCE (Bega) [5.38 p.m.]: Given that after today the Parliament will not sit for three months and members have very limited opportunity to raise matters of community importance on

private members' days, today I wish to raise three critical local issues. They include a coastal subdivision, known as Barlings Beach, a report that some local health professionals have asked me to raise, and a major pending decision that will impact the future of the New South Wales abalone industry. Barlings Beach is a 33-hectare subdivision adjoining Tomakin, in the Eurobodalla shire. It incorporates 156 residential allotments, and presents environmental, cultural and socioeconomic challenges. For this reason, I call on the State Government to consult residents face-to-face regarding the Barlings Beach development, and I request the Department of Infrastructure, Planning and Natural Resources to conduct meetings with stakeholders and residents.

I also call on the State Government to consider the option to purchase the land on behalf of shire ratepayers, dependent on the outcome of the consultation and approval process. The State Government should always be engaged in grassroots consultation with residents and stakeholders. Having been briefed on the issue by the Tomakin Community Association and Eurobodalla Shire Council over the past two weeks, and having visited the site, I want to ensure the implementation of a consultation process involving the consent authority, the various stakeholders and residents. That consultation process should include not only written submissions to the State Government but also face-to-face meetings. I am yet to be advised by the department how many submissions have already been received. This has been a long and drawn-out process to date, and my role at this point is to ensure that the State Government considers not only the submissions of stakeholders but also the views of local residents.

The proposal has some merit but the local community has concerns about some issues, which the State Government will need to work through by engaging the local community. For example, the Department of Environment and Conservation has been working directly with the local Aboriginal community on the issues involving the Cultural Centre and Aboriginal Place. This process seems to have worked well, based on the advice I have received directly from the department. I believe it is the responsibility of the Department of Infrastructure, Planning and Natural Resources to meet face to face at a local level with stakeholders and residents, and I also want to be part of that consultation process.

I have encouraged residents to contact either me or the Ministers responsible, including planning Minister Dianne Beamer and Ministers Knowles and Kelly, to express their views on the issues. I have also encouraged residents to call for face-to-face consultation with the consent authority. As I said earlier, I also call on the State Government to consider the option to purchase the land on behalf of shire ratepayers, dependent on the outcome of the consultation and approval process. When considering coastal development such as this it is important that all issues are weighed up, including infrastructure, the environment and local job creation. I know that the relevant Ministers are aware of my raising the issues today by way of a private member's statement.

I call on the Minister for Primary Industries to stop hiding from the abalone industry, and I urge him meet with industry representatives and come clean on the Government's intentions, particularly if a cut in quota is proposed. On 10 June on ABC radio I called on the Minister to reopen region one to allow the industry to be more productive. There are some questions that the Minister must answer, however, and they are as follows. Why has there been a quota drop every year since share managed fisheries were introduced? Why is the New South Wales abalone industry locked out of half the State's productive abalone area, particularly region one? Scientists are saying that water quality around the Sydney area is pristine. Fees and charges in the New South Wales abalone industry are nearly double those of any other abalone fishery in Australia. The industry has \$800,000 in outstanding management fees and charges but it does not have the capacity to pay. Since being elected to this place I have continually raised the issue of management fees and charges in the industry. Why do the department's fisheries managers not listen to industry representatives who have been involved in the abalone industry for more than 25 years? It is high time the Government started to listen to local fishermen.

In conclusion, I briefly raise the issue of general practitioner proceduralists in the South-east New South Wales Division. The Parliament needs to know that 24 general practitioner proceduralists in the State's south-east have indicated an intention to cease practice in the next five years. Doctors commonly cite more than one reason for their decision, the most common being workload, health service administration and skills maintenance. Doctors have cited a lack of support and inflexibility on the part of the Southern Area Health Service as a reason for ceasing practice in the near future—that is, in the next five years.

There is no doubt that the support of the Southern Area Health Service is of major importance in sustaining rural proceduralism. The health service must examine the issues regarding local doctors and work with the doctors in reducing on-call commitments and reorganising rosters, which may reduce the stress currently experienced. Local doctors' current workload is having a major impact on their lifestyle and family time, and that too is impacting on their decisions regarding future practice. I also note that the continuation of opportunity to practise procedural medicine is based on the health service's ability to provide adequate facilities and support staff. This brings into the debate two regional-based facilities on the South Coast. [*Time expired.*]

BISHOP DAVID CREMIN ORDINATION GOLDEN JUBILEE CELEBRATION

Mr KEVIN GREENE (Georges River) [5.43 p.m.]: On Sunday 12 June I had great pleasure of attending Canterbury-Hurlstone Park RSL for the golden jubilee celebration of the ordination of Bishop David Cremin, the ordination having taken place on 12 June 1955 in Dublin. One of the speakers at the function was the Ambassador for Ireland, Declan Kelly, who read a message on behalf of the President of Ireland, Mary McAleese. In her message the President commented on a number of Bishop David's great attributes, they being compassion, respect, practical support, laughter, music, gentleness and humility. I am sure that each of the more than 500 attendees at the function, which was organised by the Irish community in Australia, would agree with the President's sentiments.

The former member for Rockdale, George Thompson, read a message from the Premier, Bob Carr. I believe the honourable member for Liverpool made a contribution to that message. In his message, the Premier noted that Bishop David is one of Sydney's most loved pastors. Once again, I am sure that each of the large number of attendees would agree with the Premier's sentiments. A number of speakers addressed the function in what was determined to be a *This Is Your Life* segment. One of those speakers was Sister Dymphna O'Brien, who recounted stories related to attending school with Bishop David in Limerick. In particular, she recounted stories about their walking to school together, about rocks being thrown, and all those types of things. Sister Dymphna gave us a bit of insight into a pre-teenage Bishop David.

Father Neil Brown, who is now at St Mary's Cathedral, spoke about his time as a curate with Bishop David at Concord, and he emphasised Bishop David's practical joker nature. Another speaker was Father Ron Harden, who spent more than 30 years with Bishop David at St Michael's Presbytery in Hurstville. During that time Father Harden assumed the role of administrator of the parish, as Bishop David was technically the parish priest. It was great to hear from Father Ron because he shared so much with Bishop David over that considerable period, from the days when Bishop David first became a bishop in the early 1970s.

It was also pleasing to hear from a large contingent of Bishop David's family. One of his nephews, who is also named David Cremin, addressed the gathering on behalf of the family. It was most interesting to hear about Bishop David's background. In October 1955, as a newly ordained priest, Bishop David travelled to Australia from the other side of the world, virtually in a missionary role, to take up duties in the Archdiocese of Sydney. One of the reasons he was allowed to come to Sydney was that his brother and his brother's wife lived in Sydney at that time. Of course, in those days it would have been an amazing journey, something I am sure everyone could reflect on.

At the conclusion of the *This Is Your Life* segment, Anne Webster, the Irish Consul-General, presented, on behalf of the assembled gathering and the Irish community, air tickets for a return trip to Ireland. She also spoke glowingly about Bishop David's contribution. It is important to acknowledge that many people were involved in organising this mammoth function. Michael Lyons, who was the master of ceremonies, is well known in the Irish community and a lovely man. He is one of my constituents and is involved in Irish radio. Michael and his wife, Celine, are great contributors to the community. Also involved in organising the event were Kevin Doyle, Michael Smullen, Father Tom Deveraux, Helen O'Neill, Sandra Coogan, Shay O'Hara and Annie McKeon, all of whom are great contributors to the Irish community in Australia.

From a personal point of view, it was a great pleasure and a privilege to be there with my wife, Frances, and representatives of the Illawarra Catholic Club. Bishop David is a life member of the Illawarra Catholic Club and he has been a magnificent servant to the Catholic community and, in fact, to the wider community of Sydney, New South Wales and Australia. One would go a long way to find a man who has had such a great impact due to his personality, his great characteristics and, as indicated by Mary McAleese, his compassion. He has been a great servant to the area in and around Hurstville, in particular. We sincerely thank him for his contribution and congratulate him on 50 magnificent years as a priest.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.48 p.m.]: I thank the honourable member for Georges River for telling us about the function in honour of Bishop David Cremin and his 50 years of dedicated service to the church and the wider Sydney community. He is a man who possesses all the qualities mentioned by the honourable member: compassion, gentle humour and humility. To that I should add that he is a man who has the courage of his convictions, notably in terms of his Irish Republican views, to which he has never taken a back seat. Indeed, he championed any cause that he thought worthy, regardless of the consequences and the opinion of those around him about whether he should sometimes hold the views that he does.

So he is a man who definitely has the courage of his convictions and he is also a man of great holiness. Anyone who has attended a service conducted by Bishop Cremin—Catholics, non-Catholics; believers, non-believers—would have been moved by the manner in which he conducts services, making them so relevant to modern day life and everything that is happening around us. They would have been moved by his real belief in Christ and the sanctity of his religion. He will be sadly missed from the day-to-day life of the church. I told him that he was not allowed to retire until he confirmed my sons, but I am afraid I have missed out on that opportunity.

Mr Kevin Greene: No, he is still allowed to do that.

Ms ALISON MEGARRITY: That is another story. I thank the honourable member for raising this issue. The House should pay tribute to the very special man that is Bishop David Cremin and for all that he has done in great humility. As the honourable member mentioned, he is a true servant. I hope that he will be around for many years to come. We would certainly miss his gentle humour and his good works.

Mr ACTING-SPEAKER (Mr Paul Lynch): I beg the indulgence of the House to echo the comments of both the honourable member for Georges River and the Parliamentary Secretary about an extraordinary and impressive man, David Cremin. I place on record my regard for him both personally and on behalf of the Chair. I particularly echo the comments from the Parliamentary Secretary about his support for Irish republicanism. He has attended more functions in this country with Gerry Adams than anyone else I can think of. The personal courage he displayed when Bobby Sands died—he celebrated a mass for Bobby Sands at a time when the church hierarchy was undermining the hunger strike—says a great deal about his integrity and his courage. The only regret I have is that the function that the honourable member for Georges River referred to was held on the same weekend as the Australian Labor Party annual conference, which is almost an unforgivable oversight. It meant that many of us could not attend his function.

ROAD TRANSPORT INDUSTRY

Mr GREG APLIN (Albury) [5.52 p.m.]: Drivers have long maintained that the Carr Government is more interested in raising revenue through speed cameras and a raft of fines than in promoting compliance with road rules through a greater physical police presence. Today I raise in the House the concerns of the transport industry. The Albury region is a transport hub ideally placed on the main transport corridor between Sydney and Melbourne. It is home to many large transport companies employing hundreds of staff. The companies run workshops and maintain their fleets of long haul vehicles and trailers, with mechanics working during the day and night.

The various companies pride themselves on their safety records and their efficiency. They conduct regular and intensive driver training programs and reinforce upon drivers the need to comply with all legal requirements. Many of the companies issue their drivers with a company handbook which outlines company policy and, importantly, goes into great detail about safe driving practice, including pre-trip checking of the rig. The companies hold various accreditations such as from the Trucksafe Accreditation Council. This accreditation is not easily obtained and requires vigilant and ongoing procedures and policing, with regular audits being conducted. All in all, one could say that the transport companies I represent conduct their business in an ethical and professional manner with a proven commitment to road safety. It is therefore with great concern that I raise matters of overzealous policing and unfair practices and tactics adopted by the Roads and Traffic Authority [RTA] towards the transport industry.

I will outline examples of over fining, double dipping and grossly unfair practices which can only be considered discriminatory. There appears to be a new Government revenue-raising policy to escalate the number of fines issued for minor defects. These come in at \$173 a time, and companies are finding the new onslaught hard to take but have no option but to pay because the cost of going to court is too expensive. In one instance a company phoned the RTA to protest about a penalty notice issued by a police officer. Verbal advice was received that the notice should not have been issued, yet in reply to the company's letter the Infringement Processing Bureau insisted the fine should be paid. What was this fine for? The offence was "Drive class 2 vehicle contrary to notice of spray suppression". The problem here is that spray suppression is not required on single trailers, only on B-doubles, so the fine was a nonsense and clearly shows that some police have a limited understanding of transport industry regulations and may be operating under instructions to impose a fine every time they pull over a truck.

Then there is the case of double dipping. The Government has created an art form of extracting more revenue for the same infringement. The RTA infringement notice is issued to the driver and then to the company

for exactly the same offence—at \$173 each time. The transport industry is suffering this attack at present, but will it be long before these double fines are issued to fleet car drivers and their employers, council drivers and the councils and, for that matter, to RTA drivers and the RTA? What happens when a transport company does elect the court option? In the instance I have before me, an infringement notice was issued for using an unregistered trailer on the Hume Highway. The problem here is that the trailer was registered, so the matter will go to court, forcing the company to pay solicitor and court fees.

Another example of this cavalier attitude to the transport industry is the issuing of an RTA infringement notice for an unregistered and uninsured vehicle. Of course, the vehicle was registered and was insured and actually displayed the current label prominently, but because of an interstate computer error, the officer could not identify the vehicle so he ignored the label, the driver's statement and the availability of a faxed copy from base and issued the two fines for \$472 each. So again, the Government forces the company to pay legal fees and court costs just to prove what was fact all along. There is something very wrong with this system. If a Government employee makes a mistake the Government should withdraw the penalty, not punish the transport company. These examples just keep stacking up. One company told me that this offence of "unregistered vehicle" is a frequent occurrence and the result, after contesting in court, is that no penalty is applied because the vehicle was registered at the time. Solicitors' fees and court costs amount to \$363, so it is an expensive exercise brought about through heavy-handed, non-investigatory officiousness.

This targeting of the transport industry descends to farce on occasions, such as the time a highway patrol officer started writing out an infringement notice for a vehicle not displaying a registration label. It was dark and the officer had not located the label, so the driver used his torch to prove the label was in place and was current. The officer refused to withdraw the penalty, although he later offered to write on his duplicate copy that it was issued in error. Why should the company have to take this to court and pay all the costs? Government employees are paid to be responsible, efficient and courteous. I hope the Minister will lead by example and take steps to rectify this escalating problem.

EAST HILLS DISTRICT RUGBY LEAGUE FOOTBALL CLUB

Mr ALAN ASHTON (East Hills) [5.57 p.m.]: I recently had the privilege to attend the annual Sponsors and Old Boys reunion of the East Hills District Rugby League Football Club, the Bulldogs, of which I am quite proud to be the patron. The function was held at Smith Park, East Hills, a great old ground and the scene of my cricketing success. I did not play rugby league at all but I did play cricket, and I took the vital catch in the 1973 grand final in B grade. The East Hills Bulldogs is one of the oldest junior clubs in the Canterbury-Bankstown district junior rugby league. It runs a great set of teams from the under-6s through to the senior grades, and it has a great tradition. I think it is now in its fifty-third year. When you put that in the context of some of the clubs that billionaires in Australia have set up—such as the Perth Western Reds and the Adelaide Rams, which did not seem to last five minutes—it just shows what local clubs can do with volunteer support from local people.

Nobody in the club gets a financial reward out of it; they get the excitement of seeing their kids playing good rugby league. Many players have gone from the East Hills football club to play for Canterbury-Bankstown and other clubs in the district. I pay credit to Mark Smith, the president of the club; Marty Harris, the vice president; and Adam Proudfoot, the secretary, who takes on so much for that club. I will not use their nicknames. Every footballer in every football club has a string of nicknames—some of them are unprintable and unrepeatable. In deference to Hansard, I will use their properly asserted names. Garry Williams is the Treasurer and Troy Russell is the Assistant Treasurer. Daryl Barlow, whose nickname is Ozzie, is a great bloke. He is the sponsorship co-ordinator. Revesby Bowling Club also sponsors the football club, which once again emphasises the importance of small clubs.

Mr Richard Torbay: A great club.

Mr ALAN ASHTON: It is a great club. East Hills Hotel is another sponsor and when my father was alive 40 years ago, he certainly recommended that pub. Many other local businesses sponsor the East Hills Bulldogs. I mention also Chris Benham, who is the publishing officer, and Kerry Butler, who is the registration officer, canteen supervisor and function co-ordinator. Barry Ward is the medial adviser and co-ordinator. He is well known in Canterbury-Bankstown football circles. Steve Gray is the registration officer and Adrian Engelen is also a canteen supervisor. I must mention Joanne Mellars, because she would be offended if I did not. Joanne plays a great role. She is one of my electorate secretaries and her little fellow, Daniel, was playing extremely well in the 7s when I saw him play two weeks ago.

The club even has a child protection officer, Lisa, and I wish her well in that position. The gear steward for the club is Tony Gillespie. I do not normally mention so many names, but the day was significant in that all senior teams played on the afternoon. There was the usual tent with food and alcohol provisions. Some special guests in attendance included Terry Semilizky, a director of the Revesby Workers Club; Rick Smith, an old boy; and Terry and John Raper, as well as former first grade referees. Terry Raper, who is well known in the electorate, is ill and I wish him well. Also present were Jeff Dinnerville, the old boys co-ordinator, Karen Engelen, Leanne Proudfoot and Rosanna Russell, who is the most animated football supporter I have ever seen. When she is cheering "Go East Hills", everyone else yells, "Rosanna, calm down." Rose Frost, Ali Frost, Kath Jasmin, Kate Gardner, Graham Lill, Dean Butler, Wayne Oxford, Gus Blissett, Sandra Blissett, Joan West and Reg West are all dedicated members. Time does not permit me to name the other members of this club, which has wonderful facilities, terrific camaraderie and a great football history in the Canterbury-Bankstown area.

MOORE PARK MASTER PLAN

Ms CLOVER MOORE (Bligh) [6.02 p.m.]: I speak about the preliminary proposals for the Moore Park Master Plan, which is very important to the electorate of Bligh, which includes Moore Park and Centennial Park. Moore Park is facing increasing pressures as a result of significant residential growth in surrounding suburbs. That is a result of government urban consolidation policies, as well as the urban renewal of the former South Sydney industrial area, which, in the near future, will house another 30,000 residents. The primary role of the Centennial Park and Moore Park Trust is to provide into the future for the recreation needs of the region's residential communities. Basic to this is maintaining, rather than diminishing, open space and soft landscaping, and taking opportunities to extend parklands by reversing past alienations.

Another important role of the trust is to extend tree cover to assist with the city's environment and health of the community. Disturbingly, the draft proposals reduce recreational space through proposed new and extended buildings. Park ambience is potentially diminished with proposed increases in commercialisation, including associated, but not shown, leasing and servicing requirements. The future of Moore Park cannot be properly assessed without the inclusion of adjacent Redfern and Waterloo, including the area known as the "Bat and Ball" area, and Moore Park Golf Course. They must be included in any proposals for Moore Park. I am very concerned about the planned loss of trees. A substantial number of trees, many of them native, are grouped but not individually specified for removal. They are termed "inappropriate" but we are not told why.

Plans for the area adjacent to Surry Hills bounded by South Dowling Street, Anzac Parade and the Sydney High Schools involve substantial and expensive remodelling of work completed only about five years ago, following the construction of the Eastern Distributor. Park users are understandably unhappy and angry about trees and plants being removed when they are only now providing some form of effective cover. Dog owners and spectators use the mounds to sit on and the winding paths are a change from the grid street patterns of surrounding residential areas and suit the informality of what is supposed to be a recreational area.

I am concerned also about car parking. The draft proposals reduce parkland area for increased car parking and reintroduce car parking to areas where cars have only in recent years been removed. They fail to restore areas currently alienated by car parking. The Moore Park Plan of Management adopted in July 1992 committed the trust to phase out on-ground car parking over a five-year period from the time the Royal Easter Show moved to Homebush, which occurred in 1997. The March 1998 Centennial Parklands Plan of Management betrayed community trust by changing this commitment to simply reduce "car parking demand on Moore Park through increased public transport use by 2003".

The success of the recent temporary closure of Moore Park South for car parking because of the presence of asbestos demonstrated that if the option of car parking is removed and public transport is encouraged, spectators will use public transport. It was reported in the media that there was a four-fold increase in public transport patronage as a result of co-ordinated government action. Both the Minister for Transport and the Director-General of the Ministry are supportive of promoting public transport for major events at the sportsground and the Sydney Cricket Ground. However, statements attributed to the trust about retaining car parking because of lost revenue are of great concern. It is a betrayal of its commitments to end on-grass car parking on Moore Park and its overarching responsibilities to area amenity as a parkland and not car park trustee. I urge the trust to immediately act responsibly to develop a strategy to remove car parking completely from Moore Park, return the areas vacated to parklands and help reduce traffic chaos on weekends.

I am also concerned about proposals for the area adjacent to Centennial Park bounded by Anzac Parade, Lang Road and Robertson Road, which result in a net loss of soft landscaping and open space. Increased

car parking, combined with the proposal to upgrade the existing recreational centre with "cafe and commercial requirements" and to build a new "amenities and facilities" block, is reminiscent of the proposal for a McDonalds Family Restaurant in the same area, which was overwhelmingly rejected by the community, unions, and the current Government.

The consultation process so far has been ineffective. The trust claims that the initial consultation period is the best opportunity for community participation, but many residents and park users have not been made aware of the master plan proposals. The public information session on Saturday 4 June, where visual displays were first presented to the community, was held less than a week before the closing date for submissions on Friday 10 June. This time frame is totally unrealistic for a public consultation process that is limited to input from stakeholder groups, and one public information session is inadequate. I understand that the draft master plan will be available for comment some time in August. However, I have little confidence that it will reflect, as it should, a broad cross-section of suggestions and opinions from the surrounding and most frequent users of these important parks.

SKILLS SHORTAGES

Mr RICHARD TORBAY (Northern Tablelands) [6.07 p.m.]: Recently I sent out a survey in the mighty Northern Tablelands regarding skills shortages, local TAFE training and the impact of stamp duty, and payroll and property taxes on households, farms, business and investments. The survey certainly touched a raw nerve as hundreds of responses have arrived, with more rolling in each day. Volunteers are currently collating information from these surveys and the information will be analysed in full at the University of New England. I will present this information to the Standing Committee on State Development.

A mere sample of the survey responses clearly demonstrates the severity of skilled labour shortages in the Northern Tablelands. The majority of complaints involved the lack of builders, painters, plumbers, tilers, plasterers, bricklayers and electricians. One respondent has been waiting three years to renovate three bathrooms and still cannot get hold of the carpenters, tilers, plasterers and plumbers to do the job. Others have decided not to build but, rather, to buy existing houses because they cannot wait for builders to be available. People complain about the prices being charged because of the shortage of skilled tradespeople in the area. If they are lucky enough to obtain the services of a tradesperson, the price is astronomical.

Farmers have indicated a shortage of shearers, fencers, shedhands and farm workers. Some report that they can only have their sheep shorn at weekends when shearers, who work in sheds throughout the week, are free. Another anomaly is the lack of mobile phone reception on many farms, which deters many workers from taking on jobs for safety and other reasons. Farmers have found that the general shortage of tradespeople has meant that few mechanics are prepared to travel to fix machinery. In many areas the lack of dentists has become critical, with many people travelling significant distances to access these services enduring long waiting lists for public dental services.

A high proportion of respondents have drawn attention to the shortage of doctors, surgeons, specialists and nurses in their areas. Some parts of my electorate need veterinarians because there are none available locally. Others have mentioned a need for accountants, gas fitters, mental health workers, early childhood educators, fridge and airconditioning mechanics, panel beaters and spray painters. Recently I spoke in the House about the critical shortage of surveyors and engineers in regional areas. In terms of TAFE training, there is an overwhelming need to offer courses locally. Apprentices in Inverell, for instance, have to travel to Moree or Tamworth for training. The return trip to Tamworth takes almost six hours. It is an unacceptable situation, particularly as many trade courses which used to be available locally are being centralised. Many local employers find that the red tape involved in taking on apprentices is a real deterrent.

Although I know that TAFE works with local industry, there is still a call for this to be extended. The changes to replace local reception staff with centralised call centres are unpopular across the spectrum. People complain that it is becoming more difficult to access the information they need about courses. Farmers want to see local courses to train shearers and courses in sustainable agriculture introduced. Several have called for access to apprenticeships and trades training for greater numbers of mature-age workers. Many people in my electorate who want to invest in property to fund their retirement are considering moving their investments to other States because of the New South Wales property taxes. These are seen as a real deterrent to investing locally. Farmers and businesses are not taking on workers because of the payroll tax issue. That constantly came through the information.

Many complain that the red tape, rigid occupational health and safety regulations and mountain of paperwork for compliance have put them off expanding their businesses and taking on more work and employees. One firm which pays \$90,000 a year in payroll tax points out that it could take on another three employees if it did not face that impost. There is a groundswell calling for zonal taxation measures as an incentive to regional growth, particularly inland. In the survey many people complained about the lack of public transport in the region. Older people in isolated areas who have lost their licences because of their age or other factors cannot access any form of transport, not even taxis if they need them. They report that their lives are lonely and isolated as a result. The loss of passenger and freight rail services between Armidale and Wallangarra is and remains a concern to many people.

Cancer sufferers are seeking changes to the Isolated Patients Travel and Accommodation Assistance Scheme regulations which restrict them from accessing their treatment locally. This report has been taken from a random sample of about 250 surveys. However, there are many hundreds more. It indicates a disturbing pattern of labour shortages, lack of training at a local level, negative impacts from State taxes and a need for public transport options where there are none available, and other services. It also highlights opportunities that can be marketed for regional areas within the Northern Tablelands.

RESIGNATION OF MS VICTORIA RANDS

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [6.12 p.m.], by leave: I record in *Hansard* for posterity my great appreciation to a member of my staff who is leaving me soon after more than 10 years of loyal service, both to me as a Minister and to the people of this State. I refer to Victoria Rands, who is better known to all of us around the place as Tory. I saw Tory come into my office as a baby of the office—the kid—and develop into a mature and lovely young woman who has decided, after 10 years, to try her luck on the other half of the planet. She is going overseas via the United States of America to live in England for a while to experience some of the great delights that touring has to offer. I have grown accustomed to being blessed with good staff—I thank them all—but I pay particular tribute to those who have managed to stay around Knowles for more than 10 years.

Sometimes the journey has been a lot of fun; at other times it has been a tough road. But at all times it has been done with great professionalism and an eye on always delivering good and competent policy and outcomes for the people of this State as part of our duties as a ministerial office. I have grown accustomed to the luxury of Tory being able to almost organically anticipate what I require, particularly in terms of the task of writing speeches and recording words to ensure that the Minister's utterances always have a verb in the sentence and to ensure that we get through the workload as quickly and as efficiently as possible. These days Tory almost second-guesses or anticipates what I am going to say. I often look at the computer screen, at yet another dorothy dixer or speech, only to find that my thoughts, which I thought were still in my head, are already there. Usually they are Tory's words, which are better than mine. That is a sign of Tory's skill and professionalism.

Tory is a bright young woman; she is highly intelligent. A few years ago Tory made a conscious decision to go back to school to complete her Higher School Certificate, and since then she has gone on to earn her first degree through the University of Sydney, almost entirely with distinctions and high distinctions. It has been extraordinarily wonderful to see that transformation at a personal level. If that were not enough, she is now studying French to assist her in her travels. Tory has been a focussed employee. She has been extremely loyal to me and my office. I have chosen to record in this way this bittersweet period, where frankly I would prefer it if she stayed but, almost in a parenting sense, I need to see her go so she can fulfil her potential. She will benefit from the experience of her next journey in life. As a young woman she deserves the opportunity to see what the rest of the world is like and to live a few more lives before hopefully she settles, as I suspect she really would like to do, although I might be second-guessing her on that.

For the record, Tory, thank you. You have been a terrific member of my staff for 10 years. You were there at the start. I am surprised that I am seeing you go rather than you seeing me go. The fact that you have chosen to use my office as part of your life and give me the benefit of that is something I can never repay, other than to record my thanks. The fact that you chose to continue to improve yourself during your time in my office, and to continue to do so as you move beyond it, is a tribute to your self-capacity, your self-worth. I know you will do well in whatever you choose to do in the future. We wave at you now as you pass us by but we want to wave at you when you return. Do not be a stranger—I know you will not be. There will always be a welcome in my office any time, any place. Travel safely and always remember 10 good years in my office, as we will of your time there.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [6.17 p.m.], by leave: As the Parliamentary Secretary to the Minister for Infrastructure and Planning, and Minister for Natural Resources I briefly thank Tory for my interaction with her and her professional assistance in dealing with correspondence through the Minister's office. Anyone with the ability to second-guess or work out what a Minister would organically require will be sorely missed. So for her experience, abilities and personality, we say goodbye Tory. We hope to see you again in the future.

VENTILATOR-DEPENDENT QUADRIPLÉGIC MR CHRISTOPHER CAMERON

Mr DARYL MAGUIRE (Wagga Wagga) [6.19 p.m.]: I raise concerns of my constituent Christopher Cameron. In August 2003 Christopher Cameron was injured playing rugby union. As a result of the accident he is now a ventilator-dependent quadriplegic [VDQ]. Prior to the accident he and his partner were residents of Wagga Wagga. Since the accident he has been a spinal patient at the Prince of Wales Hospital at Randwick. In July 2004 Department of Housing accommodation was secured and Christopher's partner, Debbie, was able to move into their modified house in early September 2004. Nine months later Christopher is still living in the hospital. I acknowledge the great work of the honourable member for Hornsby in assisting to secure that housing. Hospital staff expected him to be discharged in October 2004. It is now 21 months after the accident and still no date for discharge has been set.

In March of this year he commenced study at the University of New South Wales three days per week. He required a ventilator-competent nurse to accompany him to classes and was assured that appropriate staff would be available. After only one week of attending university he was advised that no Prince of Wales staff were available to accompany him. Instead the Southern Cross nursing agency, which had been contracted to provide 24-hour care when he eventually returned to the community, should provide staff to take him to university. His partner, Debbie, is taking him to university two days a week. Southern Cross was to recruit a care team consisting of eight to 10 nurses. At the beginning of March 2005 three assistants in nursing had been selected to undertake further training which would take at least four weeks to complete. Christopher is the first ventilated patient at the hospital in three years and the first VDQ patient. His doctor and other staff are not familiar with the requirements of the VDQs and are learning as they go along. NSW Health should have identified that no-one at Prince of Wales had experience of the complicated VDQ program and provided extensive guidance and support to hospital staff, including proper monitoring of the progress of his discharge.

Since July 2004 Christopher has been physically well enough to be discharged. In the period June to August 2004 he was allocated an area health service case manager with no experience of VDQs and as a result plans for his release were put on hold indefinitely. The case manager is responsible for the co-ordination of all aspects of the VDQ client's discharge, ranging from employment of a care agency to ordering equipment. The case manager liaises with the discharging hospital, area health service and community health workers to arrange a smooth transition home. Early in March 2004 the VDQ fund co-ordinator instructed the Prince of Wales Hospital social worker that a submission for an independent advocate needed to be part of a big submission, which included the cost details of the clinical care plan, equipment, services, et cetera. By including advocacy with these paid services it was clearly indicated that this was also a funded service.

The VDQ fund co-ordinator informed Christopher in July 2004 that "an advocate will be appointed and will be a person of your choice." To an average person this suggests the involvement of NSW Health in finding and appointing an advocate. In December 2004, in correspondence from NSW Health he was informed that NSW Health did not see itself as responsible for finding an advocate and nor was it responsible for paying such a person. On behalf of Christopher I referred the matter to the Minister for Health on 4 March this year and received a reply from Cherie Burton, Parliamentary Secretary, dated 31 May, stating that she had been "advised that following intensive care and rehabilitation", Christopher "is medically stable and in a position to live in the community" and that the "discharge process of patients with this degree of injury into the community is a complex and time consuming process". I was also advised that Southern Cross staff were not yet proficient in managing Christopher's care, as they had only been available for training for limited periods.

On 18 April 2005 I received a further response from Cherie Burton advising that "planning for Mr Cameron's discharge is proceeding. Southern Cross Community Health Care is currently recruiting and training staff to support Mr Cameron in his home, following his discharge." The response also advised that Mr Cameron should contact Ms Kim Breckon, the VDQ discharge co-ordinator, Sydney South West Area Health Service if he requires any further information. Ms Breckon has advised that she is not in a position to handle complaints such as Christopher's explaining that she is unable to resolve them. NSW Health has failed in its duty of care towards Christopher by not ensuring that those responsible for his discharge were experienced.

Lack of consistency in information provided by NSW Health about the VDQ, lack of case management and lack of experience of the VDQ at the area health service level have contributed to the extended delay in discharging Christopher. The failure of NSW Health to monitor his case or appoint an independent advocate has contributed to his prolonged stay in hospital and this has impacted on his mental health and relationships. Christopher made a request to the Department of Health for assistance with the costs of modifying a vehicle for his personal use. To date he has not received a response. I ask the Minister to address this issue. *[Time expired.]*

Private members' statements noted.

SECURITY INDUSTRY AMENDMENT BILL

Message received from the Legislative Council returning the bill without amendment.

PASSENGER TRANSPORT AMENDMENT (MAINTENANCE OF BUS SERVICES) BILL

Message received from the Legislative Council returning the bill with amendments.

Consideration of amendments deferred.

BUSINESS OF THE HOUSE

Consideration of Legislative Council Amendments: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended to allow consideration of the amendments made by the Legislative Council in all bills reported to be considered in one Committee of the Whole.

BRIGALOW AND NANDEWAR COMMUNITY CONSERVATION AREA BILL

CROWN LANDS LEGISLATION AMENDMENT BILL

LOCAL GOVERNMENT AMENDMENT BILL

PASSENGER TRANSPORT AMENDMENT (MAINTENANCE OF BUS SERVICES) BILL

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

TRANSPORT LEGISLATION AMENDMENT (WATERFALL RAIL INQUIRY RECOMMENDATIONS) BILL

In Committee

Schedule of the amendments to the Brigalow and Nandewar Community Conservation Area Bill referred to in message of 23 June

No. 1 Page 12, clause 28, line 17. Omit "13". Insert instead "15".

No. 2 Page 12, clause 28. Insert after line 29:

- (f) one member is to represent the interests of local farmers, and
- (g) one member is to represent the interests of local recreational users, and

No. 3 Page 16. Insert after line 5:

37 Indigenous land use agreements

- (1) The Community Conservation Council and a Community Conservation Advisory Committee must, in exercising their functions, have regard to the relevant provisions of any indigenous land use agreement under the *Native Title Act 1993* of the Commonwealth that relate to the Community Conservation Area.
- (2) This section extends to functions relating to the development of the Community Conservation Area Agreement.

No. 4 Page 59, Schedule 11, line 10. Omit "7". Insert instead "8".

No. 5 Page 61, Schedule 12.1, line 10. Insert "and local government programs" after "regulation".

No. 6 Page 63, Schedule 12.3, lines 3 to 6. Omit all words on those lines. Insert instead:

[5] Section 7

Omit section 7. Insert instead:

7 Sunset of payments—forestry industry restructuring expenditure

Payments from the Fund under this Act in respect of forestry industry restructuring expenditure may not be made after 30 June 2007.

No. 7 Page 63, Schedule 12.3, line 15. Omit "2006". Insert instead "2007".

Schedule of the amendments to the Crown Lands Legislation Amendment Bill referred to in message of 23 June

No. 1 Page 38, Schedule 2 [14], proposed clause 10, lines 17 and 18. Omit "parks and wilderness areas". Insert instead "parks, wilderness areas and other prescribed land".

No. 2 Page 38, Schedule 2 [14], proposed clause 10, line 21. After "abuts", insert ", or is within 100 metres of,".

No. 3 Page 38, Schedule 2 [14], proposed clause 10, line 24. After "abuts", insert ", or is within 100 metres of,".

No. 4 Page 38, Schedule 2 [14], proposed clause 10, line 28. Omit "Act.". Insert instead:

Act, or

(c) comprises or contains land prescribed by the regulations.

Schedule of the amendment to the Local Government Amendment Bill referred to in message of 22 June

Page 3, Schedule 1 [1], proposed section 224A. Insert after line 28:

(9) A council for an area that is divided into wards may not make an application under this section for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3.

Schedule of the amendments to the Passenger Transport Amendment (Maintenance of Bus Services) Bill referred to in message of 23 June

No. 1 Page 3, Schedule 1 [2], line 20. Omit "clause 39A". Insert instead "clause 39B".

No. 2 Page 3, Schedule 1 [3]. Insert after line 25:

(4) To avoid doubt, the continuing provision of bus services by the former holder of an existing non-commercial or commercial bus service contract on or after expiry of the contract is not a renewal of the contract and does not confer any right or expectation of renewal of the contract.

No. 3 Page 3, Schedule 1 [5], line 30. Omit "or 39A". Insert instead ", 39A or 39B".

No. 4 Page 3, Schedule 1. Insert after line 30:

[6] Schedule 3, clause 34 (3)

Insert at the end of clause 34:

(3) In this clause, *interim contract for the provision of regular bus services* includes a bus service contract for the provision of temporary services in place of a regular bus service discontinued because of the expiry of the term, or the termination or variation, of an existing non-commercial bus service contract or an interim contract replacing any such contract.

[7] Schedule 3, clause 36

Insert "Minister or" before "Director-General" wherever occurring.

[8] Schedule 3, clause 36 (1) (a)

Insert "or an interim contract for the provision of regular bus services" after "contract".

No. 5 Page 3, Schedule 1 [6], line 34. Insert "a service breach notice or " before "the implementation".

No. 6 Page 4, Schedule 1 [7], line 4. Insert "the giving of a service breach notice or" before "the implementation".

No. 7 Page 4, Schedule 1 [7], line 6. Insert "a service breach notice or" before "step-in".

No. 8 Page 4, Schedule 1. Insert after line 11:

[10] Schedule 3, clause 39

Insert "or an interim contract" after "non-commercial bus service contract" in the definition of *existing service provider* in clause 39 (1).

[11] Schedule 3, clause 39

Insert in alphabetical order in clause 39 (1):

interim contract means a bus service contract for the provision of temporary services in place of a regular bus service discontinued because of the expiry of the term or termination or variation of an existing commercial bus service contract or an existing non-commercial bus service contract.

[12] Schedule 3, clause 39 (7) and (8)

Insert after clause 39 (6):

(7) An application may be made under this clause if the contract held by the existing service provider is terminated or expires, but may not be made later than 60 days after the termination or expiration of the contract.

(8) An application may be made under this clause even if step-in arrangements are implemented under this Part in relation to the regular bus services provided by the existing service provider.

No. 9 Page 4, Schedule 1. Insert after line 13:

39A Service breaches

(1) The Director-General may, by notice in writing given to an existing service provider (in this Part called a *service breach notice*), require the existing service provider to take the action specified in the notice within the period specified in the notice.

(2) The Director-General may give a service breach notice if:

(a) The Director-General is of the opinion that a regular bus service contract of the existing service provider is, or is likely to be, for a period longer than 24 hours:

(i) interrupted, disrupted or not delivered, or

(ii) not provided to a reasonable standard to meet community needs, or

(b) in such other circumstances as may be provided by the regulations.

(3) The notice may require the action to be taken immediately if the Director-General is of the opinion that it is necessary to do so having regard to the urgency of the circumstances.

(4) If the existing service provider fails to comply with a service breach notice within the period specified in the notice, the Director-General may apply to the Minister for approval to take one or both of the following actions:

(a) terminate the existing bus service contract on the ground of failure to comply with the notice,

(b) implement step-in arrangements under clause 39B (3).

(5) The Minister may approve or refuse the application.

(6) If the Minister approves the application, the Director-General may take the action approved by the Minister. Termination of a contract is to be by notice in writing given to the existing service provider.

(7) The Director-General may give more than one service breach notice under this clause in relation to the same contract.

(8) Nothing in this clause limits any other action that may be taken by the Director-General or any other person in relation to an existing bus service contract, including any other power to terminate the contract concerned or to exercise any function under clause 39B (2) on the expiry or termination of the contract.

No. 10 Page 4, Schedule 1 [10], lines 19 and 20. Omit "implement step-in arrangements in accordance with this clause". Insert instead "take action under subclause (1)".

No. 11 Page 4, Schedule 1 [10], line 24. Insert "(other than under this Part)" after "Director-General".

No. 12 Page 4, Schedule 1 [10], line 27. Omit "provider." Insert instead:

, or

(d) in such other circumstances as may be prescribed by the regulations.

No. 13 Page 4, Schedule 1 [10]. Insert before line 28:

(3) The Director-General may, with the approval of the Minister under clause 39A, also take action under subclause (1) if an existing service provider fails to comply with a service breach notice, whether or not the existing bus service contract concerned has been terminated or has expired.

No. 14 Page 4, Schedule 1 [10]. Insert after line 30:

(4) Step-in arrangements implemented under subclause (2) may not take effect before the expiry or termination of the contract concerned.

No. 15 Page 5, Schedule 1 [10], lines 36–38. Omit all words on those lines.

No. 16 Page 6, Schedule 1 [10], lines 7 and 8. Omit all words on those lines. Insert instead:

commercial arrangements or security transactions of the existing service provider or other persons, being arrangements or transactions entered into at arms-length, relating to assets affected by the proposed step-in arrangements or the provision of the regular bus services.

No. 17 Page 6, Schedule 1 [10]. Insert after line 17:

Note. This clause is a transitional clause and does not apply to contracts entered into under Division 3 of Part 3 (as substituted by the *Passenger Transport Amendment (Bus Reform) Act 2004*) and so will only affect commercial bus service contracts in force before that Division was inserted and certain interim contracts entered into pending new contracts coming into force. When these existing and interim contracts cease to be in force, this clause will cease to have operation.

No. 18 Page 6, Schedule 1 [10]. Insert before line 18:

39BA Additional provisions relating to step-in arrangements after service breach notices

- (1) This clause applies to step-in arrangements implemented under clause 39B (3) after a failure to comply with a service breach notice, and so applies in addition to clause 39B.
- (2) The terms and conditions of the step-in arrangement may, if the existing bus service contract is in force, make provision for or with respect to the operation of the contract, including obligations, rights and liabilities under the contract, and exclusion from liability under the contract, during the period that the step-in arrangements are in force.
- (3) A provision of a step-in arrangement of a kind specified in subclause (2) has effect in relation to the bus service contract during the period that the step-in arrangements are in force despite any provision of the contract or any other law.
- (4) A step-in arrangement that affects an existing bus service contract that is in force does not affect the term of the contract.
- (5) A step-in arrangement that results from a failure to comply with a service breach notice has effect for the period specified in the notice under clause 39B or until the Director-General revokes the notice, by notice published in the Gazette, on the ground that the service breach notice has been complied with or on for any other reason, whichever occurs first.
- (6) The Director-General may take action under this clause to revoke a notice on the Director-General's own initiative or on the application of an existing service provider.

No. 19 Page 6, Schedule 1 [10], line 21. Omit "clause 39A". Insert instead "clause 39B".

No. 20 Page 6, Schedule 1 [10], line 26. Omit "in force".

No. 21 Page 6, Schedule 1 [10], line 27. Omit "clause 39A". Insert instead "clause 39B".

No. 22 Page 6, Schedule 1 [10]. Insert after line 28:

39C Liability of step-in parties, existing service providers and other parties under step-in arrangements

- (1) In determining step-in arrangements, the Director-General must specify terms and conditions relating to the liability or protection from liability (including indemnities or releases to be given) of the existing service provider and the step-in party in connection with acts or omissions done or omitted for the purposes of implementing step-in arrangements.

- (2) Any such terms and conditions are to be determined having regard to the following principles (subject to any necessary exceptions determined in a particular case by the Minister):
- (a) the step-in party should be protected from liability to the existing service provider or any other person for acts done or omitted in good faith for the purposes of implementing step-in arrangements,
 - (b) the step-in party should be protected from liability for acts or omissions of the existing service provider done or omitted before the implementation of the step-in arrangements,
 - (c) the existing service provider should be protected from liability for acts done or omitted by the step-in party or any other person for the purposes of implementing step-in arrangements,
 - (d) a person dealing with the step-in party in the course of implementing step-in arrangements should be protected from liability for acts or omissions done in good faith at the lawful request or requirement of the step-in party.
- (3) Without limiting subclause (1), the step-in arrangements may, for the purposes of this clause, specify terms and conditions containing one or more of the following requirements:
- (a) a requirement that indemnities or releases be given to or by or on behalf of the step-in party or the existing service provider in connection with the step-in arrangements,
 - (b) a requirement that indemnities or releases be given to or by or on behalf of the step-in party or the existing service provider in connection with obligations, rights and liabilities under the workers compensation Acts and other legislation or laws relating to employer or occupier liability or liability in relation to environmental obligations,
 - (c) a requirement that warranties or agreements be given or entered into by or on behalf of the step-in party or the existing service provider in relation to specified obligations, rights and liabilities.
- (4) A term or condition of a step-in arrangement of a kind referred to in this clause, and any thing done in accordance with any such term or condition, has effect despite any other provision of this Act or the regulations or any other law.
- (5) Nothing in this clause permits a term or condition of a step-in arrangement that has the effect of:
- (a) removing from an existing service provider the obligation to have and maintain in force an insurance policy, or to be a self-insurer, under the workers compensation Acts in respect of any of its staff whose services are made use of under step-in arrangements, or
 - (b) removing any liability of an existing service provider in respect of injury to any such staff under those Acts or that exists independently of those Acts.
- (6) The Director-General may prepare model terms and conditions for the purposes of this clause and is to consult with industry representatives of bus service providers in relation to any such model terms and conditions.
- (7) In this clause:
- workers compensation Acts* means the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* and any instruments made under those Acts.

39D New contractual arrangements to end step-in arrangements

- (1) The Director-General must, after implementing step-in arrangements on the expiry or termination of an existing bus service contract, use his or her best endeavours to enter into a new service contract with a person under the provisions of Division 3 of Part 3 to provide a regular bus service for the region or route or operation (or part of the region or route) for which the existing service provider was providing a regular bus service under the existing bus service contract.
- (2) The Director-General must revoke the notice under clause 39B on or before the new service contract takes effect.

No. 23 Page 6, Schedule 1 [10], line 30. Omit "clause 39A". Insert instead "clause 39A or 39B or a service breach notice".

No. 24 Page 7, Schedule 1 [10], line 3. Omit "clause 39A". Insert instead "clause 39A or 39B or a service breach notice".

No. 25 Page 7, Schedule 1 [10]. Insert after line 10:

39D Public consultation during operation of step-in arrangements

- (1) As soon as reasonably practicable after implementing step-in arrangements, the Director-General is to establish a community reference group.

- (2) The community reference group is to comprise persons nominated by the Director-General, being persons who the Director-General considers:
- (a) have a knowledge of, or interest in, the bus services to which the step-in arrangements relate, or
 - (b) live in the area serviced by those bus services, or
 - (c) have some expertise in the provision of bus services generally.
- (3) The community reference group is to conduct public consultation and is to:
- (a) assess the frequency, reliability and relevance of the bus services to which the step-in arrangements relate, and
 - (b) assess the long term viability of those bus services, and
 - (c) consider alternative bus service arrangements, and is to report to the Director-General on these matters.
- (4) In determining the terms of a new bus service contract that relates to a region or route (or part of a region or route) for which bus services are being provided under step-in arrangements, the Director-General is to take account of any relevant report provided under subclause (3).

*Schedule of the amendments to the Statute Law (Miscellaneous Provisions) Bill
referred to in message of 22 June*

No. 1 Page 20, Schedule 1.14. Omit Schedule 1.14.

No. 2 Page 52, Schedule 1.42. Insert after line 17:

- (a) the *Podiatrists Regulation 1995*,

Schedule of the amendments to the Transport Legislation Amendment (Waterfall Rail Inquiry Recommendations) Bill referred to in message of 22 June

No. 1 Page 23, Schedule 2. Insert after line 22:

[36] Section 68 (1)

Omit "not later than 28 days".

Insert instead "as soon as reasonably practicable, but not later than 7 days,".

No. 2 Page 37, Schedule 3. Insert after line 35:

[13] Section 46D (1)

Omit "not later than 28 days".

Insert instead "as soon as reasonably practicable, but not later than 7 days,".

Mr CARL SCULLY (Smithfield—Minister for Police) [6.27 p.m.]: by leave, I move:

That the Legislative Council amendments proposed in the six bills be agreed to.

Mr PETER DEBNAM (Vaucluse) [6.29 p.m.]: One point I wish to make concerns the bill dealing with the Waterfall recommendations. The point we make again is that there is no real independence in the safety regulator in New South Wales. If the Government does not provide it before the next election, immediately after the election—having won the election—we will establish real independence in the safety regulator. It is absolutely critical. Rail safety in New South Wales remains a major concern.

Secondly, as we said when the bill dealing with maintenance of bus services went through the lower House, the Minister rammed it through. We had not seen the bill before it appeared in the House. We indicated to the Minister there were major problems with the legislation and it has now been extensively amended in the other place. I say to the Minister again, he must do his homework on transport. There are very real problems with public transport in New South Wales, whether it is rail, ferries or buses. He should not rush into this House again with legislation that is poorly thought through.

Mr ANDREW FRASER (Coffs Harbour) [6.29 p.m.]: Some of the amendments relate to the Brigalow and Nandewar Community Conservation Area Bill. The Minister for Police rolls his eyes.

Mr Carl Scully: We spent three hours on it.

Mr ANDREW FRASER: I am prepared to go another three hours. The bill has been returned from the upper House with amendments because of the incompetence of this Government in forcing the legislation through this place.

Mr Gerard Martin: While you're at the bar we're working.

Mr ANDREW FRASER: The member for Bathurst, the Bundy Bear, should not cast aspersions like that about me. The bill required amendments because the constitution of committees was not right, the maps were not available for examination when the legislation was forced through this Chamber, and the towns of Pilliga and Gwabegar were located on the map in the wrong spot. It shows the ineptitude of the Government and the Minister for the Environment, who put the legislation through this House.

Ms Katrina Hodgkinson: Unforgivable.

Mr ANDREW FRASER: As the honourable member for Burrinjuck says, it is unforgivable. In relation to this bill, the Independent members for Northern Tablelands and Tamworth tried to belittle the Paul family, a fantastic family in Gunnedah. I want to put on the record a letter from Gunnedah Timbers to the Hon. Duncan Gay.

Mr Milton Orkopoulos: Point of order: This is not a second reading debate.

Mr ANDREW FRASER: You have only been here three minutes. You do not know the rulings of the Chamber.

The CHAIRMAN (Mr John Mills): Order! The honourable member for Coffs Harbour will resume his seat while the point of order is taken.

Mr Milton Orkopoulos: The honourable member for Coffs Harbour conducts himself as if this is a second reading debate. He is introducing new material that is not germane to the matters before the Chamber.

The CHAIRMAN (Mr John Mills): Order! Committee debates are restricted to the amendments. I ask the honourable member for Coffs Harbour to outline which amendments he is dealing with.

Mr ANDREW FRASER: I will talk on the amendments to schedule 12 to the Brigalow and Nandewar Community Conservation Area Bill. I refer to a letter sent to the editor of the *Northern Daily Leader* in Tamworth by George Paul:

I would like to take this opportunity of replying to some of Mr. Draper's comments on the timber industry. Mr. Draper, after much initial inertia, attempted to support the Brigalow Belt South Bio Region Brus option while at the same time blaming the Proprietors of Gunnedah Timbers for not accepting the Government's 20 year wood supply agreement. Mr. Draper, please learn something about the industry before offering unwarranted advice.

Surely you should know by now that it is virtually impossible to obtain a water tight agreement with a Government where a question of quality is involved. I have no doubt that the Government can supply the timber industry of the Brigalow Belt with 44,000m³ of logs annually (certainly not the 57,000m³ promised by Premier Carr). But I am equally sure that it cannot supply that quantity of suitable quality logs and I'm doubly sure that that volume cannot be supplied without destroying the long term sustainability of the forest. It is not a question of annual compensation that you have referred to. A period of 3 months of poor quality logs could send most sawmills to the wall. Once the log is in the mill yard the ability to claim becomes difficult. The question of log quality and, in this instance, log size, must be determined before landing in the mill yard. That is why we are requesting that specifications to be included in any new wood supply agreement must include a minimum log size being not less than 15m³ per log. As all log purchases are by weight it is a simple matter to determine average log volume on every load. The situation we are faced as a sawmill operator is difficult enough dealing with the Government. Your interference does nothing to help my company or the timber industry of the Brigalow region.

Mr. Draper is aware that Gunnedah Timbers has an existing wood supply agreement with the present State Government and believes that the company should let the contract run for a further five years and assess their option in 2010. Will you, Mr. Draper, then explain to each worker why he will not then be entitled to \$72,000.

The Government has promised workers \$72,000 compensation. But if the option is not picked up, as mentioned in Mr Paul's letter, they do not get the \$72,000 in 2010. It is wiped out; it disappears. The promised compensation to workers does not eventuate. Whichever way the Government wants to paint it, towns and people will be destroyed by this legislation. The letter continues:

Mr. Draper I am bitterly disappointed that you continue to support the Government, as was evidenced by your enthusiastic endorsement of the Premier's announcement of 4th May. An announcement that was nothing short of disastrous for the timber industry of the Brigalow Belt. Your silence while your fellow member Mr. Torbay tries to smear my name is further testimony of the reasons for that disappointment.

The New South Wales Farmers Association wrote to the Hon. Duncan Gay as well.

The CHAIRMAN (Mr John Mills): Order! I have examined the relevant amendments. I am at a loss to understand how the previous correspondence or the letter referred to is relevant to amendments Nos 5, 6 and 7, which relate to Schedule 12. I seek an explanation from the honourable member for Coffs Harbour. He must address the amendments.

Mr ANDREW FRASER: As to your ruling, it is most unusual that a Chairman of Committees would interrupt a member without a point of order being taken.

Mr Milton Orkopoulos: A point of order has already been taken.

Mr ANDREW FRASER: The point of order has been ruled upon.

The CHAIRMAN (Mr John Mills): Order! I advise the honourable member for Coffs Harbour that the standing orders allow the Chairman to interrupt debate.

Mr ANDREW FRASER: The amendments relate to timber industry representatives on committees. Mr George Paul would be an obvious member of a committee. They also relate to New South Wales Farmers Association representation on the committees. If the New South Wales Farmers Association is going to be represented on the committee, its opinion needs to be put in this debate tonight.

Mr Carl Scully: If you don't shut up I'm never going to Coffs Harbour again.

Mr ANDREW FRASER: Is that a promise? The New South Wales Farmers Association, which is to be represented on the committees referred to in the Schedules to the bill, wrote to the Hon. Duncan Gay:

The NSW Farmers' Association has considered your submission dated June 2005 to the Minister for Primary Industry, the Hon Ian MacDonald MLC regarding changes to the compartments and advise that we have written to the Minister for the Environment, The Hon Bob Debus MP, indicating the Association's support for your proposal to improve the availability of timber to mills in the region.

The Association has also sought clarification regarding the sustainability of the 57,000 cubic metres annual harvest over a 20 year period.

The Association continues to support the Brigalow Region United Stakeholders Group (BRUS) option as it presents an outcome balance between production and conservation. It reduces available volume by 3% and among other benefits allows for continued access to a sustainable yield of white cypress saw logs of 68,000 cubic metres per year.

The New South Wales Farmers Association will be represented on the committee, pursuant to the amendment to Schedule 12. Its opinion needs to be put on the record tonight. As to community representatives on the committee, I refer to correspondence from Tim Lacey of the timber community, in which he says:

On behalf of our company we would like to thank you for your assistance in representing the views of industry in parliament. It has been interesting to note some of the views of both your party and the government and minor parties in the Upper House. It is unfortunate that the amendments that were presented by Duncan Gay were not passed due to the position of the government, as they would be assured the allocated volumes announced.

We can only hope that the voters in NSW vote out the Government in the next election and allow in a government that will support the rural communities in parliament without having to pander to the socialist greens. We hold you to your promise that the bill will be reversed when the coalition gets back in to power and will enable a better managed environment for the Brigalow/Pillaga area than what is now proposed

The community representatives, as referred to in the amendments to Schedule 12, should be listened to. Becky Featherbe says:

Hi Rick, We do not wish to give up the fight as yet as we are getting together shortly to prepare a fight for our region which will take us up to the election. This will centre on the environment and the destruction which will be wrought in this region with the lock up. We hope that the shadow ministers would work with us on getting a better outcome for the environment and eventually the timber industry. We must show the city that decisions that are based solely on political outcomes can actually have a very detrimental effect on the environment, and that we hold city based voters responsible for this. We need to look at the English

system where you cannot even discuss the environment without first looking to the history of the region and taking into account that history. We would hope that you and other state representatives would bring all those who have been bludgeoned by such incorrect environmental outcomes together to help each other such as the Snowy Mountains groups, the Murray River groups, also the next area for assessment by the state government which I think is the Riverina area, the NSW Farmers who are bogged down in rules and regulations which affect their livelihood. There would be an incredible list of groups to draw from, and between all of the affected groups surely you could draw a tremendous environment policy to go to the next election with. I ask for your continued support in this matter and we will let you know how our meeting goes on what outcomes we plan for the next two years, if you wish to be involved in the planning stage please let me know at and we can make a mutually acceptable date to meet.

Mr Milton Orkopoulos: He's got nothing to talk about!

Mr ANDREW FRASER: The honourable member for Swansea wants to know why I am reading into the transcript information from the community groups who will now be allowed to be part of this committee process to advise the Government. What I want is for his Government to advise as to whether or not it will listen to the concerns of these people. We moved dozens of amendments to ensure the viability of this industry, the quality and quantity of the logs, not the loss of 342 jobs in the region. We want to see legislation—

Mr Carl Scully: I am never going to Coffs Harbour again if he does not stop. He has two minutes to shut up.

Mr ANDREW FRASER: Thank you, Minister.

Mr Carl Scully: If you don't shut up, that's it. I am never going there again.

Mr ANDREW FRASER: I take that back; I want the Minister to come to Coffs Harbour because every time he visits I win more votes. They have never seen anyone as arrogant as him.

Mr Carl Scully: What about the jetty? What about the Coffs Harbour Jetty—\$4 million!

Mr ANDREW FRASER: Where are we going to get the turpentine timber to replace the decking and piers on the jetty after the Government has locked all the forests up?

Mr Anthony Roberts: Are you still jumping off the end?

Mr ANDREW FRASER: Absolutely!

Mr Anthony Roberts: You are still jumping off the end?

Mr ANDREW FRASER: Absolutely, mate. There are no sharks out there. The only sharks in this photo are members of the Government. They take the money from regional and rural New South Wales and destroy the economies of small towns by legislation as a payback for the Greens preferences at the last election. This legislation is poor legislation. This legislation is not supported by the Construction, Forestry, Mining and Energy Union.

[Interruption]

You should go back to supporting the people of New South Wales like Gibbo does. You should stand up and be counted. You send city-based members to talk on regional issues and defend the decimation of an industry. It shames me, it shames you and it shames this Parliament.

Mr MICHAEL RICHARDSON (The Hills) [6.43 p.m.]: I want to address the amendments to the Brigalow and Nandewar Community Conservation Area Bill. It was extensively debated, I might say, in the upper House last night and a number of amendments that the Coalition proposed in relation to not only timber supply but in relation to the waste levy were not agreed to by the Government. The Coalition was very disappointed with that, but some amendments that the Government proposed we did accept. For example, we supported the idea that the community conservation advisory committee should be expanded to include a member representing the interests of local farmers and a member representing the interests of local recreational users. We thought that was a positive move.

Far less positive was the rejection by the Government of the Coalition's proposal for 10 per cent of the money paid into the Environmental Trust Fund to be used to assist the waste industry and local government to

reduce waste going to landfill. Amendment No. 5 simply inserted "and local government programs" after the word "regulation". It meant that it would be possible to apply Environmental Trust Fund money to assist local government. The Coalition wanted to go further than that. We believe it is an absolute disgrace that all of the waste levy should now be going into consolidated revenue, with the Government choosing to mete out small amounts of this money on a drip feed system into the Environmental Trust Fund.

Mr Milton Orkopoulos: Point of order: I ask you to rule on whether the honourable member for The Hills is speaking to matters before the Committee because he is referring to all the issues he raised in his turgid speech that went on for an hour and a half.

CHAIRMAN (Mr John Mills): Order! I have heard enough. The honourable member for The Hills is indeed addressing the amendments.

Mr MICHAEL RICHARDSON: Thank you. I appreciate that, Mr Chairman. The Coalition believes the amendment should have gone further. The amendment should have set up an infrastructure support program similar to the one that Ecorecycle Victoria established in that State. That program has been enormously successful in reducing the amount of waste going to landfill. They are spending something like \$5 million a year on the program. On the basis of the funds that the Government has indicated will be flowing into the Environmental Trust Fund over the next few years, something like \$4.7 million a year would have been available to be spent on our proposed infrastructure support program.

The amendment before the Committee simply allows the Government to support local government programs using money from the Environmental Trust Fund—or not to do so, as the case may be. There is absolutely no requirement for the Government to expend money that is in the Environmental Trust Fund to assist local government programs. There is absolutely no requirement for it to expend money to assist local government or the waste industry in setting up infrastructure. That is going to end up with pretty dire outcomes in this State.

Two years ago the Government predicted that this year it would raise \$83 million from the waste levy. The levy is imposed on all waste going to landfill in the Sydney metropolitan area and the extended regulated area. That includes, I might add, the Hunter region, the Illawarra, the Shoalhaven and the Southern Highlands. An examination of the budget papers this year reveals that the amount of money raised by the waste levy is in fact \$102 million, which means there is something of the order of an additional 950,000 tonnes of waste going to landfill over and above the amount predicted by the Government. Any way you want to look at it you could not describe this as being a howling success, which is why the Coalition proposed going much further than the amendments before the Committee. We propose that 10 per cent of money flowing into the Environmental Trust Fund should be used to set up this infrastructure support program.

I do not suppose the Government is likely to reconsider its position on that issue. However, I assure the House that if the Coalition wins the next election we will certainly take the issue on board. We take the issue of waste reduction very seriously—much more seriously than the Government does. The amendments do not go far enough, and they will not address the issues that need to be addressed. Members on this side of the House, including the honourable member for South Coast, are absolutely outraged that their constituents' wheely bins are being used by the Government as a tax cart to fund the buy-out in Brigalow. The Opposition will not oppose the amendments, but I commend to the Government the ideas I have put forward.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [6.51 p.m.]: I make the point that we are not debating whether the amendments go to the heart of the issues addressed by the legislation. With or without amendments, this is bad legislation. We have concerns about it because it is bad policy for the people of New South Wales. The legislation will lock up gas reserves and forests, and it will not serve the interests of people in rural and regional New South Wales. We have concerns about the amendments, but we will support them. The Nationals remain vigorously opposed to this legislation, whether or not it is amended.

Mr ANDREW FRASER (Coffs Harbour) [6.52 p.m.]: Mr Chairman—

Mr ALAN ASHTON (East Hills) [6.52 p.m.]: I move:

That the question be now put.

The Committee divided.

Ayes, 44

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

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Mr Aplin	Mr Humpherson	Mr Stoner
Mr Armstrong	Mr Kerr	Mr Tink
Mr Barr	Mr O'Farrell	Mr Torbay
Ms Berejiklian	Mr Page	Mr J. H. Turner
Mr Constance	Mr Piccoli	Mr R. W. Turner
Mr Debnam	Mr Pringle	<i>Tellers,</i>
Mrs Fardell	Mr Richardson	Mr George
Mr Fraser	Mr Roberts	Mr Maguire
Mrs Hancock	Mrs Skinner	
Mr Hazzard	Mr Souris	

Pairs

Ms Allan	Ms Hodgkinson
Miss Burton	Mrs Hopwood
Mrs Perry	Mr Slack-Smith

Question resolved in the affirmative.

Mr ACTING-SPEAKER (Mr John Mills): Order! The question now is that the motion, which relates to the Legislative Council's amendments to six bills, be agreed to.

Motion agreed to.

Legislative Council's amendments to the Brigalow and Nandewar Community Conservation Area Bill agreed to.

Legislative Council's amendments to the Crown Lands Legislation Amendment Bill agreed to.

Legislative Council's amendment to the Local Government Amendment Bill agreed to.

Legislative Council's amendments to the Passenger Transport Amendment (Maintenance of Bus Services) Bill agreed to.

Legislative Council's amendments to the Statute Law (Miscellaneous Provisions) Bill agreed to.

Legislative Council's amendments to the Transport Legislation Amendment (Waterfall Rail Inquiry Recommendations) Bill agreed to.

Resolution reported from Committee and report adopted.

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

PRINTING OF PAPERS

Motion, by leave, by Mr Carl Scully agreed to:

That the following papers be printed:

Government's response to the recommendations arising from the final report of the Public Accounts Committee Inquiry into the Infringement Processing Bureau, dated 21 March 2005
Report of the Office of Transport Safety Investigation entitled "Railway Safety Investigation Report - Baan Baa, 4 May 2004, Road Motor Vehicle Struck by Countrylink Xplorer Service NP23a on Baranbah Street Level Crossing (530.780kms)", dated 24 February 2005
Government Response to the Legislative Assembly Public Accounts Committee Report No 7/53 – Inquiry into Academics' Paid Outside Work
Report of the Community Relations Commission entitled "Community Relations Report 2004"
Report of the New South Wales Medical Board for the year ended 30 June 2004
Quarterly Report on the implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident, Reporting Period: January – March 2005
Half Yearly Report of the Superannuation Administration Corporation, trading as Pillar Administration, for the period ended 31 December 2004
Report of the Technical Education Trust Funds for 2004
Report of the Wild Dog Destruction Board for 2004
Government Response to the Legislative Assembly Public Accounts Committee Report No 10/53 – Reporting and Auditing Requirements for Small Agencies
Report of the Trustees of the ANZAC Memorial Building for 2004
Report by the Attorney General of applications pursuant to section 26 of the Workplace Video Surveillance Act 1998 for 2004
Report of the NSW Law Reform Commission for the year ended 30 June 2004
Report of the Mental Health Review Tribunal

NATIONAL PARKS AND WILDLIFE (FURTHER ADJUSTMENT OF AREAS) BILL

SYDNEY 2009 WORLD MASTERS ORGANISING COMMITTEE BILL

Messages received from the Legislative Council returning the bills without amendment.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Tuesday 13 September 2005 at 2.15 p.m.

The House adjourned at 7.02 p.m. until Tuesday 13 September 2005 at 2.15 p.m.
