

# LEGISLATIVE ASSEMBLY

Thursday 17 November 2005

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

**Mr Speaker** offered the Prayer.

**Mr SPEAKER:** I acknowledge that we are meeting on the land of the Gadigal clan of the Eora nation. We thank them for their custodianship of this land.

## RURAL COMMUNITIES IMPACTS BILL

### Second Reading

**Debate resumed from 10 November 2005.**

**Mr GREG APLIN** (Albury) [10.02 a.m.]: The managing partner of Lake Hume Resort outlined difficulties encountered with government policies, and in so doing he clearly defined the need for the Rural Communities Impacts Bill. Jon Ward described the Albury region as being out of sight and out of mind. He referred to delays in obtaining information and approvals. He is unimpressed that he has to explain that Albury is actually in New South Wales and government computers and inflexible employees cannot handle Lake Hume's 3691 postcode. He is angry at being told that the Land Titles Office is busy preparing titles for Sydney properties and that he will have to wait. He is frustrated that he is put on hold when trying to manoeuvre a way through a swathe of government red tape. He feels victimised because contracted conferences are transferred to Sydney because of Sydney-centric imperatives.

Mr Ward makes the observation that centralisation of power and increased bureaucracy has resulted in the neglect of planning. He points to the inadequate supply and quality of water at Lake Hume Resort and village, the poor sewerage system and the fact that the last three kilometres of the dangerous, narrow and winding Riverina Highway have yet to be upgraded despite assurances from the Roads and Traffic Authority in October 1995 that the work would be completed in 1996. The Government closed the police station at Lake Hume and ever since there have been increasing incidents of vandalism and break-ins, resulting in the Australian Volunteer Coast Guard losing vital emergency equipment. All these examples point to a lack of understanding of the impact of government decisions upon rural communities, and that is what this bill is all about.

Regional and rural businesses complain that when government policies and attitudes change there is no plan and facility to minimise the hardship. Costs such as land tax are increased arbitrarily but there is no understanding of the negative consequences. The plea from rural communities is that Ministers and department heads take a course in customer service and apply this by way of the Rural Communities Impacts Bill. I commend the bill to the House.

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [10.05 a.m.]: I support the Rural Communities Impacts Bill not only as a member who represents a country coastal electorate but also as the shadow Minister for Regional Development. I do not think there has ever been a stronger case for legislation such as this. It is fair to say that this is the most Sydney-centric government that we have had in New South Wales for decades. This legislation is significant in that it will put a brake on a State government's capacity to make decisions without having regard to the social and economic consequences of those decisions.

This Government has made a raft of decisions over the past decade that have cut country services, undermined country and coastal infrastructure and reduced investment in that infrastructure. By way of example, the Country Towns Water Supply and Sewerage Program has been slashed, which has put on hold many much-needed country water and sewerage projects. We have seen this Government cut staff from NSW Agriculture by 33 per cent over the past 10 years. The last budget cut funding for the Department of State and Regional Development by 13 per cent. Despite the heartbreaking effects of one of the worst droughts in 100 years—which, thankfully, is coming to an end—this State Government cut the number of financial counsellors

by 256. The Government has closed four grain lines and stopped train services on the Casino to Murwillumbah line. It has closed important research facilities at Wagga Wagga, Armidale, Wollongbar and Shannon Vale.

The Government has refused to fund important road projects such as the Alstonville and Ballina bypasses, despite a written promise from former Premier Bob Carr to do so before the last election in 2003 in the case of Alstonville. The increase in the clubs tax has forced numerous country clubs to close or amalgamate. This has happened to 20 clubs on the North Coast alone. The Labor Party's clubs tax regime will be in place until 2011. This new arrangement will cost the Ballina RSL Club \$2.6 million more than if the tax were frozen at its current rate. That money will leave the Ballina community to go into Treasury coffers in Sydney and we will not see it again. That is just one example.

The decisions made by governments at a Treasury level often impact on rural communities in a manner that governments do not anticipate. This legislation is about trying to ensure that before governments take decisions they recognise that those decisions will have an impact. Then, with that knowledge, they can make a balanced decision as to whether to proceed. Unfortunately, decisions are made at present without any reference to rural community impact statements, which are at the heart of this legislation. The Government has also closed numerous business enterprise centres in regional areas and has removed the subsidy for country bridges. And the list continues.

A key issue highlighted in the fight to reinstate the Casino to Murwillumbah rail service on the far North Coast is the Government's lack of understanding of the needs of country and coastal residents. These residents do not have a range of public transport options to access. In many cases there is no public transport at all in regional areas. When the State Government decided to cut services on the Casino to Murwillumbah rail line that made it even more difficult for residents, particularly the elderly and the disabled, to travel out of and around the region. If rural communities impact legislation had existed at the time Minister Costa made the decision to axe services on the line, the resulting social impact would have been given consideration.

Instead, the decision was based on rubbery figures that the Minister for Transport claimed showed the future costs of maintaining services on the line. Those figures have now been seriously questioned in a PriceWaterhouseCoopers feasibility study into the future services on the line. If we base State government spending decisions only on financial impacts we are failing the residents of this State. This is especially the case in non-metropolitan areas. Because country and coastal communities are smaller than the metropolitan centres of Sydney, Wollongong and Newcastle, they suffer the consequences of bad State government policy more intensely than metropolitan areas. I think the Government sees NSW as standing for Newcastle, Sydney and Wollongong; The Nationals see NSW as standing for North Coast, South Coast and western regions.

**Ms Kristina Keneally:** No Sydney?

**Mr DONALD PAGE:** The primary function of The Nationals is to look after rural communities. That is our raison d'etre and we make no apology for that. That is what we are about, and we have been doing that successfully since the 1920s. As the representative of a coastal electorate, my job is to ensure that the needs of local residents are met by a Sydney-based State government. Distribution of a fair share of the State's resources to country and coastal regions is a core principle for The Nationals in this Parliament. Surprisingly, it was Premier Carr who first committed to the intent of this bill when in 1996 he promised, "any major changes proposed by government departments in rural New South Wales will be subject to a rural communities impact statement". Unfortunately, that promise was never fulfilled, and it has been left to the Leader of The Nationals to introduce the Rural Communities Impact Bill and deliver on a Labor Premier's broken promise.

This bill is workable and fair legislation that will ensure that the needs of rural and regional communities are considered, regardless of the party in power. It provides sensible guidelines for ensuring that the needs of residents across New South Wales are considered as part of the State Government's decision-making process. For the purposes of the bill, "rural" is defined as those areas outside Sydney, Wollongong and Newcastle. So its impact is far reaching. The Rural Communities Impacts Bill ensures that factors such as impacts on businesses, employment and services, as well as long-term impacts, are considered.

Last year the Minister for Primary Industries announced that, as part of the proposed restructure of the Department of Agriculture and Fisheries, the Ballina fisheries office would close and research staff would be relocated, with two compliance staff remaining in Ballina at a yet to be disclosed location. I argued at the time that the decision was short sighted. Ballina is surrounded by waterways and is a strong recreational and commercial fishing centre. If we are to have successful fishing industries, meaningful research and ongoing

protection of fishing stocks, we need a properly staffed and resourced fisheries office in Ballina. Yet the decision was made to close the Ballina office without regard for the impact that would have on commercial and recreational fishers, as well as the rest of the Ballina community.

If rural communities impacts legislation had existed the Minister would have been obliged to consider these impacts, in addition to financial and environmental considerations. Under this legislation, a specialist rural communities impact assessment unit would also be established to co-ordinate all rural community impact statements. At the end of last year I addressed a rally at Brunswick Heads of recreational fishers concerned about the Cape Byron Marine Park draft zoning plan. While I support the concept of the Cape Byron Marine Park, I am concerned about some of the impacts of the proposal on recreational fishing. One intention of the Cape Byron Marine Park plan is the protection of marine species.

So on one hand the Government is denying recreational fishers reasonable access to traditional grounds to meet biodiversity and conservation objectives while on the other hand it is closing the fisheries office at Ballina, which was set up to help manage the fisheries resource on a sustainable basis. This is a wasteful and inconsistent approach that may have been avoided by the implementation of a system of co-ordinated rural impact statements. Rural impact statements should also be seen as good public policy and a useful tool for this and future State governments. It is a tool that would have alerted the Minister for Roads to the impact of his \$100 million cut in the roads budget last year. It would have indicated to him that the cut would impact greatly in terms of slowing down maintenance and construction on country roads, including the Pacific Highway, where the accident rate is far too high.

Rural impact statements may also deliver to the Treasurer a clearer picture of the impact of, for example, the clubs tax, to which I referred earlier, which will cause at least 60 direct job losses in the Ballina electorate alone. The measures contained in this legislation may also have alerted the Minister for Industrial Relations to the substantial impact that the changes to WorkCover have had on small business and local employment. With employer superannuation contributions and other employee payments now defined as "wages" for the purpose of calculating workers compensation premiums, small businesses, which are the backbone of regional communities, are paying higher premiums, thereby decreasing their ability to afford staff and take on new people.

Unemployment and other social impacts of government policy should be considered in the decision-making process. This legislation provides a solid and transparent process for ensuring that the interests of country and coastal residents are considered prior to legislative or regulatory changes. This bill is workable, relatively simply and fair legislation. It is designed to ensure that before governments make decisions that will have serious impacts on a coastal or country region of New South Wales they understand the nature of the impacts. I commend the legislation, and I strongly support it.

**Mr RUSSELL TURNER** (Orange) [10.16 a.m.]: I proudly acknowledge that the Rural Communities Impacts Bill was introduced by the Leader of The Nationals. This issue has serious implications for rural communities and regional towns and cities. We regularly talk about regional development, and occasionally we welcome the transfer of government departments to regional areas. One of the biggest department transfers in the history of the New South Wales Government was the transfer to Orange of the Department of Agriculture and Fisheries, with more than 500 employees. At the time the local council went through an education program. We travelled to Sydney and spoke to people who were concerned about moving to a country town. We eased many of their concerns about the facilities available in Orange, the lifestyle in Orange, et cetera.

The move was successful. However, within 12 months the fisheries staff who had transferred were moved back to Sydney. The Government let down the staff who had made the courageous move to Orange with their families. Within 12 months they were uprooted and transferred either back to Sydney or to somewhere else in New South Wales. I understand that former Premier Bob Carr promised to provide a rural communities impact statement, but as far as I know that has not been forthcoming. Although we welcome the transfer of a government department to a regional area, and the staff and families that follow, often we do not welcome the bureaucracy that builds up behind that department.

National parks and State recreational areas in my electorate are prime examples of where the bureaucracy often leads to many restrictions within those national parks, such as not being able to ride motorbikes or take four-wheel drive vehicles into certain areas, and in some cases not being allowed to take horses into national parks. Such restrictions apply even though hobby groups associated with those activities provide an important boost to the economy; for example, they need accommodation, they buy food, et cetera. As soon as those groups are excluded from national parks they no longer go into those communities. While I agree

that there should be some control over how our national parks are run, I believe in too many instances we get carried away with ideals, when with just a few rules that most people would abide by, national parks can grow and prosper and be used by people.

Other factors are an impediment to growth in regional areas, for example, the insidious land tax. This Government insists on raising and expanding the net of people who must pay the tax to this tax-greedy government. It is a disincentive for people to move to the bush and invest in the bush. The people who live in the bush will often invest outside the area because they do not want to pay land tax, which they consider to be totally unfair. Another impediment to growth in regional areas is the environmental concerns faced by many farmers. Time will tell what impact the right to clear their land of native vegetation will have on farmers. I note that the Department of Agriculture has given the native vegetation legislation hesitant support at this point. Jock Laurie, the president, has said, "We will give it 12 months to see how it settles in and see what the impact is before we really start jumping up and down and marching on Macquarie Street".

I hope they do not have to do that. I hope there is sense and reason in the new legislation because most farmers are very responsible and most have a general philosophy that they want to leave the land in a better condition than it was when they first took it over. I know I had that philosophy when I owned my farm. But it is an impediment and a cost to producers, and quite often unfair when farmers have so much to do from day to day and they always have this cloud over them about whether they are breaking the law or doing the right thing. With just a little guidance and advice we can achieve the same objective.

Orange is progressing quite well at the moment. However, there is an impediment for those in the building trade. Tradespeople have to go through continuing professional development and, consequently, lose about a fortnight each year attending compulsory meetings which sometimes end up being not much more than a talkfest, a sausage sizzle and later a couple of beers, and they do not learn anything.

While most tradespeople and professionals would agree that they should continue to improve their skills in their career or trade, they are totally against this professional development strategy because they see it as taking away their time and their incentive to employ people. One man told me he had to travel from Moree to Dubbo for training. It took him two days, and cost him over \$1,000, to attend a three-hour meeting in Dubbo. He was one of very few plumbers in Moree, and because he had to travel to Dubbo he was not able to attend to his customers or respond to emergencies in Moree. He believed the training could have been conducted by correspondence or over the telephone. This is yet another impediment to local business.

WorkCover is a huge impediment to local business. Rather than seeing it as an advisory body, tradesmen often see it as a type of police force that is determined to find something wrong rather than approach businesses in a friendly, advisory manner and make suggestions as to how tradesmen could better undertake their work. In many instances WorkCover seems intent on issuing fines to justify its existence. Those are just a few of the impediments that this Government has introduced in which impact on rural communities.

The honourable member for Ballina highlighted certain issues relating to fisheries on the North Coast, and he spoke about the rules and regulations that have been imposed in regard to inland fishing. I do not believe that the majority of fishers in inland areas oppose a reasonable fee in the form of a licence. But they do believe that if they have to pay a licence fee for restocking streams and rivers and for inspectors to ensure that people are not fishing illegally or blowing up waterholes, it should be done properly. Many fishers in western areas are not against some form of regulation, but say that it must be done properly. They say that the money taken for licence fees should be used for restocking, and that there should be enough inspectors on streams and rivers to ensure that people do not fish illegally and fish numbers are maintained. Those are just a few of the issues in regional areas. I commend the bill to the House.

**Debate adjourned on motion by Ms Peta Seaton.**

## **PUBLIC LANDS PROTECTION BILL**

### **Second Reading**

**Debate resumed from 23 September 2004.**

**Mr MATT BROWN** (Kiama—Parliamentary Secretary) [10.27 a.m.]: The Government does not support the Public Lands Protection Bill because it creates an unnecessary duplication of existing legislation. It also establishes another unnecessary layer of administration of public land that would be costly to implement. This money could be better put to use in managing and improving public land for the benefit of the community. The bill effectively replicates the existing legislative provisions that exist in the Crown Lands Act 1989, the

National Parks and Wildlife Act 1979 and the Local Government Act 1993. Under those Acts public land is protected for environmental, cultural, social and recreational purposes. This is achieved through the reservation and dedication of land, land assessment processes, plans of management and ministerial consents for leasing and licences.

The bill proposes the creation of a register of significant public land. Significant public land is identified in a number of ways. Public land with high environmental values is already dedicated as a national park or similar. Important timber land is dedicated as a State forest. Crown land is reserved or dedicated for a variety of purposes, and there are over 30,000 Crown reserves across New South Wales. The Crown reserve system is a multiple-use network of land set aside for a range of purposes, including State, regional and local parks, conservation and environmental protection, sports grounds, caravan parks, showgrounds, racecourses, community purposes, heritage, health and aged services, and even rubbish tips, council depots and chambers, and dog pounds.

A large proportion of the Crown reserve system is managed by local government, volunteer community trust boards, scouts and girl guides, rural lands protection boards, and other groups—ensuring that local interests are met in a transparent and accountable way. The Crown Lands Act 1989 serves the people of New South Wales well and clearly articulates how Crown land must be managed. In summary, the principles of Crown land management are: that environmental protection principles must be observed; the natural resources of water, soil, flora, fauna and scenic quality be conserved wherever possible; public use and enjoyment of Crown land be encouraged; multiple use of Crown land be encouraged; sustainable management practices be employed; and management must be in the best interests of the State.

The Crown Lands Act 1989 provides for land assessment, the preparation of plans of management, and a range of mechanisms and processes to essentially achieve the same outcomes as may result from the bill. The details and location of each of these parcels is currently recorded and there is an existing register of government land. An additional register of significant public land would serve no purpose but to create an additional administrative burden on the agencies that manage this land. This would take funds that could be better put to use managing public land for the community. That is what the current Labor Government is all about: We want to have transparent processes but we do not want to overburden the bureaucracy or the community with red tape and extra costs. The bill proposes the establishment of a public lands protection trust. Trustees would consider a range of issues, including proposals for the inclusion of public land in the register of significant public land.

The Crown Lands Act already has provisions for the assessment of land and the reservation and dedication for public purposes. The bill proposes restrictions on dealing with the land: for example, sale, lease, licence and mortgage, subject to ministerial consents and approvals. Development for residential purposes is prohibited. The Crown Lands Act provides for limits and constraints on dealing with land including ministerial consents and approvals. The bill also contains a provision to enable closed school sites to be included as significant public land. The Government opposed this for the simple reason that the bill treats schools differently from every other class of public asset. Government schools would have restrictions placed on them that do not apply to hospitals, police stations, railway stations, public parks and gardens, universities, TAFE colleges, courthouses, public housing, and roads.

It is not clear why it is in the public interest that schools should be treated differently. The bill would significantly reduce the flexibility of the Department of Education and Training to utilise any of its assets that are vacant due to the future closure of a school. The bill could result in inequitable consequences if a former school site in the middle of an affluent but ageing population already well served for public open space could not have its assets reinvested for the educational use of a more needy community elsewhere in the State. It encourages uncertainty regarding former school sites, and would impose great difficulty on people seeking to deal with such land for a long period in the future. It does not address who would maintain the site if it is held for 20 years. The bill would give local communities, and therefore local issues, precedence over whole-of-government strategies or views. Therefore, the ability to have a strategic total asset management framework is severely compromised, and this is not desirable for the general welfare of the people of New South Wales. The bill is a major shift from total asset management principles and would present a major financial loss to the Department of Education and Training to supplement funding for school maintenance.

*[Interruption]*

The honourable member for Southern Highlands interjects to suggest that it is about community consultation. That is exactly the point I have been trying to make. If one considers only the views of the local

community one may not be looking at the overall needs and assets for the best welfare of the people of the State. The bill increases the State's landholdings beyond those needed to conduct its business. The changes also appear to relate to part sites and the department would assume this would also restrict part sales of assets, as occurs under the incentive policy. It would obstruct the ability of the Department of Education and Training to deal with even minor issues: for instance, granting an easement over land included in the register, which would, under the proposed amendment, require notice in both Houses of Parliament. Clearly, this is impractical. It is a time waster, it is a money waster.

The current system of public land use serves the community well across the State. Crown land that is significant for a variety of reasons is reserved or dedicated. Environmentally significant land within State forests is reserved as a flora reserve. The national parks system protects other environmentally significant land. And significant local government land is classified as community land. In other words, significant public land is now very well managed in the Crown reserve, national park, State forest, and local government estates. If the honourable member's bill were to proceed there would be increased administration costs and budgetary impacts across government agencies and portfolios—all for no benefit that I can see. The Government's commitment to sustainability and best-practice environmental management ensures that all publicly owned land is appropriately managed. Adequate safeguards already exist for public land, and they ensure that significant public land is protected for the future needs and values of the whole community. For this reason and those above the Government opposes the bill.

**Mrs JUDY HOPWOOD** (Hornsby) [10.36 a.m.]: I congratulate the honourable member for Southern Highlands on her hard work in researching and creating this important bill and her foresight in seeing the importance of maintaining significant areas of public land. The bill is necessary to provide transparency in the administration of public land and to protect our assets. The objects of the bill are to constitute the Public Land Protection Trust, to establish a register of significant public land, to ensure that significant public land remains in public ownership, to maintain public access to that land, to ensure that any use of the land is consistent with its significance, and to amend the Education Act 1990 to ensure that the sites of closed government schools remain in public ownership for at least 20 years after the schools concerned are closed, unless the local community wishes otherwise, and that at least 30 percent of each site is dedicated as public open space if the site is to be sold or otherwise disposed of after that time.

The Opposition is concerned that many pieces of surplus public land owned by the State Government which are of great significance for a variety of reasons, particularly in the inner city and around the harbour, are under threat of being sold off by the Government in its search for extra dollars to meet its obligations and to try to fill the ever-increasing black hole. The bill is in line with longstanding Coalition policy, as put to the community at the last State election, to preserve and conserve significant surplus public land. One example of such significant land is the Callan Park site. It has heritage value and is the last remaining piece of open space for the local community on the harbour in the inner city.

It is also a significant meeting place for people and serves the ongoing treatment needs of people with mental health problems. People use the land to walk their animals and hold community events. It is a place where children can play safely in an otherwise densely populated area. The Minister can list a piece of land on the register but must seek the views of the trust. A piece of land in Woonona Avenue in the Hornsby electorate is currently being managed by the mental health unit of Hornsby Hospital. There is a beautiful and very significant old building on the site that has heritage features that must be protected. The land is of a substantial size.

The building is used to manage people with mental illness who are not at a level that requires admission to hospital but are not well enough to go into a group home or another accommodation model for a person with a mental illness, such as exists in Pritchard Street, Thornleigh, where there are eight units and a community area for people with a higher level of mental wellness. Some time ago I visited Warrina House with Declan O'Riordan, the manager of Hornsby Hospital's mental health unit, and I intend to go back shortly to see that things are progressing well for the residents. It provides a level of security for people with mental illness. They are able to live independently but there is staff on the premises to make sure they take their medication and look after themselves, and that adequate meals are prepared for them.

That is a very important part of management of people with mental illness, yet I know there have been attempts in the past to sell this very valuable parcel of land in Wahroonga. I can see that the Warrina House premises would fit very nicely in the Public Land Protection Trust because it is a significant piece of land. The roof of the building is heritage listed, as are a number of trees on the block of land. It is an extremely important site for Wahroonga and the wider New South Wales community. I would not like to see that land sold. Both the

house and the land should remain in the community as a protected site. It also plays a most important part in the management of people with mental illness in the area. There are obvious comparisons with Callan Park.

Under the Coalition's legislation iconic sites such as Callan Park, the North Head Quarantine Station and Hunters Hill High School would be protected. It would give communities the chance to nominate for the register newly available, significant vacant public sites such as Pymont Point, as well as land vacated as a result of government policy on Sydney Harbour ports. This bill will protect valuable surplus land, which it appears this Government has been intent on selling off for mass residential development. It would enable communities and the Government to nominate significant public sites for placement on a permanent protection register. The community's views are very important and will carry a lot of weight. If the Minister rejects a recommendation of the trust, the Minister must publicly explain why and face community reaction if the community feels very strongly about preserving the land in question.

School sites feature importantly in this legislation. I agree with the honourable member for Southern Highlands that it is short sighted to sell off school sites in the face of demographic change, which might only be short term. The bill is a valuable step towards providing a single framework in which all significant surplus public land can be evaluated and possibly protected in the community interest. The honourable member for Southern Highlands said in her second reading speech:

The bill is a significant step forward for the protection of our heritage and significant public lands that are held in the stewardship of the State Government. These sites are not the personal playthings of the Minister of the day. They deserve to be afforded a transparent process regarding the consideration of their broader community value, and the community deserves to have a proper framework through which to have their say about the future of significant public lands. Ministers and governments will have to be more open and accountable regarding the decisions they make, and will have to justify their decisions if they fail to accept a recommendation from the trust.

Further on she said:

This bill looks after our present assets for now, but it has an eye a long way into the future to ensure future Australians look back at our decisions and say they are pleased that we were sufficiently insightful to understand the values that will deliver a high quality of life to those who will follow us.

The Public Lands Protection Bill is an important part of reassuring our community that we are looking at parcels of land with significance that need to be kept in the public domain, for whatever purpose, into the future. I commend it to the House.

**Mr WAYNE MERTON** (Baulkham Hills) [10.46 a.m.]: I support this excellent legislation, which has been worked on very conscientiously by the hard-working member for Southern Highlands. This is the answer to a common problem in the community. Members of the public often see significant public sites where a school, hospital or some other institution has for some reason closed down—often another mistake by this Government. Suddenly the site is vacant and within a matter of months up goes the auction sign. People mill around and the big "Sold" sign goes over the auction sign. The honourable member for Southern Highlands and many members of the community are concerned, as is the Opposition, that this land is lost forever to the public. It is gone, often to be replaced by a housing estate or even an industrial park. It does not really matter which it is; the important fact is that it is lost to the public.

**Mr Anthony Roberts:** Lost forever.

**Mr WAYNE MERTON:** Gone forever, never to reappear. If there is one thing governments cannot do, it is to make land. As much as the Labor Government might be capable of all types of things, it certainly cannot make land. I note some hypocrisy—I am being as kind as possible—on the part of this Government in opposing the legislation. It was not so long ago that we had almost weekly announcements of how many hundreds of hectares of national parks had been created. While everyone applauds the creation of national parks, the reality is that many people think the Government cannot manage the national parks it already has, let alone more.

People in urban areas face a loss of green space, but when it comes to preserving and protecting urban lands for city dwellers—and this legislation does not apply solely to urban lands—the Government is not quite as enthusiastic to preserve this space as it is to create a national park, which many Australians will probably never visit. It effectively locks up the land and creates problems with feral animals, wild dogs, dingoes and such like. Government members oppose this legislation because they fear that if it becomes law many of their urban consolidation policies, which most people in metropolitan Sydney dread, will come to an abrupt end. There was

a reference earlier to budgetary problems. Many agencies will not be able to cash in sites and use that money for other purposes. The objects of this important legislation are:

- (a) to constitute the Public Lands Protection Trust... and
- (b) to establish a Register of significant public land... and
- (c) to ensure that significant public land remains in public ownership, that public access is maintained to that land, and that any use of that land is consistent with the significance of the land, and
- (d) to amend the Education Act 1990 to ensure that the sites of closed government schools remain in public ownership for at least 20 years after the schools concerned are closed (unless the local community wishes otherwise) and that at least 30% of each site is dedicated as public open space if the site is to be sold or otherwise disposed of after that time.

When the honourable member for Hornsby was speaking the honourable member for Kiama interjected and said that population patterns were changing. At present some areas find it hard to maintain their schools and those schools will be closed. However, in years to come there might well be a demand for schools on those sites.

**Mr Matt Brown:** Says who?

**Mr WAYNE MERTON:** That is the reality. The honourable member for Kiama, who probably spends most of his time enjoying the surf on the South Coast, does not know too much about Redfern or about where people in New South Wales live. The honourable member for Heffron, who is alert and astute—and I am not implying that the honourable member for Kiama is not—is aware of massive urban renewal in Redfern. Families and young couples are moving into that area, and that will generate a demand for schools in Redfern.

**Ms Peta Seaton:** They sold Erskineville Public School.

**Mr WAYNE MERTON:** The Government sold Erskineville Public School. That school is gone forever. Government members want to locate schools on the top of a 15-storey building and let the children play on the roof. We want to go back to basics where there is a decent schoolyard and an area in which kids can play cricket and baseball. This Government wants to locate schoolchildren in high-rise buildings.

**Ms Kristina Keneally:** Point of order: The honourable member is misleading the House. Erskineville Public School has not been sold. Enrolment at Erskineville Public School is increasing.

**Mr ACTING-SPEAKER (Mr John Mills):** Order! That is not a point of order. An allegation of misleading the House cannot be the basis of a point of order. The honourable member for Heffron may seek the call if she wishes to contribute to the debate.

**Mr WAYNE MERTON:** I share the concerns of the honourable member for Heffron. She is correct in wanting to preserve Erskineville Public School. She should be congratulated on that. I hope she continues to get that message across to her Government colleagues. So far as that issue is concerned, we are on the same side. I encourage the honourable member for Charlestown and the honourable member for Kiama to preserve schools in their electorates, even though we are witnessing many changes in that beautiful part of New South Wales. Opposition members support the preservation of schools in those electorates. We are asking Government members to support this legislation. If for some reason schools in their electorates are closed down this legislation will ensure that land is not lost to public education forever.

This bill will ensure that those things are put on hold. Over the next 20 years governments can review these issues. As I said earlier, once a school site is sold it is gone forever. This legislation will put a hold on the sale of significant public land. An emphasis has been placed on school sites as they seem to be the sites that are being sold. I believe Baulkham Hills Public School, which comprises a number of beautiful buildings, has been sold and an application has been lodged to redevelop the site. Many people are concerned about that. The Government should not rush in and sell off significant public lands. It should sit back, have a look at them and put them on hold. Once they have been sold they are lost forever. This legislation, which is workable, is excellent. The explanatory note to the bill states:

**Clause 10** prohibits the sale, transfer, lease, licence or other alienation, and any mortgage or other encumbrance, of the whole, or any part, of significant public land except as provided by the proposed Act. The Governor is able to transfer the whole or any part of any significant public land to a statutory body representing the Crown that is subject to the direction and control of the Minister.

As I understand it, that gives the Government some flexibility. If the Department of Education and Training wants to sell some land but another department wants to use the site for a hospital, that will cause no problems. This legislation is perfectly reasonable. I do not understand why intelligent and learned Government members do not agree with it. I am sure my good friend the honourable member for Blacktown would want to protect public schools and publicly owned land in his electorate. When we have to vote on this bill I hope Government members take a leap of faith and vote with members of the Opposition. For once they should think of their electorates.

**Mr Paul Gibson:** Come and join us.

**Mr WAYNE MERTON:** I am not extending to Government members a permanent invitation to join Opposition members. When we have to vote on this bill Government members should think of their electorates and vote with Opposition members. The explanatory note to the bill also states:

**Clause 11** restricts development within significant public land to development for any purpose that is in accordance with the key purposes for which that land may be used.

However, development for residential purposes is prohibited. When a school is closed the Government should not rush in, engage an agent and put up a big "For sale" or "Auction" sign. The site should not be auctioned or sold and lost forever. The Government should sit back and think about it. The objects of the bill state:

... sites of closed government schools remain in public ownership for at least 20 years after the schools concerned are closed (unless the local community wishes otherwise)...

There has to be consultation. Local people might say, "We want to get rid of that site."

**Mr Matt Brown:** Who is running the show? The Government.

**Mr WAYNE MERTON:** That is what this issue is all about. That represents the difference between the beliefs of the Opposition and the beliefs of the Government. The honourable member for Kiama hit the nail on the head when he made that comment. The people elect the Government. Sometimes they make a mistake. They made a mistake on the last occasion, but they will rectify that mistake on the fourth Saturday in March 2007. The honourable member for Kiama said, "Who is running this show? The Government." The people are running the show, or should be, but under this Government's rules they are not even given a say.

This Government is on an uncharted course. It disowned the people who elected it, betrayed the working people of New South Wales and is not listening to them. Local people must have a say. There is nothing wrong with that. I would be surprised if Government members seriously disagreed with that. School sites should not be sold for 20 years after they have been closed, unless the local community wishes otherwise. At least 30 per cent of each site must be dedicated as public open space if the site is to be sold or otherwise disposed of after that time. We all support the ownership of public land.

This Government has been proactive in its policy of establishing national parks, and many people would agree with that policy. However, the Government similarly should be proactive about preserving and protecting public lands in urban New South Wales. There is a grave inconsistency in the Government's policies. I am sure the honourable member for Heffron would agree with me on that—and I am not trying to put words into her mouth. She will have an opportunity later to contribute to debate. The Government should think about our important public land sites and not rush to sell them. Take note of our legislation—it makes sense.

**Ms KRISTINA KENEALLY** (Heffron) [10.59 a.m.]: I wish to inject some reality and facts into this debate. The Opposition loves to say that the State Government has sold the public schools in Heffron electorate for urban residential development. The honourable member for Baulkham Hills has just done it and in the previous sitting week the honourable member for Wakehurst claimed the same thing. When I asked them to name one school in the seat of Heffron that has been sold—

**Mr Wayne Merton:** Baulkham Hills!

**Ms KRISTINA KENEALLY:** In the State seat of Heffron. If members of the Opposition are prepared to come to Heffron at any time—and I am happy to take them there—they will see that this legislation is pointless. The honourable member for Baulkham Hills has gone on and on saying that when we close schools we should retain the sites for educational purposes or in public hands unless the community wishes otherwise. In

the seat of Heffron we have closed Waterloo Public School, Alexandria Public School, Redfern Public School and Cleveland Street High School. But in their place we have created Alexandria Park Community School, a school from kindergarten to year 12. That school has increased public school enrolments in South Sydney by more than 150 students in the three years it has been open.

The honourable member for Baulkham Hills might want to hear what happened to those school sites in the Heffron electorate. Waterloo Public School has now been changed to Green Square School, a school for children who, through behavioural or other problems, have difficulty maintaining attendance in mainstream schools. So Waterloo Public School is now being used by the Department of Education and Training for educational purposes for some of the most disadvantaged and vulnerable students in the education system.

Cleveland Street High School and Alexandria Public School have both been refurbished at a cost of \$7 million and now form the two campuses of the Alexandria Park Community School, the school that I just pointed out has increased enrolments by more than 150 students in the South Sydney area. The last public school we closed, Redfern Public School, has recently been sold by the Department of Education and Training to the Indigenous Land Corporation. If the Opposition has a problem with the State Government selling Redfern Public School—Redfern being an iconic community for the Aboriginal population—it should realise it sold that land to the Indigenous Land Corporation.

The Indigenous Land Corporation is going to use this site for education, youth leadership and sports development programs. Reverend Bill Crews and his Exodus Foundation will run a literacy program from that school. He will take students out of school in the afternoon and work with them individually on literacy and numeracy. The Indigenous Land Corporation will also run leadership development programs for Aboriginal young people from around the State. They will come to Redfern and take part in education, youth leadership and sports development programs.

The Opposition has no understanding of what goes on in the Heffron electorate or in South Sydney and has no understanding of what has happened with the schools in that community. Experience in the Heffron electorate shows that this legislation is not needed in New South Wales. I invite members of the Opposition to look at a report commissioned by the Property Council called "Australia on the Move". If they looked at that they would understand that by 2011 the current dominant household type—mum, dad and kids—will be surpassed by a dominant household type of couples. By 2031 that will be surpassed by households of singles. Our birth rate is declining, the rate of population growth is declining and the dominant household type will not be mum, dad and the kids but singles.

The demand for dwellings in urban areas in particular will be for properties that house single households. These are not young, trendy singles who live in places like Ultimo and Alexandria; these are the baby boomers, the ageing population living on their own. The challenge will be to develop appropriate housing for this population. There is not going to be a 100 per cent or 200 per cent demand for education places in the inner city. Children are not being born in those areas. This legislation has no understanding of what the Government has done with the use of school sites and other sites, and it does not have any understanding of what the future challenges will be for the population and for dwelling demand and how we manage our public assets. I encourage the House to oppose this legislation.

**Mr ANTHONY ROBERTS** (Lane Cove) [11.05 a.m.]: It is with great pleasure that I support the Public Lands Protection Bill. The bill gives the people of New South Wales exactly what the honourable member for Heffron was stating. It puts the framework there. It is good, intelligent legislation, brought to us by the honourable member for Southern Highlands, who has done a magnificent job and has shown a large amount of foresight, passion and commitment to public land in New South Wales, for which she should be commended. I also commend the honourable member for Hornsby and the honourable member for Baulkham Hills, who pointed out that no new land is being produced. One thing that governments cannot do is produce new land. Sydney has a problem with population density. This bill looks at keeping public land that has been left to us by previous generations. This enables us to protect it for future generations. According to the overview, the objects of the bill are:

to constitute the Public Land Protection Trust ...

to establish a Register of significant public land ...

to ensure that significant public land remains in public ownership, that public access is maintained to that land and that any use of that land is consistent with the significance of the land, and

to amend the *Education Act 1990* to ensure that the sites of closed government schools remain in public ownership for at least 20 years after the schools concerned are closed (unless the local community wishes otherwise) and at least 30% of each site is dedicated as public open space if the site is to be sold or otherwise disposed of after that time.

What does this Government have against the people of New South Wales? What is it afraid of? This bill says the public should have a say in what is going to occur with public land. The explanatory note points out:

**Clause 10** prohibits the sale, transfer, lease, licence or other alienation, and any mortgage or other encumbrance, of the whole, or any part, of any significant public land except as provided by the proposed Act. The Governor is able to transfer the whole or any part of any significant public land to a statutory body representing the Crown that is subject to the direction and control of the Minister.

A case in point is Hunters Hill High School in my electorate. The population forecast of the Department of Education and Training showed there would be a dearth of young people requiring high school education. What has occurred is quite the opposite. Enrolments have increased throughout my local public schools. I commend the teachers and staff of Hunters Hill High School. There have been huge increases in enrolments for that school, which, if this Government had its way, would not be there now. The students at Hunters Hill High School are scoring well in tests. They did very well in last year's Higher School Certificate. This is a high school the community had to fight for. The Government did not fight to retain the high school. The Government wanted to sell the high school as part of a grubby land grab, a grab for cash.

**Ms Peta Seaton:** It's a prime harbourside site.

**Mr ANTHONY ROBERTS:** A prime harbourside site, as the honourable member for Southern Highlands said. They wanted the cash to fill in another black hole in the budget. I can proudly say thanks to the community, the Coalition and my predecessor, the Hon. Kerry Chikarovski, who did a magnificent job in saving that school for the future. This comprehensive public lands policy will ensure the future of public land in Sydney. It is a guarantee that we can put in legislation. Unfortunately, no-one trusts the Government. No-one could blame the people of New South Wales for not trusting the Government because it continues to fail them every day on the sale of public lands, rezoning of lands, transportation and health services. However, we have a great new Minister in public housing from whom my local area has benefited. This policy acknowledges the importance of maintaining schools, hospitals and other public assets for future generations. The understanding is that public land is more than just an asset to be sold off to the highest bidder in a short-sighted effort to boost Government coffers.

This new public lands policy throws support behind communities who have battled with the New South Wales Labor Government to stop the sale of public lands, for example Rozelle Hospital at Callan Park and Prince Henry Hospital at Little Bay. Additionally, this intelligent Coalition plan would stop future governments from automatically selling off surplus school sites. We will maintain public ownership of certain sites and school buildings for a minimum period of 20 years and then we will lease a surplus school site for 20 years—one generation—for education or and related purposes, or for relevant commercial purposes. We will ensure that these assets are not lost for all time so that they can be reused to cope with future demographic changes, as has occurred in my electorate of Lane Cove.

The bill will establish a Public Land Protection Trust and a register of significant public land, enshrine a surplus school lands policy and provide an exemption for school asset sales, supported by the community. The trust will comprise seven members—one representative of the Minister plus six people from the property industry and the broader community with expertise in heritage, planning, conservation, and infrastructure and planning. The trust will receive and assess proposals then make recommendations to the Minister as to whether to put the proposal on the register. The trust will make recommendations about leasing and licensing, and conduct necessary investigative research.

Assessments will be made on the basis of whether the land is significant. Nominations must be considered and dealt with by the trust within six months. Surplus school sites are very precious to communities, not just in my electorate but all over New South Wales. They may be significant in heritage or the natural history of an area. As the honourable member for Southern Highlands stated, Sir Donald Bradman attended Bowral Public School. It is hallowed ground on several levels. It has a level of State significance.

**Mr Steven Pringle:** It is of national and international importance.

**Mr ANTHONY ROBERTS:** It is of national and international significance, as the honourable member for Hawkesbury stated. Our policy aims to retain these sites, pay tribute to the work required to develop

the sites and protect them for the future. This is intelligent legislation. I commend the shadow Minister for introducing it. She has put in a lot of time and effort. The bill is the result of a lot of community consultation and concern about the New South Wales Labor Government selling off public land as it tries to fill the ever-increasing budget black hole. I commend the bill to the House.

**Mr STEVEN PRINGLE** (Hawkesbury) [11.15 a.m.]: I strongly support this well-worded, sensible and intelligent legislation. I bring to the attention of the House one of the practical examples of the bill. Had this bill been in place a valuable public asset would have been saved and the community would have retained a very much-needed facility. I refer to the former Grose Wold Public School site in the suburb of Grose Wold, which is in a rural area on the western side of the Hawkesbury River. At the turn of the twentieth century, as part of a very generous gift, a local resident provided this land for a school, which existed on the site for many years. Then a new, more modern school, the Grose View Public School, was established a little further up the road. However, it has problems, which I will refer to later. Nonetheless, it was a magnificent site with a classic country-style school building, much used by the general public. For a number of years many schools used the site for outdoor education. The public wanted to use it for markets and various other activities. Members of the Rural Fire Service thought that they may have been interested in using it. It was a major public facility.

I note that the honourable member for Penrith is in the Chamber. Most of the time she supports the concept of public education and providing facilities that are appropriate for our schools. Many of the schools in her electorate wanted to use the former Grose Wold Public School site for outdoor education activities, conferences and seminars, which are important in the broader range of school activities. Unfortunately, despite innumerable signatures on a petition and innumerable letters about saving the site, the Government went ahead and sold it. It did not even get \$1 million. Very few people wanted to buy it. The final owners of the site got an absolute bargain. For the small amount of money involved the public has been absolutely duded by the Government. The community has lost this valuable public community site, which should have been protected for present and future generations. As the honourable member for Lane Cove said, who knows?

A number of developments are proposed for the western side of the Hawkesbury River. Perhaps this school site will be needed, but it is too late because of the short-sighted approach of the Government, which does not care about real people and is so focused on saving money and the bottom line that it ensures that every available dollar is sucked out of the public purse. I remind the House that if the legislation had been in place the former Grose Wold Public School site would have been saved and the community would have retained a very well used facility. The Government stands condemned for not adopting the bill. I suggest that members opposite, in particular the honourable member for Penrith, consider voting for the bill because it is for public education. The Government purports to be in favour of public education. It should support the bill, which is very much about public education and the community.

**Ms PETA SEATON** (Southern Highlands) [11.18 a.m.], in reply: Today we have heard the stark difference between the Labor Party's approach to significant surplus public land and the Liberal-National Coalition's approach. The Australian Labor Party is determined to sell off significant public assets without any genuine review or public consultation. In contrast, the bill proposed by the Liberal-National Coalition provides a genuinely transparent process through which to better consider management of significant surplus public lands and an independent tribunal process designed to receive and assess nominations for the protection of these types of lands.

I thank all honourable members who contributed to this debate. It is disappointing that we have not heard in this debate from the Minister for Education and Training or the Minister for Tourism and Sport and Recreation, who refused in recent years to listen to community proposals for the future use of the Callan Park site. She was the focus of considerable community anger and concern when the Government proposed to sell off Callan Park for high-density residential development.

The Government's position was put by the honourable member for Kiama. It is clear that the Government opposes the legislation on the grounds that it creates duplication, additional layers of administration and costs. The Government is wrong. None of the provisions in this bill exists in other legislation that is operational in New South Wales at this time. There is no process in any existing Act in New South Wales that would enable individuals, groups or even Ministers of the Crown to nominate significant surplus public land for protection in the future. The examples of debate and controversies in relation to the Hunters Hill High School, Callan Park, Erskineville Public School, the North Head Quarantine Station, Pyrmont Point and the Water Police site all prove that the existing mechanisms are not satisfactory to the community.

The community wants better mechanisms and a stronger framework through which to be heard and through which to nominate significant public land for protection. The community wants more transparency and more accountability. The community does not want cash-strapped Labor governments to be looking greedily at our heritage, or to be sizing it up for high-density development and selling it off. I am very disappointed that the honourable member for Kiama volunteered to come into this Chamber and lead the charge against community input into protection of significant surplus public land. I suggest he should listen more closely to people of his electorate who speak to me regularly about their concerns about the loss of public land and other significant land in coastal regions. They want greater accountability and greater transparency in the manner in which the State Government deals with the management of surplus significant public land.

I acknowledge the contribution of the honourable member for Heffron, who made the extraordinary charge that this legislation is pointless. She admitted that the Labor Government has closed public schools in her electorate but did not say that there had been any net gain in public open space as a result. One of the benefits that this bill delivers is the prospect of gains in public open space. She would deny people the right to nominate significant surplus public land for protection. She wants to shut out public input. I can only suggest that she has not become aware of the anger and the emotion involved in the Callan Park site debate. She absolutely misses the point.

I acknowledge what she said about the closure of certain school sites and the redevelopment of equivalent or better public education facilities in other areas. If communities want sites to be sold and reinvestment to be made in equivalent or better facilities at a nearby site, that is fantastic; this legislation does not prevent that. This legislation provides mechanisms to encourage those sorts of resolutions, if that is the community's wish. There is not a problem with that. I said all that during my second reading speech: The honourable member for Heffron would have known that, if she had bothered to read it. The Coalition's legislation supports the very proposition that she has advanced but, sadly, those outcomes are not always guaranteed. Hunters Hill High School is a perfect example of that, and I have already mentioned Callan Park.

The looming controversies surrounding east Darling Harbour point to the fact that we need a better framework of accountability with which to manage public debates and assessment of genuinely significant surplus public land. Under Labor, there is no mechanism for citizens to have their say and for Ministers of the government of the day to be forced to account transparently and openly for whatever decision they make, particularly if it is a decision not to adopt a recommendation of a nomination. I particularly commend the contributions made by the honourable members representing the electorates of Hornsby, Baulkham Hills, Lane Cove and Hawkesbury.

The honourable member for Hornsby, like all my colleagues who participated in this debate, is well known for her passion for the preservation of environmental and heritage qualities of her electorate. She has invited me to visit her electorate on a number of occasions, which have all related to the management of surplus public land or land that has environmental value. Her comments in the debate today were consistent with her interests. She referred to the way in which this legislation could have assisted her community. She made the point that if the Government was prepared to support the legislation it would assist in the better management of significant surplus public land in her electorate. The honourable member for Hornsby mentioned a site that is of great significance and value, particularly to people who have mental health issues.

The honourable member for Baulkham Hills made the point that once the Government sells surplus public land, that land is lost forever. As many of us have heard from our parents, and as noted by the honourable member for Baulkham Hills today, the Government cannot make more land. Once land is sold, it is gone forever. The honourable member made a plea for a mechanism to be established to retain school sites for a generation before a final decision is made. He suggested that if ultimately a decision is made to sell the land, 30 per cent of the site should be retained as open space in perpetuity.

The honourable member for Lane Cove also supports the bill. He is passionate in his support for the good management of urban land. In the area he represents, there is increasing tension between the need for additional housing and the burdens of transport infrastructure on the one hand, and the future management of significant public land that may become surplus through demographic or economic changes. The Coalition recognises that demographic and economic changes may and do occur. The Coalition proposes a mechanism through which communities will be able to transparently manage decisions that are made as a result of those changes.

The Government got it wrong about demand trends in relation to Hunters Hill High School, and that is the exact point made by the honourable member for Lane Cove. The Government got it wrong, and we should be very grateful that the teachers, parents and the local community got it right. They fought back, and the outcome has been beneficial for the community. But if the Government had had its way, that highly valuable harbourside land would have been sold and would have become the site of multistorey units. A few years afterwards, we would all have been wondering how we were going to cope with the demand for high school places in the public school system in the Lane Cove area.

The honourable member for Hawkesbury is also a great supporter of this bill, for which I thank him. He mentioned the former Grose Wold Public School site and suggested that if this legislation had been in force and the mechanism it provides had been available, an important site in his electorate might have been saved. The less than \$1 million received by the Government from the sale of that site is a relatively low amount compared to the value to the community of the asset that has now been lost forever. Labor has no credibility on the issue of redevelopment of public education sites. The honourable member for Kiama tried to tell us that all is well with the current system. He is absolutely wrong. The Government is wrong, and Government members are wrong.

Former Premier Bob Carr said a lot about asset sales of government land. In February 1990 he railed against asset sales, but as Premier his actions were exactly the opposite. On 22 February 1991 he launched Labor's so-called Crown lands policy which promised protection of significant sites. But when Labor was in government he moved to sell Callan Park, Hunters Hill High School and more recently east Darling Harbour and the whole working harbour precinct. Bob Carr stated in that policy, "I believe the proper role of government must be custodial rather than entrepreneurial." We hear a lot from Labor about the environment, urban land and conservation, but in government Labor has done absolutely nothing that could be regarded as consistent with stated Labor policy. I conclude by citing an email I received on 6 October 2004 from Mr Tony Recsei, the President of Save Our Suburbs, in response to the Coalition's announcement of its intention to introduce this bill. His email states:

Congratulations on your initiative in introducing this bill. It is most desirable to place the management of the future of significant public lands on a rational and transparent basis. This should help ensure that infrastructure and public facilities are not sacrificed to overdevelopment and also protect our heritage.

Your action is much appreciated.

I ask Labor members to think about local school sites and significant surplus public land in their areas, both now and in the future, and to reconsider their opposition to this bill. I ask them to consider again the importance of giving the people of New South Wales a sensible, workable mechanism through which the community may nominate for future protection sites of significance and surplus public land. I ask them to give the government of the day, of whichever political persuasion, the authority to genuinely assess those nominations and recommendations from the tribunal. If the government of the day disagrees with a nomination or tribunal recommendation it should be publicly accountable for its decision. I commend the bill to the House.

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

**The House divided.**

**Ayes, 32**

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

**Noes, 46**

Mr Amery	Ms Gadiel	Mrs Paluzzano
Ms Andrews	Mr Gibson	Mr Pearce
Mr Bartlett	Mr Greene	Mrs Perry
Ms Beamer	Ms Hay	Ms Saliba
Mr Black	Mr Hunter	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Miss Burton	Mr Lynch	Mr Tripodi
Mr Campbell	Mr McBride	Mr Watkins
Mr Chaytor	Mr McLeay	Mr West
Mr Collier	Ms Meagher	Mr Whan
Mr Corrigan	Ms Megarrity	Mr Yeadon
Mr Crittenden	Mr Mills	
Mr Daley	Mr Morris	<i>Tellers,</i>
Ms D'Amore	Mr Newell	Mr Ashton
Mr Debus	Ms Nori	Mr Martin

**Pairs**

Mr Debnam	Ms Allan
Mr Hazzard	Mr Price

**Question resolved in the negative.**

**Motion negatived.**

**Madam ACTING-SPEAKER (Ms Marianne Saliba):** Order! It being after 11.30 a.m., the House will now deal with General Business Notices of Motions (General Notices).

**THE ROCK TO BOREE CREEK BRANCH RAIL LINE**

**Mr DARYL MAGUIRE** (Wagga Wagga) [11.40 a.m.]: I move:

That this House:

- (1) acknowledges the report "The Rock—Boree Creek Engineering Assessment for 23TN Axle Loads", which gives the actual state of the branch line; and
- (2) notes the deterioration of The Rock to Boree Creek branch rail line; and
- (3) calls on the Government to urgently fund this important piece of infrastructure.

The Rock to Boree Creek branch line is an important piece of infrastructure in the Wagga Wagga electorate. Important branch lines throughout New South Wales are being threatened with closure by the Labor Government. The branch line from The Rock to Boree Creek is 57 kilometres long. It leaves the main Sydney to Melbourne rail line at The Rock and links the communities of Milbrulong, Lockhart and Boree Creek. The Rock to Boree Creek line is the only remaining operational line between the Murray and Murrumbidgee rivers as the Government has closed the five other lines. The rail line runs through four shires—Narrandera, Urana, Lockhart and Wagga Wagga—that have extremely fragile road networks. The branch line offers easy and efficient access to Victorian and New South Wales ports.

There is a total of 360,800 tonnes of active grain storage along the branch line, with well over 563,410 tonnes railed out in the past five years. An average of 112,682 tonnes of grain is moved on the line, with additional figures obtained from GrainCorp increasing the total average to 122,332 tonnes. The Hon. Michael Costa, as Minister for Transport Services, and Vince Graham, the Chief Executive Officer [CEO] of State Rail, released figures in the Grain Infrastructure Advisory Committee report that put the average amount of grain moved at 88,000 tonnes. That figure is grossly incorrect and is a reduction of 28 per cent in the actual amount of freight carried on this important line. I believe that figure has influenced the decision-making process that the Minister has embarked upon.

Some 78 per cent of receivals are removed by rail, which takes 6,436 laden tri-axle semitrailers off our roads. The same amount of grain could be moved by only 88 trains that would use six times less diesel. Enormous savings can be made by moving grain by rail rather than by road. The volume of grain being harvested is continuing to increase rapidly. As honourable members have said in this place, 2005 is a bumper year and it is forecast that the grain harvest will increase to 170,000 tonnes by 2010. Grain production has increased by some 300 per cent in the past 10 years.

What action has been taken so far on this issue? A committee has been formed to pursue the improvement of this rail line and to encourage investment in it. Committee members have met Country Labor MLC the Hon. Tony Catanzariti; the Hon. Tony Kelly when he was Minister for Local Government; the Hon. Ian Macdonald, the Minister for Primary Industries; and Lee Rhiannon from the Greens. They say that none of them addressed the committee's concerns. New South Wales Farmers has been lobbying to retain operations on 15 restricted lines that are in urgent need of repair and has established rail road action groups in each of the areas serviced by the affected branch line.

An independent report, entitled "The Rock—Boree Creek Engineering Assessment for 23TN Axle Loads", has estimated the cost of upgrading The Rock to Boree Creek branch line to 25-tonne axle weight, which is mainline status, at \$11.4 million. That investment would give the line a life expectancy of 40 to 45 years. The State Rail chief executive officer, Vince Graham, claims that it would cost \$28 million to upgrade the line. That is relatively cheap when one considers that it will cost up to \$80 million to upgrade the roads to enable them to take excessive truck and heavy vehicle traffic. That investment would give the roads a life expectancy of 10 to 15 years with continual maintenance. Upgrading the line to this standard will give rail operators easy access to it without necessitating the costly change from 2\*81 class to 4\*48 class locomotives to travel 57 kilometres of the 450-kilometre trip to the port. Without an upgrade to this standard the future viability of 48 class locomotives remains a source of concern to grain growers throughout New South Wales.

Heavy vehicles travel excessively on our fragile road networks. This results in further road damage, increased traffic congestion, increased air pollution from exhaust fumes and high travel risks for school buses and other vehicles that travel frequently on small country roads. Increases in the number of road accidents and fatalities are possible. The majority of roads in country council areas were constructed for use by public transport and light vehicles and cars as most heavy cartage was done by rail. New South Wales Farmers President, Jock Laurie, said:

... the NSW state government must not bury its head in the sand but develop a long term solution to the problems surrounding the grain transport network.

Unless changes are made our rural roads will be degraded further and the costs will continue to grow. In the past six months four grain lines have been closed at Baradine, Rankin Springs, Coonabarabran and West Wyalong. The closure of these local lines is a dark cloud hanging over the forecast of a bumper harvest, with freight costs set to increase by up to \$10 per tonne and council rates about to rise to pay for road maintenance. It costs \$1 to move one tonne of grain by rail from the Lockhart to Boree Creek area to Melbourne but it costs \$7 to move one tonne of grain by truck over the same distance. The Government recently announced that it will spend \$1.7 million on a country stations renovation program. The Government is going to paint and renovate our stations but cannot be bothered investing in the integrity of the branch lines. Much as been said in this place about that investment in recent times. Grains committee member Angus McNeil said:

... it is astounding that Mr Watkins is painting rooms in country stations while communities such as Baradine, Rankin Springs and West Wyalong ... have had their rail lines closed.

It is clear that the Labor Government's continuous rail-closing rampage is also hurting and affecting electorates other than the electorate of Wagga Wagga. In 1998 the then Minister for Transport, the current Minister for Police, pledged to spend \$170 million a year for 10 years to fix regional branch lines. The Minister said that the Government was not about closing lines but opening them.

When FreightCorp was sold to Pacific National it received a discount from the State Government to the tune of \$112 million to make the grain freight task more viable. Only half of that money has been spent to date on regional branch lines. When I asked the Minister about the amount of discarded rail line sold on the Sydney to Melbourne line he replied that \$706,000 had been received from the sale of surplus line. More than 4,000 tonnes of line have been sold. The key to the \$11.5 million upgrade, which is not a lot of money, is recycling and reusing that heavy-duty line on The Rock to Boree Creek branch line. That would allow trains to increase their speed from a restricted 20 kilometres an hour to at least double that, improve efficiencies and reduce the cost of transporting grain for the farming community.

My colleagues will raise other issues in this debate, which is important for rural communities. For three years the committee has worked tirelessly to bring this issue to the attention of the Minister and the Government. There have been a number of ministerial changes—Minister Costa, Minister Scully and now Minister Watkins—but the committee demands a reasonable response to a genuine attempt to save the road network, to increase productivity and to ensure the integrity of the branch lines for all concerned.

**Mr STEVE WHAN** (Monaro) [11.50 p.m.]: I thank the honourable member for Wagga Wagga for raising this issue. The Government and Country Labor are also concerned to ensure that as much of the grain harvest as possible is able to be transported on the restricted lines. On 7 July the Government and the Minister, after a lot of toing and froing from various interests, including Country Labor and others, announced that the Government would spend an additional \$69 million over the next three years on upgrades and maintenance to New South Wales restricted rail lines. That funding will enable major infrastructure improvements to 716 kilometres of track over the next three years.

The additional funding will secure the 11 operational lines while the Government finalises a long-term lease plan with the grain industry. I think all members would acknowledge that a number of long-term issues need to be resolved in relation to these lines. There have been many changes in rail ownership, the grain industry and the way grain is hauled, and we need to work out how to ensure that rail is the industry's preferred long-term mode of transport. The package announced by the Government represents an additional \$15 million a year for three years and is in addition to the \$8 million already committed annually and the \$31 million funding announcement made in April. The latest boost in funding will provide for the replacement of 212,000 sleepers, the upgrade or replacement of 72 rail bridges and replacement of ballast along the entire 716 kilometres of track.

The honourable member for Wagga Wagga has particularly raised the Boree Creek to The Rock line, one of the lines being upgraded in the Government's program. The upgrade will include 24,000 sleepers, 56 kilometres of new ballast, five bridge replacements and two bridge repairs. I am sure members would acknowledge that that is a significant amount of work on that line. This issue has been raised regularly by the community, represented by the honourable member for Wagga Wagga. It was also raised in a motion at the recent Country Labor conference in Dubbo by Brian Driscoll from Boree Creek and Col McPherson from Wagga Wagga, who have also been pushing hard to have the line maintained and upgraded.

The issue is challenging for the Government because, as the Minister outlined when he spoke on a similar issue in a matter of public importance a week or so ago, the Independent Transport Safety and Reliability Regulator, which was established following the Waterfall inquiry, said that no matter whether a rail line was a passenger line, goods line or grain line, it had to be maintained at a particular standard and could not be allowed to fall below that standard. That placed real pressure on the restricted grain lines because they were never built to that high a standard; they were built to a much lower standard. I have not seen it myself but I am told that in some cases sleepers were just laid on the ground and rail laid over them. For many years the lines had been operated as a fix-on-fail system: when something went wrong the lines were fixed. My understanding is that that was a long-running practice that extended over the time of several governments.

The situation changed when the recommendations of the Independent Transport Safety and Reliability Regulator were received. Obviously, when recommendations such as those are received it is incumbent on government to accept that advice and implement it. If they do not do so and there is an accident, it is obviously legitimate for the Opposition and others to say, "Why didn't you follow the advice of this independent regulator on safety?" Obviously we have to make sure that safety comes first in this process. The present situation is that 11 of the lines have been upgraded and the use of several of those lines has been suspended.

I acknowledge the concerns of New South Wales farmers and grain growers about those lines. Members of the New South Wales Farmers Association were at the Country Labor caucus meeting this morning, again outlining their concerns. As a Country Labor representative, I obviously acknowledge the concerns they have raised and their wish, along with that of many rural councils, to have as much grain as possible transported on railway lines as opposed to local roads. Country Labor members, including in particular the honourable member for Murray-Darling, have raised that matter strongly with the Minister over a number of years.

There is a number of broader issues relating to rail in New South Wales. Country Labor has been proactive in trying to ensure that rural services are maintained. I note comments in the media and by the honourable member for Wagga Wagga about money that was recently spent upgrading railway stations. I note a recent press release—I think from the New South Wales Farmers Association, but I will have to check that because I do not want to offend the association—criticising that expenditure on upgrading railway stations. I

certainly will not back down from supporting that expenditure, because it is important to maintain those assets properly and ensure that our country railway stations not only look good but are also pleasant places for passengers to use.

The people of Monaro are proud of the wonderful old stations that were built on the Cooma line many years ago. The stations are still maintained in fantastic condition, even on those parts of the line that were closed in 1989. I believe the expenditure of that small amount of money was well worthwhile. The Government and members of Country Labor continue to support the maintenance of country stations because they are a great asset to the community, even those that are not on lines that are currently serviced. For example, the station in Cooma is now used extensively by the local railway historical society as a thriving tourist business running diesel rail cars; it is a traffic service.

I am sure we will hear from members opposite about their commitment to rail, but it is important to contrast the different commitments. The Government has made the investment in the grain lines. We hope that will enable us to make longer term plans for the grain lines and to work with the various parts of the industry to ensure that grain can be transported by rail. That was challenged when a proposal was put forward by various private participants in the grain industry for investment in super silos. The Government does not control the grain industry. The Australian Wheat Board and GrainCorp are outside our control and they compete with each other. They made investment decisions that impacted on the nature of the grain industry and where grain will be hauled to in the long term.

Those sorts of matters are important in the long term because we need to make sure that we come up with a long-term solution and, hopefully, that the infrastructure will be in places where we are encouraging transport by rail and not relying on road. I acknowledge the point made by the honourable member for Wagga Wagga about the additional load that will be placed on rural roads if roads are used to transport grain. It is important to contrast the record of the Government on rural rail services with that of the Opposition when it was last in office. The Government has a strong record on rural rail. In the early days of my term here I fought against the recommendation of an independent inquiry that suggested closing down the passenger rail line to Queanbeyan and Canberra, and I managed to win that fight. That is something of which I was very proud.

In its term in office the Coalition had a poor record in relation to railway lines. The Sandy Hollow to Merriwa line ceased operating and the Boree Creek to Urana, Wagga Wagga to Ladysmith, Henty to Rand, Brocklesby to Corowa and Nyngan to Bourke lines were decommissioned. The Queanbeyan to Cooma line, which I mentioned earlier, ceased operating not long after the Greiner Government was elected because it did not want to invest in upgrading a bridge along the line. The Goulburn to Crookwell, Wilbriggie to Hay, Narrandera to Jerilderie, Culcairn to Brocklesby, Molong to Yeoval and Moree to Biniguy lines were decommissioned.

The record of previous Liberal-National governments is fairly poor, and not something they can be proud of. While there are obviously great challenges in the rail industry in ensuring we can lock in the future of these grain lines, particularly the 11 still running, our record on rural rail shows we are committed to maintaining passenger and freight services, and those on restricted lines. The Minister for Transport will keep working in that direction in coming years. There are a lot of uncertainties and there is a need for investment. Country Labor will keep pushing for that investment to ensure that these important services are retained for country New South Wales.

**Mr GREG APLIN** (Albury) [12 noon]: The motion relates to an important part of regional infrastructure, namely branch rail lines. For far too long residents of regional New South Wales have been calling on government to develop a long-term plan for the 15 lines that make up 24 per cent of the New South Wales rail network and move more than three million tonnes of grain each year. There is justified concern that a Sydney-centric Government will continue to neglect branch rail lines, such as The Rock to Boree Creek line, allowing them to deteriorate to the point where they are closed. Already we have seen the suspension of four lines: Gwabegar to Binnaway, Rankins Springs to Barmedman, Burcher to West Wyalong, and Willbriggie to Yanco.

It is estimated that if all 15 lines were closed it would take 160,000 trucks to carry the same amount of grain. These trucks would be travelling on narrow country roads, which have not been constructed to bear heavy traffic loads. They are already in need of an upgrade and the Government would simply shift the maintenance costs from State infrastructure responsibilities to local councils' road budgets. The damage to local roads is one thing; the increased safety risk to all road users and the vastly increased cost of transport to growers are other

major impacts. No wonder we have called on the Government to conduct rural impact statements when adopting policies in the city that take no account of reality in the bush.

The Bureau of Transport and Regional Economics estimates that road damage costs are reduced by nearly \$5,000 per train trip, or \$250,000 per year, based on a daily train. If grain was diverted to roads, councils would face this cost to build, upgrade and maintain roads in their area, leaving rural communities facing higher rates. In August this year the Federal transport Minister committed \$1.2 billion over four years to be directed towards major New South Wales infrastructure projects such as road construction and main line rail works. The New South Wales Farmers Association argues that this funding allows State governments to allocate more funding to problem areas such as branch rail lines. Looking back over the years, we see some interesting promises that have failed to be enacted. A promise of action was given in the 2010 transport plan when the then Minister for Transport, the Hon. Carl Scully, said in 1998:

The plan commits the NSW Government to spend \$170 million per year for the maintenance and improvement of rural rail lines to 2010. This will ensure that rail's crucial role in transporting passengers and delivering grain harvest is assured.

The plan is fully costed, affordable and approved by the NSW Treasury.

In 1998 he also said:

Unlike previous governments this Government is committed to halting the closure of rural rail lines, therefore we are currently investigating the feasibility of re-opening disused rail lines in rural NSW.

The reality, of course, is that the deterioration in infrastructure condition is impacting on safety through increased rail breaks and defects. That was stated in a confidential State Government report commissioned by Booz Allen and Hamilton in 2001. Here is another promise from transport Minister Scully in 1998:

The State Government is committed to maintaining branch lines in NSW at their current level of service.

The reality is the country rail network is now considered so appalling that it was estimated to cost \$2.86 billion to upgrade and maintain. That comes from a New South Wales Farmers Association green paper in November 2002. In a media release on 21 October 1999 entitled "Rebuilding Country Rail", the Hon. Carl Scully said:

The Carr Government has reversed the neglect of country rail and is pursuing innovative projects which make rail a real alternative to road transport for farmers and country businesses.

The reality is that the New South Wales Government is avoiding the commitment to fund and upgrade country rail infrastructure that it still owns. Local councils and communities will be left to foot the bill for road repairs and road carnage. They cannot afford to do it. It is a cost shift of the highest order and, in the words of the New South Wales Farmers Association, a disgrace. Moving slightly south from The Rock to Boree Creek line, let us look at the situation in Henty, where a silo committee was established in 1999 and had contact with the Rail Access Corporation. In this situation, a heavy locomotive is brought down to Henty carrying with it a lighter locomotive to transport the grain on the non-upgraded rail line to the silo storage area. This ridiculous situation arose from an undertaking in 1999 to consider upgrading the service. We are still waiting in 2005 for that to be undertaken.

**Mr IAN ARMSTRONG** (Lachlan) [12.05 p.m.]: Governments have a number of responsibilities. The first is to provide fundamental services of health, education and security to the community. The next is to support businesses and the economy and, in so doing, to provide certain fundamental services that the Government owns, in terms of infrastructure such as roads, rail, airports and communications. The latter is shared with the Commonwealth. Rail is a State responsibility. The State Government is responsible for providing a transit mechanism for produce to come to market and for exports to reach the sea ports and export airports, and for a return of the primary goods to destinations across New South Wales to allow the continuous production of crops such as wheat.

Australia is not a big producer of wheat in world terms. As a matter of fact, we are one of the smaller producers. England, Italy and France grow far more wheat than we do. Australia is the world's largest exporter of wheat because of our small population. Wheat is a very important part of the Australian economy and the New South Wales gross domestic product. It is essentially an export product. It has to be transported to a port. With the exception of Manildra Mills and a couple of other very small operators, it is virtually totally an export industry. Thus a branch line system has developed over the years to service the traditional wheat areas of New South Wales and take the produce to port.

Over the last 10 to 15 years there has been a major rundown in those branch lines. A committee was set up in the 1990s to review a socioeconomic analysis of those lines. It was found in part that, for instance, the rail branch line closures in the Bland shire—based on West Wyalong, one of the largest wheat growing areas in the State—required \$8.3 million to be spent on capital works road upgrades on affected local roads, and maintenance roadworks thereafter would be \$177,000 per annum. That is just on the Burcher to West Wyalong line. With the Rankins Springs to Barmedman closure, the capital works road upgrades would be \$23.6 million and maintenance would be \$282,000. That is something like \$450,000 a year for roadworks maintenance. Those lines have been closed and will not operate this year. That means the Bland shire ratepayers will have to bear the cost of nearly half a million dollars a year to keep those roads in their present condition.

The bottom line is, with the season the way it is, there is a major deterioration of roads throughout inland New South Wales. It is very simple. During the drought the soils contract and dry out. There is no moisture. When the rain comes they expand, the bitumen cracks in many places, water comes through the cracks and gets under the bitumen and roads start fragmenting. The road from Cowra to Young has a major break-up on some of the bends, particularly the shoulders. On the road from Young to Temora, which was upgraded in about 1997, probably about half a metre has broken off the edge for about the first 20 kilometres west of Young in the last few weeks.

In about three weeks, when the harvest starts to come in, there will be an enormous break-up of those roads and that cost will be borne by the ratepayers. The State Government is effectively shifting the responsibility for the cartage of wheat from the State onto the ratepayers of many shires across New South Wales. They simply cannot afford it. In recent years State government funding to shires has been minimal to say the least. The Government is walking away from its fundamental responsibility of providing a realistic service to cart the produce of this State to export ports so New South Wales can earn export income for the benefit of all taxpayers. The Government is making the ratepayers of Bland, Forbes, Parkes and Lachlan shires bear the cost of servicing one of the major export earners for this nation. The Government is ignoring its responsibility to make sure we have export income and that that industry continues.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.10 p.m.], in reply: I thank honourable members representing the electorates of Monaro, Albury and Lachlan for their passionate and knowledgeable contributions to this debate. The honourable member for Monaro raised a lot of points that I listened to intently. He was correct in saying that many long-term issues have to be addressed. The engineering report attempted to address those concerns in a genuine way that will help the Government and the community and provide infrastructure into the future. There is an investment by the Government of some 240,000 sleepers, 56 kilometres of ballast, five new bridges and repairs to two bridges.

This motion states that the Government should go one step further and invest in the rail line itself. The rail line will carry only 19 tonnes per axle load. The report suggests using the leftover line from the Sydney to Melbourne line, which is currently being replaced at The Rock, Albury and Wagga Wagga, and increasing the cartage so trains using the Sydney to Melbourne line can access The Rock to Boree Creek line without further cost, move greater tonnages, 25 tonnes per average load, and achieve better economies of scale. The honourable member for Monaro also mentioned Brian Driscoll and Col McPherson, whom I know well. They are passionate about country rail lines. Brian Driscoll lives in that area. They have raised the issue, as they should, and as many members on our side of the House have. This issue does not belong only to Country Labor; it belongs to all of us, and members on this side of the House have made representations to those Ministers I mentioned previously.

My speech was put together by Aaron McDonnell from Lockhart, a work experience student who is with me this week. He understands the importance of this infrastructure from The Rock to Boree Creek. He understands the road safety issues of kids and school buses using the road. He knows how much extra freight will be put on those roads and the detriment it will cause. The Lockhart Shire Council is enthusiastic to support the grain growers and farmers but it knows this will come at great cost if we do not have this investment.

The honourable member for Monaro said that lines were built to a standard, and that is correct. We want to improve that standard, and adopting this report is a way to do that. He said he fought against a report and had a line reopened. This report recommends that the line should stay open and that there should be an investment of \$11.4 million. The Government has already announced that the investment will occur in sleepers, bridges, et cetera, but I am saying it should go one step further. The Minister needs to assure the community that he has a future commitment to that rail line and to all branch lines throughout New South Wales. The key to that is this engineering report.

This important issue has been raised time and again. I urge the Minister to meet with this group and listen to its conclusions about how the problem can be solved. The honourable member for Monaro mentioned the history of branch lines and the fact that some were closed, but I point out that at that time the Government had just come to office and was grappling with a \$20 billion debt left by the Wran Government. It was dealing with a crisis. Everyone admits that over the past 10 years this Government has enjoyed economic sunshine, and we want to see some of the money reaped from the economic sunshine reinvested in that line. In the scheme of things it is not a lot of money. It will allow the speed of the trains to be lifted slightly; it will achieve economies of scale; it will bring greater efficiencies in delivering grain to the ports. [*Time expired.*]

**Motion agreed to.**

**YASS WATER SUPPLY**

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.16 p.m.]: Pursuant to notice as amended by consent, I move:

That this House:

- (1) notes the inadequate state of the Yass town water storage; and
- (2) calls on the Government to expedite a solution to the Yass water supply problem.

On 19 June 2003, at the height of probably the worst drought this country has seen, I gave notice that I would move that the House notes that without significant rainfall, Yass will run out of water by December 2003, and calls on the Government to expedite a solution to the Yass water supply problem. As it has taken a long time for the motion to be debated I have amended it so that it remains contemporary. Yass has been required to impose serious water restrictions regularly since 1998. In this place I have frequently spoken about the need for a safe and reliable long-term water supply for rural towns and cities in my electorate—a plan that will meet the projected needs of these communities for up to a century. It does not matter how honourable members opposite might amend this motion: the inescapable fact is that a Labor Government has been in office in Sydney for almost 11 continuous years. That one fact should be borne in mind if honourable members choose to twist the motion to pat themselves on the back.

After 11 years of a Labor Government the problem of the Yass water supply has not been fixed. Only the onset of rain has delayed what will be an inevitable crisis in this fragile and inadequate water storage. For 11 years the New South Wales Labor Government has ignored the problems and pleas of the Yass community. Despite recent rains, and the now lush green state of the surrounding countryside, the water supply in Yass and the villages of Binalong and Bowning remains precarious. At full storage the Canberra water supply has the capacity to supply the nation's capital with normal water usage for eight years. But as demonstrated during the recent drought, the township of Yass is in a much more precarious and tenuous position.

On 12 October this year Yass council was told that the safe yield of the Yass Dam is barely six to eight months of annual water demand. The Yass Dam across the Yass River—a concrete arch about 12 metres high with a crest length of about 98 metres and an effective storage capacity of approximately 850 megalitres—is located just upstream from the township of Yass. The Yass water supply depends totally on the flow of the Yass River. On 24 February this year I spoke at length about the problems facing the Yass water supply. In the intervening period little has changed, and I would like to recap the overview that I gave on that day.

The Yass River catchment extends from the top of the escarpment along Lake George and includes the villages of Sutton, Gundaroo and parts of Murrumbateman. Overall, the catchment for the Yass Dam covers approximately 159,000 hectares. When the Yass Dam was built in 1927 to serve a population of about 2,000 people it had a capacity of 1,100 megalitres. Over the past 10 years demands on the Yass Dam catchment area have grown significantly. The population of the Yass Valley area is now more than 13,000, about half of whom depend on the Yass town water supply. Sutton, Gundaroo, Murrumbateman and the area of Yass closest to the Australian Capital Territory have become intensively developed as small rural lifestyle blocks have proliferated. The size of each of those blocks is usually between 5 and 20 hectares, and most contain at least one residence and one dam.

Over the past 10 years more than 8,000 dams have been constructed upstream of the Yass Dam catchment. All of those residences and dams impact on the water flow in the upper Yass River. Simply put, less water flow means less flushing of salt and decreased water quality. Less flushing of the river means increased siltation in the upper river and an increased danger of heavy siltation of the Yass Dam during flash flooding or

other heavy rains. This is not theoretical, but the real situation in Yass at this very moment. From its original capacity of 1,100 megalitres the Yass Dam now has a usable capacity of only 850 megalitres. In the past five years the Yass River below the Yass Dam has ceased to flow altogether during the summer months.

The Yass town water supply has lost almost one-quarter of its effective storage capacity because of siltation. Without effective action to ensure a long-term adequate water supply for Yass, the situation will only deteriorate. Putting aside the water quantity, serious concerns have been raised about the quality of the Yass town water supply. During the height of the recent drought Yass town water supply's measure of calcium carbonate was approximately 450 milligrams per litre. A measurement of 200 milligrams per litre is considered to be marginal for potable water quality. The Yass Valley sub-catchment is the third-highest contributor to salinity levels in the Murrumbidgee River catchment. Some 12 years ago, 1,451 hectares of land were identified as severely salt affected, and the Yass River has recorded a salinity level rise of 7 per cent a year, which is double the State's average.

Without prompt and effective action by the Government, the Yass water supply will lurch increasingly from one crisis to another. The recent rains, which started on 21 June 2005 but really did not set in properly probably until mid September, have averted an immediate crisis, but they have not solved the problem. Next year, or perhaps the year after, Yass will face an even worse crisis. Without action each crisis will be worse and more sustained until the Yass water supply fails completely. As I said early this year in this House on a similar motion, a solution to the long-term security of the Yass water supply needs to be found, and it needs to be found quickly. Unfortunately in the intervening nine months, despite much talk by the Government, little real progress has been achieved. As happened when I have raised this matter in this place in recent years, all that has happened is that more time has passed with little real movement towards the announcement of a long-term solution.

Nine months ago I acknowledged the \$315,750 that the State Government provided to Yass Valley Council in emergency funding for short-term relief works—but that is all they were. Short-term relief works are somewhat akin to pumping out just one compartment of the *Titanic* as water pours in through holes in five! It only delays the inevitable. As the flow of the Yass River is becoming increasingly more tenuous the only feasible long-term solution is to derive the town's water needs from the Upper Murrumbidgee River system. Several options are available from this source, including accessing the water supply of the Australian Capital Territory, or pumping from the Murrumbidgee at various points such as Childowla, Goldenfields or Good Hope. The Childowla and Goldenfields options are all downstream and downhill from Yass, making their use very costly.

I discussed at length the concerns about the Good Hope option during my last contribution. Basically put, in time of drought or low water flow the only liquid flowing past Good Hope would come directly from the Australian Capital Territory's Lower Molonglo treatment plant. As I said nine months ago, the Australian Capital Territory may have the world's best practice effluent, but the residents of Yass do not really want to drink it, thank you very much! This leaves accessing the Australian Capital Territory's water supply as the only feasible option and I would encourage the New South Wales Government to redouble its efforts to this end. The supply from the Australian Capital Territory is a reliable source of high-quality water. It would be economical to distribute to Yass, as it can be gravity fed from the northern suburbs of Canberra. Yet there is resistance from within the Australian Capital Territory to this proposal.

The Chief Minister of the Australian Capital Territory, Mr Jon Stanhope, MLA, recently wrote to the Yass Valley Council saying, "I acknowledge that Yass is an important town centre in the Australian Capital region. However, the Yass Valley Council and the New South Wales Government should, in the first instance, resolve its infrastructure requirements, including water supply, to support its local population." Mr Stanhope concluded his letter by saying, "As this is a matter for the New South Wales Government, I have referred your letter to the Premier of New South Wales." It is an interesting comment. The State Government should resolve its infrastructure problems. If only that would happen. A number of things might happen. Sydney's trains might run on time, our patients might get halfway decent health care, and Yass and Goulburn residents might have a safe and reliable source of drinking water.

I welcome an announcement, hopefully very soon, that the New South Wales Government has actually reached an agreement with the Australian Capital Territory to allow Yass to access the Australian Capital Territory's water supply, which is way overdue. But while we wait, a short-term solution must be implemented immediately. There are two possible measures that can be taken: dredge the Yass Dam, which will increase storage by some 100 megalitres; or raise the dam wall by two metres, which will increase storage by 500

megalitres. Council has investigated the feasibility of dredging the Yass Dam and recently received a report prepared by KHM Environmental. This study found that dredging the Yass Dam was not a cost-effective solution. At a total project cost of \$4,458,000, dredging the Yass Dam would provide additional storage at the staggering cost of \$45 per thousand litres.

At a total cost of \$8 million and giving additional storage capacity at the rate of just \$16 per thousand litres, raising the Yass Dam wall is the best short-term solution. But it is just that, only a short-term temporary fix to buy time to implement a real solution. Council has commissioned the New South Wales Department of Commerce to undertake a stability analysis of the dam wall with respect to earthquakes, as required by the New South Wales Dams Safety Committee. The commission was expanded to include an analysis of the dam wall if raised by two metres. Council was expecting this report to be finalised for presentation to its October meeting, but as of this morning the report has not yet been received. This is yet a further example of the frustrations Yass residents face, caused by delays brought about by a State government department. I call on the Minister for Commerce to speed up the provision of this report about the Yass Dam to Yass Valley Council. I look forward to additional contributions from members of Parliament in this debate.

**Mr STEVE WHAN** (Monaro) [12.26 p.m.]: I move:

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

- "(1) notes that despite recent good rainfall the town of Yass still needs to develop a more secure long-term water supply for its residents;
- (2) notes that New South Wales, the Australian Capital Territory and the Commonwealth governments are close to finalising a cross-border agreement on the supply of water from the Australian Capital Territory system to surrounding New South Wales communities; and
- (3) urges the New South Wales and Australian Capital Territory governments to work with Yass Valley Council to secure, at a fair cost, access to the Australian Capital Territory supply once the overarching cross-border agreement is finalised."

The Yass water supply is a long-term problem. I know that the honourable member for Burrinjuck has raised it in this place once before, and I have spoken on it once before. The problem has not gone away. Recent good rain means that the dam is full, but as the honourable member for Burrinjuck pointed out, the dam has only a small capacity of 875,000 megalitres, which means water security for only 12 months even at the best of times. In recent years the New South Wales Government approved drought relief funding of \$315,000 to provide two backup bores to supplement the dam source. One bore is complete, but has limited yield, and the other has been delayed by access issues. Council has now commenced an integrated water cycle management plan to examine thoroughly all its options for the water, sewerage and drainage systems. The New South Wales Government will fund 50 per cent of the plan.

As the honourable member for Burrinjuck said correctly, the first of those measures—the bores—is an interim one. Obviously, it is not a long-term solution to the water supply. The second measure is good planning. The recent goings-on between the Australian Capital Territory and New South Wales are very important for Yass. Certainly the Yass Valley Council has expressed a desire to be linked to the Australian Capital Territory water supply rather than pursuing one of the options of taking water from the Upper Murrumbidgee River at Good Hope. I take issue with the honourable member's point about drinking Canberra's sewage. Just about every other inland town down the river is drinking someone else's sewage.

**Ms Katrina Hodgkinson:** I'd like to see Canberra do it.

**Mr STEVE WHAN:** You might find that Canberra is drinking Cooma's sewage. No, it is not, because the river goes past. However, Dalgety drinks Jindabyne's sewage. Those things can be dealt with. I understand the point made by Yass Valley Council and its preference for going with the Australian Capital Territory. Attempts to achieve a cross-border agreement have involved a long process. The issue is not just about Yass, and that is why it is so complicated. The primary motivation for completing the cross-border water supply agreement and the settlement strategy has been to facilitate the expansion of Queanbeyan. The great difficulty that we have had is that under the Commonwealth's Seat of Government Act, the New South Wales transfer Act and the Commonwealth Seat of Government Acceptance Act, the Australian Capital Territory has been given paramount rights in relation to the rivers that comprise its water catchment area—including the rivers that would normally make up Queanbeyan's catchment—and that paramount right means that the Australian Capital Territory has the right to decline to supply water for the expansion of Queanbeyan and other New South Wales towns.

I take issue with the legality of that position. When former Federal Minister Tom Uren introduced the Canberra Water Supply (Googong Dam) Act, he acknowledged during his second reading speech that the dam was intended to serve the future expansion of Queanbeyan as well as the Australian Capital Territory. Nevertheless, the New South Wales Government's advice is very clear: The Australian Capital Territory has the right to control access to the water supply and the catchment rivers that are the source of the water supply. The cross-border agreement has been negotiated over quite some time, and I acknowledge the point made by the honourable member for Burrinjuck in that regard. However, the protracted period of negotiation was a matter of necessity because the issue is quite important.

The Australian Capital Territory Government has been very keen to ensure that it protects its own interests. My understanding of the present situation is that the New South Wales Cabinet approved and forwarded a document to the Australian Capital Territory Government. The Australian Capital Territory Government considered the document and decided to seek clarification from the New South Wales Government. The Chief Minister of the Australian Capital Territory, Jon Stanhope, wrote to the Minister for Planning to seek clarification. Minister Sartor will soon forward a response that will provide the clarification that has been sought by the Australian Capital Territory.

I hope that when the Australian Capital Territory Government receives the clarification, it will finalise the cross-border agreements so that we will be able to move forward. Basically the cross-border agreements allow Queanbeyan to expand and permits New South Wales towns to access the water supply provided that development proposals are consistent with planning controls applying in New South Wales, which is fairly logical. After that stage, my understanding is that the Yass Valley Council will engage in discussion with the ACTEW Corporation Limited and make appropriate commercial arrangements to access the water supply.

The signing of an agreement will not provide immediate access, but it should provide a framework for Yass to be able to obtain access to the water supply in the long term. It is a very important agreement. I hope that the goodwill demonstrated by the New South Wales Government in relation to this issue is reflected in the approach adopted by the Australian Capital Territory Government. I believe that the New South Wales Government's proposal also protects the interests of the Australian Capital Territory Government. At all times the New South Wales Government has shown that developments in New South Wales will be water efficient and will not waste water. Queanbeyan has set a standard of best practice in retrofitting old houses, which is also a demonstration of good faith. I hope that that good faith will be reflected in the approach adopted by the Australian Capital Territory Government.

Sometimes as a result of a very difficult and protracted process, people tend to become suspicious about motivations. I do not want to be too critical of the Stanhope Government, but it does need to recognise that it is part of a region. As I stated on the last occasion I mentioned this issue, if the Australian Capital Territory did not exist, Yass would not have the water supply problem of 300,000 people taking water from rivers that otherwise would flow unobstructed past Yass. My suspicions were aroused when the ACT Minister for Planning, Simon Corbell, stated on ABC Radio that the Australian Capital Territory Government was interested in ensuring that people did not move to New South Wales. I point out that the Australian Capital Territory Government raises approximately one in five of its own source income from property—Government land development sales will be worth \$153 million in 2008-09—so I become a little bit suspicious when negotiations relating to development in New South Wales in areas surrounding the Australian Capital Territory slow down.

Having said that, I hope that the goodwill demonstrated by the New South Wales Government toward the Australian Capital Territory Government will be reciprocated. I was encouraged by Jon Stanhope's comments on ABC Radio yesterday afternoon which suggested that finalisation of the negotiations was imminent. In practical terms, that means that the letter from Minister Sartor will soon be signed and forwarded to the Australian Capital Territory Government. After that, I hope there will be very quick consideration by the Australian Capital Territory Cabinet of the cross-border water supply agreement. The issue is very important for Yass and Queanbeyan, particularly in relation to expansion in the future.

The honourable member for Burrinjuck quite rightly again mentioned that over the past couple of decades the Yass River catchment has been placed under extreme stress by development. The area has a lot of farm dams and bores. The New South Wales Government has moved to regulate bores, farm dams and hobby farm dams—a move which drew considerable opposition and complaints from The Nationals at one stage. Obviously the Yass River catchment needs to be very carefully protected. That is one key reason why I supported Sutton being included in the Yass Valley Shire during council amalgamations a couple of years ago.

The Minister for Local Government and others, including me, felt that that would be an important way of ensuring that planning control will be exercised over development in that very important part of the catchment. At one stage there was a proposal for a very extensive development in the area around Sutton. I thought it was important for Yass Valley Council to be involved in the approval process.

Obviously a number of longer-term issues will have to be resolved. The amendment I have moved reflects the progress in negotiations that has been made to date and the needs of Yass. The significance of the amendment is that the House will acknowledge the importance of long-term planning to secure a water supply for Yass. The amendment urges the New South Wales Government and the Australian Capital Territory Government to continue to work to resolve the issue in the long term. I know that sufficient goodwill to reach an agreement exists. I am pleased to note the most recent comments of Jon Stanhope in relation to the issue. I hope that the issues will be able to be resolved soon. [*Time expired.*]

**Mr IAN ARMSTRONG** (Lachlan) [12.36 p.m.]: It gives me great pleasure to support the motion moved by the honourable member for Burrinjuck and acknowledge the support expressed by the honourable member for Monaro. I move:

That the amendment be amended by the addition of the following paragraph:

"(4) urges the Government to give a commitment that in the event agreement is reached with the Australian Capital Territory, it will provide adequate funding for the capital works necessary to supply Yass with Australian Capital Territory water."

As the honourable member for Burrinjuck has so ably stated during the debate and on many previous occasions, there is no doubt that the existing water supply for Yass, which in 1927 served a population of 2,000, is grossly inadequate in an average year, let alone during a drought. The simple fact is that 875 megalitres of water is a very average allocation for irrigators in the Lachlan Valley. The allocation would not be sufficient to provide water for more than 400 hectares at the most in the Lachlan Valley, and in areas of intensive agriculture the allocation would be sufficient for only approximately 240 hectares. In other words, the allocation is almost a domestic supply rather than a commercial supply for a growing population.

Obviously I welcome the negotiations that have been undertaken, but I make the point that the water supply for the Yass Valley is just as important as it is for the people of the Australian Capital Territory. Many Yass residents and businesses conduct their commercial work in the Australian Capital Territory. In many ways, Yass has become an extension of the Australian Capital Territory, so we are not talking about Yass in isolation relative to the Australian Capital Territory; we are talking about it in the context of a holistic view of services provided by the Australian Capital Territory.

Over time, Yass and areas of the Australian Capital Territory almost have created a continuum. Yass Valley is a very important shire because it is a home to light industry, has a burgeoning wine industry and a flourishing tourism industry, and is a broadacre agricultural area. There is no doubt that the Yass-Boorowa area is the premium superfine wool growing area in the world—a fact that has been acknowledged over the past 50 years—and is also world-renowned for cattle, racehorses and the racing industry. Recently the wonderful mare Makybe Diva won the Melbourne Cup. Her trainer, Lee Freedman, grew up at Hardwicke near Yass and so did the Bennett family, presently of Scone, who broke her in.

Yass has a long history in stud stock, wool, agriculture and provision of major services on the Hume Highway; it is an important area. Along with other bores in the same rainfall area, Yass bores have a reputation of being unreliable. There are as many failed bores as there are reliable bores. As the honourable member for Burrinjuck said, there is no doubt that the salinity of the current Yass water supply is increasing at 7 per cent per annum. That is happening for a number of reasons, one being that a lot of the water going into the Yass water supply is fed from surface springs. About half the natural springs in the area are hard water, or high salinity water.

The honourable member for Burrinjuck also mentioned that the existing dam wall needs to be tested for earthquakes, which is the standard practice for all dams across New South Wales. Yass is about 55 kilometres south of Gunning, on the Gunning fault line, a major earthquake fault line that runs north and south for about 200 kilometres. Yass is right on the edge of the Gunning fault line so of course earthquakes are a problem. I pay tribute to the engineers who built the original dam wall, and to those who built the original buildings in Yass and Murrumbateman. No member of this House would argue that Yass needs more potable and industrial water because it has outgrown its water supply infrastructure, which was built in 1927.

Only one public water supply is available for Yass that is at all practical, and that is from the Australian Capital Territory. Forget the other ideas: they are impractical because of cost, location and water quality. The New South Wales Government must come to an agreement with the Australian Capital Territory Government about this matter. Following that agreement, the pipes have to be laid, and that is why I moved my amendment to make sure that the capital is there for the pipes. [*Time expired.*]

**Mr ANTHONY ROBERTS** (Lane Cove) [12.41 p.m.]: It is with great pleasure that I support the people of the Yass Valley in their pursuit of a sustainable source of high-quality drinking water. It is concerning to me, particularly while reviewing last year's State of the Environment Report on the Yass Valley, which states:

Drought was the most significant factor affecting water demand during reporting period in Yass Valley Local Government Area ... Yass Weir—the water supply to Yass, Bowning and Binalong—dropped to 58% of capacity in February 2003 and to 64% in May 2004. Water restrictions were in place for 255 days in 2002-03, including 108 days at Level 5, and indicate serious shortages.

In April 2004 an embargo was placed on further developments using surface or groundwater, because of concerns about unsustainable use of water resources in the Yass River catchment.

Yass Valley Council should be congratulated on researching options for its long-term water requirements of the valley. A local water committee is assisting with the research. The report further states:

Some rivers in the LGA were reported to be under environmental stress at the end of the last reporting period, several from high water extraction. Although drought conditions during the current period—

that was 2004—

may have further increased stress levels, no data was available.

The 1999-2000 capacity of Yass Dam was 875 megalitres, in 2003-04 it was 876 megalitres. In 1999-2000 the Murrumbateman bore had the capacity of delivering 3.5 litres per second, and in 2004 that remained the same. The concern for most of rural and regional New South Wales, and particularly in the Yass Valley, is to access a reliable source of water. I commend the honourable member for Burrinjuck, who has been very passionate about obtaining a secure source of high-quality water for the people of the Yass Valley; she has fought for some time to secure that supply. The people of the Yass Valley are fortunate to have such a good local member to represent them, and the Opposition is certainly proud to have her in this place.

**Mr Steve Whan:** Is there any member you have not flattered yet? I think you have nearly got them all in the past few weeks.

**Mr ANTHONY ROBERTS:** There is nothing wrong with being nice to people. That is something that the honourable member for Monaro should look at over the Christmas period, and maybe do next year.

**Mr Steve Whan:** When are you going to flatter me?

**Mr ANTHONY ROBERTS:** When the honourable member for Monaro does something good he will certainly get kudos for it. The study entitled "Yass Snapshot on Sustainability" found that the current levels of surface water use in the Yass River catchment are unsustainable. The increasing surface and groundwater use in the catchment have the potential to further reduce both the quantity of water available for the town water supply and downstream users as well as water quality. In April 2004 the Department of Planning, Infrastructure and Natural Resources placed an embargo on further developments in the Yass local government area using surface or groundwater, as I stated earlier.

It is obvious that the most intelligent way to solve this problem is for the New South Wales Government to put pressure on Mr Jon Stanhope, MLA, Chief Minister of the Australian Capital Territory, who seems to be dragging his feet on this matter. Supply from the Australian Capital Territory will provide a reliable source of high-quality drinking water and it would be quite economical to distribute it to Yass, as it can be gravity fed from the northern suburbs of Canberra. It is with some concern that I state that the Australian Capital Territory Government, which I prefer to refer to as the Australian Capital Territory council, has been intransigent on this matter. The people of Yass deserve a high-quality water source. It is a matter of some concern that Jon Stanhope continues to neglect the people of surrounding areas. He has obviously buck-passed this to the New South Wales Government. A letter written by him concluded:

As this is a matter for the New South Wales Government I refer to your letter to the Premier of New South Wales.

If that is the case, the New South Wales Government should do something about solving the problem. The sooner that occurs, the better. In conclusion, it is with great pleasure that I support the people of the Yass Valley. [*Time expired.*]

**Mr ADRIAN PICCOLI** (Murrumbidgee) [12.46 p.m.]: I support the honourable member for Burrinjuck in her continual efforts to improve the water supply to Yass. As the Opposition spokesman on Natural Resources, I am concerned about the water supply for many country towns in New South Wales, particularly Yass. The honourable member for Burrinjuck has approached me on many occasions to talk about the Yass water supply. Despite fairly decent rains in parts of New South Wales over the past six months, that has not solved the water supply problem in Yass, certainly not in the long term. The honourable member for Burrinjuck wants a long-term solution to its water supply problems.

I support her absolutely in that regard. Over the past 10 years the New South Wales Government has failed to plan for water supply across the State. Obviously the most telling example of that is the crisis currently faced by the people of Sydney. We have heard a great deal about the water supply problems in Goulburn, which the honourable member for Burrinjuck has raised many times in this House and with me as the shadow Minister for Natural Resources. I support the honourable member for Burrinjuck in all of her efforts, because the success of any country town is dependent on its water supply. Country towns such as Yass are always looking to attract development, industry and new residents. Many such towns have job vacancies in all areas, from unskilled work to professional positions. But people who are considering relocating to country towns from the coast or from Sydney want basic services, such as health and education, and adequate utilities—the most important of which is water.

We cannot overemphasise the importance of a solid and secure water supply for Yass. The Coalition is conscious of the need to ensure water supplies throughout the State and when we come to government in 2007 we are committed to preparing an extensive long-term water plan for New South Wales that will certainly include Yass. It will be one of the towns at the top of list. We must provide a safe and reliable water supply for towns such as Yass, Goulburn, other centres throughout New South Wales, and Sydney. We want our country towns to grow, to be sustainable and to be filled with happy people. We want people born and bred in those towns to be trained and to stay in those towns to live and work, because they are great places. A sustainable and reliable water source is obviously vital. I congratulate the honourable member for Burrinjuck on her support of the Yass community and on her efforts to solve its water supply problems. I commend the honourable member for moving this motion and I join her in urging Government members to support it.

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.51 p.m.], in reply: I thank the honourable member for Murrumbidgee, the honourable member for Lachlan, the honourable member for Monaro and the honourable member for Lane Cove for their significant contributions to this important debate. The honourable member for Monaro moved an amendment to the motion that enhances the motion and encapsulates a little more extensively the views of the local area. I do not oppose the amendment and thank him for moving it. The honourable member for Lachlan moved an amendment to the amendment. So the motion has been amended three times if we include my amendment to the original motion, which was necessary when the matter took some time to come before the House. The amendment of the honourable member for Lachlan enhances the motion and I urge honourable members to support it. It is a sensible, rational and non-provocative amendment, and I thank the honourable member for Lachlan for making that effective and knowledgeable contribution to the debate.

I welcome the knowledge that the honourable member for Lane Cove has about this subject. The honourable member has strong family ties with the township of Yass and I know that he enjoys visiting my electorate when he can. I always welcome his contributions on subjects pertaining to the Yass area as I know that his ties with that part of the world are very strong. The honourable member for Murrumbidgee has a great plan for securing future water supplies in our fair State and I am pleased that he was able to contribute to the debate this afternoon.

Negotiations are continuing with the Chief Minister of the Australian Capital Territory. It is unfortunate that the Australian Capital Territory Government recently responded to provocation—I do not know whether it was intentional—from the State Government regarding increasing national park fees in Perisher and Thredbo during the winter. Towns around the Australian Capital Territory are exempt from the increase. I am not particularly concerned about the issue as Yass, Tumut, Gundagai and various towns in my electorate also received an exemption. However, I note that the decision created a political storm in Canberra. The issue was much aired on talkback radio, with callers wondering why the Australian Capital Territory should assist New South Wales in the future.

The Australian Capital Territory Government seems to be very reactive to such matters and I remind Jon Stanhope that the issue has nothing to do with supplying water to people in towns surrounding the Australian Capital Territory who contribute so much to the region's economy. People who live in Queanbeyan, Yass and Goulburn converge on Canberra every day to work in the public service. Teachers who live in New South Wales work in Australian Capital Territory schools every day. Doctors and nurses from New South Wales work in Australian Capital Territory hospitals.

**Mr Steve Whan:** They spend their money there.

**Ms KATRINA HODGKINSON:** The honourable member for Monaro makes a good point. New South Wales residents support Canberra and the Australian Capital Territory through their spending. Tourism also produces revenue for the Australian capital. New South Wales and the Australian Capital Territory must work together. The Australian Capital Territory Government must recognise that this is an ongoing issue and that Yass and other towns surrounding Canberra will play an important role in the future vibrancy of the entire region. We could speak on this topic ad infinitum. I call on the Minister for Utilities to give Yass residents the firm commitment, as the honourable member for Monaro promised, that he will spare no effort to obtain a speedy agreement from the Australian Capital Territory to allow Yass to access its water supply. We must ensure that sufficient funds are available when agreement is reached to allow the project to proceed with the urgency that this issue dictates. [*Time expired.*]

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

**The House divided.**

**Ayes, 34**

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

**Noes, 46**

Mr Amery	Ms Gadiel	Mrs Paluzzano
Ms Andrews	Mr Gibson	Mr Pearce
Mr Bartlett	Mr Greene	Mrs Perry
Ms Beamer	Ms Hay	Ms Saliba
Mr Black	Mr Hunter	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Miss Burton	Mr Lynch	Mr Tripodi
Mr Campbell	Mr McBride	Mr Watkins
Mr Chaytor	Mr McLeay	Mr West
Mr Collier	Ms Meagher	Mr Whan
Mr Corrigan	Ms Megarrity	Mr Yeadon
Mr Crittenden	Mr Mills	
Mr Daley	Mr Morris	<i>Tellers,</i>
Ms D'Amore	Mr Newell	Mr Ashton
Mr Debus	Ms Nori	Mr Martin

**Pairs**

Mr Debnam  
Mr Hazzard

Ms Allan  
Mr Price

**Question resolved in the negative.**

**Amendment of amendment negatived.**

**Amendment agreed to.**

**Motion as amended agreed to.**

*[Mr Speaker left the chair at 1.07 p.m. The House resumed at 2.15 p.m.]*

**MINISTRY**

**Mr MORRIS IEMMA:** In the absence of the Minister for Education and Training, the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business will answer questions on her behalf. In the absence of the Minister for Local Government, the Minister for Gaming and Racing, and Minister for the Central Coast will answer questions on his behalf.

**SOCCEROOS WORLD CUP QUALIFIER PUBLIC TRANSPORT ARRANGEMENTS****Ministerial Statement**

**Mr JOHN WATKINS** (Ryde—Deputy Premier, Minister for Transport, and Minister for State Development) [2.22 p.m.]: I join with members in congratulating the Socceroos on their magnificent victory last night in front of more than 82,000 delirious patrons. I remind the House that hundreds of hard-working public transport workers did not see the game last night because they were doing what they do every day of their working lives: delivering a safe and reliable public transport service. Last night, while our latest national sporting heroes were creating history, our professional and tireless public transport workers were also helping to create history.

Last night more people used public transport to get to and from the game at Telstra Stadium than any event since the Olympic Games. Last night 82,698 people cheered on the Socceroos, and eight out of 10 of them used public transport to get to and from the game. A total of 65,688 people travelled to Telstra Stadium by public transport, including 55,723 people on the CityRail's special Olympic Park trains and 9,965 people on the 12 major event bus routes. By way of comparison, even the national rugby league grand final and rugby's Bledisloe Cup did not have this many people using public transport to get to and from the game.

I must single out CityRail and its hardworking employees for special praise for the way the trains were reorganised to cater for the extended game time caused by 30 minutes of extra time and the heart-stopping penalty shootout. CityRail advises me that trains were literally stacked and racked in a line stretching from Central Station as far west as Seven Hills. These trains and their crews were awaiting the finish, ready to swing into action as soon as the Socceroos put the winning shot in the back of the net. While we sat with our hearts in our mouths as goalkeeping hero Mark Schwarzer stared down the Uruguayans, our public transport workers were working frantically rebuilding the timetable from the ground up to allow for the extended game finish. I ask members of the House to join with me in congratulating the Socceroos for etching their names into the Australian sporting history books, but I also warmly thank the hundreds of public transport workers who played a significant role in delivering such a successful evening.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [2.25 p.m.]: I join with the Deputy Premier in rejoicing in the Socceroos' victory last night. I am happy to join the Deputy Premier in thanking all those public transport workers for ensuring that the city's public transport system worked well overnight. I am delighted that public transport succeeded on such an important night for this city, for this country and for all those people who enjoy sport, as I do. Commuters are usually surprised about public transport being delivered on time, not because of any criticism of transport workers but because of the lack of attention and resources provided by the State Government.

Far be it from me to seek to politicise such a great State and national occasion. The Minister for Transport ought to do something that the Minister the Police will not do. The next time we have such a major

sporting event he should have a word with the Minister for Roads. The only thing that blighted public transport last night was that roadworks were being carried out on one of our major bus routes, Parramatta Road. That meant that three lanes were narrowed to one, adding one hour to the journey of those people leaving the stadium to come back into the city.

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

**Mr BARRY O'FARRELL:** I am appalled by the attack by the honourable member for Bathurst on the Socceroos. The Socceroos had a police escort down the wrong side of Parramatta Road to get past the road blockage. On behalf of all members of the House, I ask the Minister for Transport to talk to the Minister for Roads in future to ensure that roadworks do not get in the way of people using public transport. Do not subject road workers to the sort of abuse they were copping last night from passing motorists, and do not frustrate public transport workers trying to get on with their job of delivering great public transport in this city despite the Government.

## SOCCEEROOS WORLD CUP QUALIFIER

### Ministerial Statement

**Ms SANDRA NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [2.27 p.m.]: If the old adage that good things come in threes was ever proved, it was proved last night. It was the crowning glory. We started the year with the Swans being called ugly, the Tigers not being given a chance and, unfortunately, the Socceroos always falling at the last hurdle. Not this time!

**Mr SPEAKER:** Order! The honourable member for Bathurst and the Leader of the House will come to order. If they wish to conduct a conversation in relation to rival teams they can do so outside the Chamber.

**Ms SANDRA NORI:** Obviously it has been a long time between drinks—for the Swans in 1932, for the beloved Tigers it was 1969, and the last time the Socceroos qualified was in 1974. There is nothing so satisfying as when the underdog wins.

**Mr Brad Hazzard:** "Hear! Hear!" to that.

**Ms SANDRA NORI:** The Coalition will never get to know about it.

**Mr SPEAKER:** The Chair notes the comment of the honourable member for Wakehurst.

**Ms SANDRA NORI:** There is nothing like that shared vindication that we all feel when the underdog gets home. I have no doubt that last night's result will mean a sport that is already becoming enormously popular, particularly among women, will receive a huge fillip as we watch our Socceroos go off to Germany. With a sell out crowd of 82,698 the atmosphere last night was obviously electric. The worst thing about football is the penalty shootout. The best thing about the penalty shootout is when your team gets home because of it. We had it all last night. It was stretched out to the max right to the last minute. The only sad thing about last night is that Johnny Warren was not there to see it. We congratulate the players, the coaching staff and the Football Federation of Australia. I send special congratulations to the coach, Guus Hiddink.

**Mr GEORGE SOURIS** (Upper Hunter) [2.30 p.m.]: I am delighted to join the Minister for Tourism and Sport and Recreation in congratulating the Socceroos on their most magnificent victory last night, their second qualification for a World Cup and the first in 30 years. It was an exhilarating match that stopped the nation. The Socceroos were on fire, and won through sustained pressure. The noise level of the magnificent crowd of 80,000 was even greater than the noise level at a State of Origin. However, I regret that the Uruguayan national anthem was disrespectfully drowned out. Even though that may have been payback for what happened in Montevideo, it was somewhat un-Australian. I offer my congratulations and the congratulations of the Coalition to the Chairman of the Football Federation of Australia, Frank Lowy; the Chief Executive, John O'Neill; the captain, Mark Viduka, and his magnificent team; the coach, Guus Hiddink; the goalkeeper, Mark Schwarzer—a special mention—and the late Johnny Warren. It was perhaps the greatest night in Australia's soccer history. We wish the Socceroos every success in the World Cup next year.

## DISTINGUISHED VISITORS

**Mr SPEAKER:** I welcome to the Speaker's Gallery the Chair of the Canadian Senate Standing Committee on Internal Economy, Budgets and Administration, the Hon. George Furey, as well as Senator Joan Cook and Senator Terry Stratton. I welcome also Mr Paul Bélisle, Clerk of the Senate of Canada, and Mr Serge Gourgue, Director General of the Parliamentary Precincts Services.

## PETITIONS

### Gaming Machine Tax

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

### Alstonville Bypass

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

### Newcastle Rail Services

Petition opposing the cancellation of existing Sydney to Newcastle rail services, and requesting the provision of a light rail service between Gosford, Singleton and Newcastle using the existing rail corridor, received from **Mr Jeff Hunter**.

### 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**.

### Pensioner Travel Voucher Booking Fee

Petition requesting the removal of the \$10 booking fee on pensioner travel vouchers, received from **Mr George Souris**.

### CountryLink Rail Services

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

### Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation, received from **Mr Andrew Stoner**.

### Unborn Child Protection

Petition requesting mandatory statistical reporting of abortions, legislative protection of fetuses of 20 weeks gestation, and availability of resources for post-abortion follow-up, received from **Mr Andrew Stoner**.

### 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**.

### Lower Macleay High School

Petition requesting the commencement of planning for a new high school for the Lower Macleay district, received from **Mr Andrew Stoner**.

### **Breast Screening Funding**

Petitions requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell, Mrs Judy Hopwood** and **Mr Andrew Stoner**.

### **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**.

### **Lismore Base Hospital**

Petition requesting that Lismore Base Hospital remains an accredited centre of excellence, received from **Mr Thomas George**.

### **Yass District Hospital**

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

### **Mental Health Services**

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

### **Caritas Mental Health Service**

Petition requesting the redevelopment and expansion of the Caritas mental health service, received from **Ms Clover Moore**.

### **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**.

### **Recreational Fishing**

Petitions opposing any restrictions on recreational fishing in the mid North Coast waters, received from **Mr Andrew Stoner** and **Mr John Turner**.

### **Crown Land Leases**

Petition requesting the withdrawal of changes to the rental structure of Crown land leases, particularly enclosed road permits, received from **Ms Katrina Hodgkinson**.

### **Grafton Bridge**

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

### **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 to allow the construction of a dual carriageway, received from **Ms Katrina Hodgkinson**.

### **Eastern Distributor and Cross-City Tunnel Ventilation**

Petition praying that air purification systems be installed on the Eastern Distributor and cross-city tunnels, received from **Ms Clover Moore**.

### **Oxford Street Clearway**

Petition requesting removal of the Oxford Street clearway and imposition of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

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

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

### **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**.

## **PUBLIC ACCOUNTS COMMITTEE**

### **Report**

**Ms Noreen Hay**, as Chairman, tabled report No. 15/53 (158), entitled "Sustainability Reporting in the NSW Public Sector", dated November 2005, together with "Extracts from Minutes of Public Accounts Committee Meetings Relevant to Sustainability Reporting in the NSW Public Sector".

**Report ordered to be printed.**

## **QUESTIONS WITHOUT NOTICE**

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### **MR MAMADOU NDAW**

**Mr PETER DEBNAM:** I direct my question to the Premier. Why did he provide a personal reference on his ministerial letterhead for Mamadou Ndaw, deported last year—

**Mr Tony Stewart:** You can't even say the name properly. You've no idea what you're talking about.

**Mr PETER DEBNAM:** The Premier does.

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

**Mr PETER DEBNAM:** Why did the Premier provide a personal reference on his ministerial letterhead to Mamadou Ndaw, deported last year, the man who introduced Willie Brigitte to his wife, Melanie Brown, and described by Brigitte as his closest and most trusted friend, and brother-in-law to Khaled Sharrouf, arrested last week on terrorism charges?

**Mr MORRIS IEMMA:** The Leader of the Opposition is making it up as he goes along. Yesterday we saw him yet again, sitting back in Vaucluse, shooting from the hip and making it up as he goes along.

**Mr Peter Debnam:** Point of order: My point of order is relevance.

**Mr SPEAKER:** Order! I do not understand how the Leader of the Opposition can take a point of order relating to relevance when the Premier has uttered little more than half a dozen words. The Premier has the call.

**Mr MORRIS IEMMA:** The Leader of the Opposition is making this up as he goes along, having had absolutely nothing to say for at least three months. Now members of the Opposition are saying, "Look, you have had nothing to say and no position on counter-terrorism, so you have to make something up." Yesterday the House heard the latest instalment and there was a previous instalment last Saturday. Instead of engaging in a bipartisan approach to our unrelenting fight against terrorism, all we see from the Leader of the Opposition is that he is sitting back and making it up as he goes. Not having had anything to say, now the Leader of the Opposition is trying to play catch-up. He is now trying to imply that everyone is a potential terrorist.

Yesterday the Leader of the Opposition presented a report. If he had had any concerns about it, he could have contacted the police. The advice from the police is quite different from the report. The individual referred to by the Leader of the Opposition yesterday had a criminal record in relation to matters that occurred 20 years ago. As he had not disclosed those matters, quite properly the Department of Corrective Services terminated his employment. The Leader of the Opposition has come into this Chamber and has been shooting from the hip. He proposed that an audit should be undertaken of everybody who works in the public sector instead of allowing these matters to be quite properly the subject of investigation by security organisations and allowing our law enforcement agencies to do their job, which are the professional bodies that have been established as do just that.

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

**Mr MORRIS IEMMA:** Just last week we saw an outstanding example of the results of the work undertaken by security organisations and law enforcement agencies over the past two years, yet last Saturday all we got from the Leader of the Opposition, while he was lounging in Vaucluse, was an attack on the police made in hindsight because general duties police were involved in the operation. He is now making it up even more as he goes along.

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

**Mr Peter Debnam:** Point of order: My point is simply that I have provided—

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

**Mr Peter Debnam:** It's there. He should read it.

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat and comply with standing orders of the House.

### COUNTER-TERRORISM MEASURES

**Ms MARIANNE SALIBA:** My question without notice is to the Premier. What is the latest information on the New South Wales Government's efforts in combating terrorism?

**Mr MORRIS IEMMA:** That is a good question from a member who takes a genuine interest in these matters, in contrast to someone who does not have a policy and has not taken an interest in the whole debate for three months. Now, because David Clarke said to the Leader of the Opposition, "You haven't said anything on terror—it is about time you did", he has been making it up as he goes, on top of not having had anything to say, or any ideas. The best that the Leader of the Opposition can come up with is a talkfest. He wants a summit—forgetting of course that one already has been held. He might have noticed a meeting of the nation's political leaders in September. He might have noticed the Council of Australian Governments [COAG] meeting in Canberra, which discussed the Prime Minister's proposals to strengthen Australia's counter-terrorism laws.

I am pleased to advise the House that the Government will lead the nation with the introduction of the Terrorism (Police Powers) Amendment (Preventative Detention) Bill 2005. The proposed legislation balances the dual imperatives of protection of civil liberties, which are so central to the Australian way of life, while providing the police with the capacity they need to deal with the threat of terrorism. The bill gives the police the power to act before a terrorist attack is manifested. As I have said previously, we face a threat unlike any we have seen before.

**Mr SPEAKER:** Order! I call the Leader of The Nationals to order.

**Mr MORRIS IEMMA:** This proposed bill represents extraordinary measures, and this is not done lightly. The Australian Labor Party has a long history and tradition of supporting civil liberties. I am pleased to advise honourable members that the bill that will be introduced provides a balance by providing police with tough new powers while at the same time protecting civil liberties. The proposed bill will authorise preventative detention for up to 14 days in connection with terrorist acts, as agreed at the Council of Australian Governments meeting in September.

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

**Mr MORRIS IEMMA:** The preventative detention orders will be able to be issued on the same grounds as under the Commonwealth's Anti-Terrorism Bill. They will be issued by judges of the New South Wales Supreme Court acting judicially. Police will be able to apply to the court, initially for an interim preventative detention order, without notice to the person and without the person being present. Such an extraordinary measure is considered necessary to deal with the threat of a terrorist attack and to ensure that those involved are not alerted. The initial order lasts up to 48 hours. Police will have to apply for a continuing preventative detention order within the 48-hour period if they want to detain the person longer than 48 hours. The application will be heard fresh, with both parties being present, able to be heard and legally represented. No person will be able to be detained under any combination of State or Commonwealth preventative detention orders for a total of more than 14 days.

Either the detained person or police may apply to a judge of the Supreme Court for revocation. Hearings on preventative detention orders will be held in closed court. Information relied upon by police in applying for an order will be available to the person—subject, of course, to any requirement under the National Security Information (Criminal and Civil Proceedings) Act or public interest immunity related to withholding such information. In considering the applications, the Supreme Court will be able to take into account evidence or information that it considers reliable in the circumstances. Unlike the Commonwealth legislation, under the proposed bill, it will not be an offence for the detained person to disclose to a person that they are detained under a preventative detention order. This will apply under strict guidelines for the police.

This will not be part of the COAG agreement and is not considered necessary by NSW Police. However, the proposed bill will provide for the Supreme Court to make a non-contact order to prevent a detained person contacting specified persons, if this will assist in achieving the purpose of the preventative detention order. A person detained under a preventative detention order will not be able to be questioned, except to confirm their identity. It will be an offence for anyone implementing a preventative detention order to fail to treat the person with humanity and dignity. To ensure full transparency in the use of these powers, the proposed bill will provide for police to be subject to oversight by the Ombudsman and the Police Integrity Commission.

The Attorney General and the Minister for Police will prepare a report annually, which will be tabled in Parliament, on the operation of the provisions. In addition, as is the case with the Terrorism (Police Powers) Act 2002, the legislation will be reviewed after two years and after five years by the Ombudsman. In accordance with the COAG agreement, the bill's sunset provision will operate after 10 years. It is my sincere hope that by the time the sunset clause operates, we will no longer need these laws.

#### **MR MAMADOU NDAW**

**Mr ANDREW STONER:** My question is directed to the Premier. Apart from providing this personal reference, did he seek to exert any other political pressure or provide any other assistance to Mamadou Ndaw or his associates during his time in Australia?

**Mr MORRIS IEMMA:** The Leader of The Nationals continues his fishing expedition and persists in making up the story as he goes, adding allegations of conspiracy and cover-up. Paranoia is running wild in the Opposition. The Opposition is seeking anything at all that will make them just a little bit relevant—not actually relevant—in this whole debate. Having sat there and said nothing and done nothing, except attack the police last Saturday, members of the Opposition are desperately seeking to have some form of relevance in this whole debate. The Opposition is absolutely hopeless in all of this; it simply cannot come up with any sort of policy on support for police, support for measures to protect our citizens when it comes to terrorism, or support for extra security measures. The Leader of The Nationals is joining his friend from Vacluse in this little game that they are playing. Having sat there for three months, he is trying to be relevant in some way in this whole national debate. The Leader of The Nationals has just confirmed exactly why Steve Price refers to him as an idiot.

## EARLY INTERVENTION PROGRAMS

**Mr NEVILLE NEWELL:** My question without notice is directed to the Minister for Community Services. What is the latest information on the training of early intervention Department of Community Services caseworkers?

**Ms REBA MEAGHER:** The Government's Early Intervention Program gives families an opportunity to work together to overcome their problems in a constructive way, to prevent children from coming into contact with the child protection system down the track. It is a key element of this Government's \$1.2 billion reform of the Department of Community Services [DOCS]. Today the Premier and I attended a graduation for 39 extra caseworkers, who represent the largest number of early intervention specialists to complete professional training in Australia. These new front-line workers represent a new approach to helping New South Wales families. The program is based on evidence of what works and what will support families facing problems with the potential to escalate and affecting parenting ability or a child's wellbeing.

The Early Intervention Program assists families facing domestic violence, parental drug and alcohol misuse, parental mental health issues and the lack of extended family or social support. Parents with significant learning difficulties, intellectual disabilities or child behaviour management problems will be also eligible to receive help. Over the five years of the reform program we will spend \$260 million on recruiting 350 early intervention caseworkers and \$150 million for community-based services such as quality childcare, parenting programs and home visiting. The aims of the Early Intervention Program are to promote healthy social, physical and psychological development in children, build family resilience, and reduce child abuse and neglect. Each family joining the program will be linked to an early intervention worker who will work with them to identify their strengths and needs and develop a tailored support package. The worker will support the family throughout their involvement in the program and connect them to services and resources.

Today the Premier and I met with the Giles family from the Tweed—Marianne, Duncan and their eight-year-old daughter Krystle—a real success story for the Early Intervention Program. The Giles family joined the program after Krystle's school flagged her behavioural problems. An assessment was undertaken by a DOCS caseworker and it became clear that Krystle needed medical help. Krystle's parents also needed skills to cope with their daughter's special needs. DOCS arranged specialist appointments with a paediatrician and a psychologist and ensured the appropriate medical assistance was provided. In addition, Krystle's parents were taught strategies for how to deal with their daughter's erratic behaviour, such as placing her in time out rather than engaging in an argument.

They told us this morning that Krystle is a different person today as a result of the support they received. Her work at school now matches those of the brightest students. The program means that families' problems can be addressed early, children will have better life chances and demand for more intensive child protection services will decrease in participating families. Families will be stronger and more resilient as a result of this Government investment and the Giles family is living proof of how it can make a real difference. Early intervention is commonsense. The best way to minimise harm is to stop it before it starts. I am pleased to say that in the first six months of operation of the program we have been able to provide support to 200 families; and the early signs are starting to show success.

## MR MAMADOU NDAW

**Mr ANDREW STONER:** My question without notice is directed to the Premier. Given that in the personal reference provided by the Premier for Mamadou Ndaw, the Premier stated that he had known Ndaw in his capacity as his local member of Parliament for over two years, exactly what involvement did the Premier have with Ndaw over that two-year period, and subsequently?

**Mr MORRIS IEMMA:** I will get the file from my electorate office. I assume that the Leader of The Nationals is referring—

**Mr Andrew Stoner:** Are you going to answer this time?

**Mr MORRIS IEMMA:** He was probably residing in my electorate and sought assistance from my electorate office. I will obtain the full details from the file in the office.

## DESALINATION PLANT PROPOSAL

**Mr GEOFF CORRIGAN:** My question without notice is addressed to the Premier. What is the latest information on the development of the desalination plant at Kurnell?

**Mr MORRIS IEMMA:** Today I advise the House that the Commonwealth Government has decided not to intervene in planning for the Kurnell desalination plant.

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

**Mr MORRIS IEMMA:** Senator Campbell has written to Sydney Water declaring that the project does not fall under the Federal Environment Protection and Biodiversity Conservation Act 1999. I welcome this decision. This means that the Commonwealth Government is no longer standing in the way of the New South Wales Government insuring Sydney's water supply. Desalination is not a silver bullet, but I will not allow Sydney to run out of water. Desalination is one element in the Government's plans to help drought-proof Sydney. It stands alongside recycling, and increasing the capacity of Sydney's existing dams and water efficiency measures means that the city can prosper. Desalination is an insurance policy for Sydney. The Government has taken the decision that it is vital to secure and protect Sydney's water supply, to reduce the reliance on restrictions in the future and to supplement our water supply when needed.

There are those who argue that it will rain and we will not need this plant. Indeed, it may rain next week, next month or next year and Sydney's dams may refill. I have no doubt that over the life of this plant there will be months or years when the dams will be full and there will be times when the plant is not running. However, Sydney's rainfall pattern seems to have changed, the city has grown and droughts are getting longer and hotter. We cannot gamble with the future of a global city's water supply. We all hope that we will never need to use the insurance policies that we pay for, but we all sleep more soundly knowing that they are in place. There has been much community debate on the merits of desalination and within government our experts have provided markedly different advice. Some within government have argued that we cannot afford to delay; others argue that we do not need the plant at all. Yet, others believe we can meet all of Sydney's water needs from other sources. And there has been debate about the size of the plant, how it should be powered and how often it should be run.

The Government has already decided to set aside \$100 million to offset the greenhouse impacts of a desalination plant with possible solutions ranging from tree plantations, through wind power to gas-powered power stations or purchasing other forms of abatement. On this the debate continues. I encourage frank and open debate within government, because that is the sign of a healthy bureaucracy. But the sign of a healthy democracy is that the elected leaders make decisions. I do not apologise for making the tough decision to push ahead with the building of the desalination plant. I advise the House that with the Commonwealth Government deciding not to stand in the way of this important project, next week the Government will release a comprehensive environmental assessment.

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

**Mr MORRIS IEMMA:** The people of Sydney will then have the opportunity to examine our plans in detail and provide their input, which will be taken seriously. Desalination is only one part of the solution. I have requested the development of a new metropolitan water plan, to be released early next year. At the heart of that plan will be an even stronger commitment to expanding the use of recycling. Sydney has doubled its use of recycled water in the past 10 years from 6.2 billion litres to some 15 billion litres a year. The Government has already set a target to increase the use of recycled water by another 500 per cent to 70 billion litres a year, and we are looking for more projects to boost recycling further. Recycling features in new land releases, major industrial sites and across parks and gardens, with opportunities for more recycled water to be used for purposes such as environmental flows and agriculture.

The Metropolitan Water Plan had already identified potential savings of up to 24 billion litres of drinking water per year through the use of recycled water in new-release areas, the potential use of up to 32 billion litres of recycled water to irrigate farms, and the potential use of up to 40 billion litres of recycled water per year for environmental flows. There are two types of recycling: either drinking water or not. Implementing a citywide non-potable recycling scheme would mean constructing thousands of kilometres of pipeline through established suburbs, where roads and other services would make this very difficult and cost prohibitive. It can be done in a cost-effective manner in new-release areas, and I recently announced the extension of a dual reticulation system to a further 4,400 homes in Western Sydney. However, this cannot be retrofitted easily into existing suburbs.

Even if recycled water were used exclusively by Sydney's top 1,000 commercial and industrial properties, the amount of recycled water used would be only 13 per cent of water consumption in Sydney. There

is insufficient community support for mixing treated wastewater into Sydney's drinking water supply. One survey concluded that 68 per cent of people do not support the recycling of treated effluent for drinking purposes. Unless and until the people of Sydney agree to add recycled water to the drinking supply there is a limit to how much and where recycled water can be used. Even so, I do not want the people of Sydney to be held hostage to any one source of water during future droughts: not desalination alone, not water savings schemes alone, not recycling alone and not our system of dams and catchments alone. We need an approach that diversifies our water sources, insures us against droughts and lessens our reliance on restrictions. That is what the people of Sydney demand and expect of their Government.

### COUNTER-TERRORISM MEASURES

**Mr PETER DEBNAM:** My question is directed to the Premier. Has the Premier been briefed by NSW Police on his connections with terrorist suspects arrested last week and their associates?

**Mr MORRIS IEMMA:** The police force provided me with a briefing on last week's raids. That was an entirely proper and appropriate briefing on their activities as well as the activities of the Australian Federal Police and the security organisations.

**Mr PETER DEBNAM:** I ask a supplementary question. Given that answer, will the Premier seek a briefing on the suspects arrested last week and their associates?

**Mr MORRIS IEMMA:** The briefings that I obtained as Premier from police on matters to do with security are just that: briefings on matters to do with security. I am going to transgress neither convention nor precedence by engaging in a running debate about security issues in relation to individuals or police operational matters or investigations. I will not do that because NSW Police, the Australian Federal Police and ASIO many spend hours and resources allocated by both national and State governments providing proper security for our citizens. The Leader of the Opposition wants to play political games simply because he has nothing to say and no position on this issue. That is a matter for him. Perhaps he will make it up as he goes. I will not get into providing the information that police may give to a Premier or a Prime Minister or information that a Prime Minister may give to a Premier on matters to do with law enforcement and national security.

**Mr Peter Debnam:** Point of order: My point of order goes to relevance. My question relates to the Premier's connection with the terrorist suspects arrested last week and their associates. Will the Premier answer the question?

**Mr SPEAKER:** Order! There is no point of order. The Leader of the Opposition will resume his seat. The Premier is answering the Leader of the Opposition's question appropriately. The honourable member for Bathurst will come to order.

**Mr MORRIS IEMMA:** All the Leader of the Opposition can do is sit back in Vaucluse and take cheap shots at the police over the operations that took place last week. The fact is that matters to do with the operational matters of the police and ASIO are just that: operational matters.

### WESTERN SYDNEY JOB CREATION

**Mrs KARYN PALUZZANO:** My question is addressed to the Minister for Western Sydney. What is the latest information on job creation in Western Sydney for the long-term unemployed and disadvantaged?

**Ms DIANE BEAMER:** I thank the honourable member for Penrith for her question and acknowledge her tireless representation of the people of Penrith and Western Sydney. New South Wales Government plans will see more than 200,000 jobs created in Western Sydney in the next 15 years. The Greater Western Sydney Economic Development Board estimates that 24,000 jobs will be created by the Westlink M7 project in the next three years alone. These are big-picture employment plans. Unfortunately, some groups in our community can miss out on large-scale employment plans. These include the long-term unemployed, the unskilled and disadvantaged, unpaid carers and the disabled.

In Western Sydney we are working with employers on a program that is achieving outstanding results with these groups. If Centrelink had a 75 per cent to 95 per cent success rate in getting the long-term unemployed into genuine careers the Federal Government would be shouting it from the rooftops. In Western Sydney our program, known as Corporate Partners for Change [CPC], is delivering those outstanding success

rates, and more. It is a quiet achiever that so far has trained and secured jobs for more than 440 disadvantaged or long-term unemployed people. By Christmas four more classes will graduate, taking that figure to 480 people. Those 480 people have taken up the offer, accepted the challenge and achieved something that they previously doubted they could do: joined the work force.

An average 75 per cent of Corporate Partners for Change graduates are placed in jobs, and that figure is rising. This is a real win-win situation. Most of the industries that CPC graduates are trained in—health care, disability services and the electrical trades—face skills shortages. The Minister for Education and Training talked yesterday of the skills shortage and how the Federal Government has let us down in this area. This program is one way that the Lemma Government is taking up the slack. Individual courses such as Aged Care Assistants in Nursing and Electrical Trades are achieving 90 per cent to 95 per cent job success rates—skilled workers are being employed in the industries where they are needed.

Corporate Partners for Change is co-ordinated by the Office of the Minister for Western Sydney. It is free and provides nationally recognised training linked to job opportunities. But the real key to the program's success can be found in its name: corporate partners. Our corporate partners help to develop the training, provide the work experience and then offer the jobs. There is a real benefit for the corporate partners: by helping to recruit, train and provide work experience, they are in the best position to get the people they need. I am very proud to say that today two of the program's stars—just two of its success stories—are in the public gallery: 22-year-old Scott Dickenson from Campbelltown and mother-of-four Sandra Murray from Narellan.

Three years ago Scott was crippled in an accident while working as a butcher's apprentice. He ended up in a wheelchair, with epilepsy. Scott has fought back: he is able to walk and begin a new career. He joined a CPC business administration program for people with a disability. The training provider, YWCA, was so impressed, it offered him a job. He is now studying a Bachelor of Arts degree majoring in psychology at the University of Western Sydney, and even aims to transfer to medicine and study psychiatry. Scott says that CPC gave him a chance to prove himself, but I say that CPC was the opportunity: it was Scott who was responsible for his own outstanding success.

Sandra Murray was out of the work force for 19 years when she enrolled in the Aged Care Assistants in Nursing program. Arriving here 12 years ago, she cared for her children at home, but all the time harboured a dream to become a nurse. Being isolated and not having the necessary funds for childcare or training, Sandra felt nursing would always be just a dream. Now she is working in health care. Of the graduates from Sandra's class 13, all aged over 40, are working in the nursing industry. Sandra works at the Abbey Nursing Home, Mittagong, and is on her way to becoming a registered nurse.

The program's partners are truly good corporate citizens providing opportunities and investing in training. Aged Care Nursing Corporate Partners include the Hammond Care Group, Anglicare, Chesalon Aged Services and Uniting Care. Partners in other areas include the YWCA, the public hospitals of Western Sydney, the Spastic Centre, the See Foundation, Electro Group, Integral Energy, Energy Australia, Sydney Water and O'Donnell Griffin. One of our strongest corporate partners, the Hammond Care Group near Liverpool, has employed 42 graduates so far. In all, 136 CPC graduates have been employed as aged care assistants in nursing. The Spastic Centre intends to employ at least 80 per cent of graduates from the course it has been involved in: Community House Workers caring for people with disabilities. Corporate Partners for Change is providing skilled workers in electrical trades, 116 apprentices in Western Sydney.

The program is, of course, strongly supported by the Department of Education and Training, which provides funds for the formal training components, and I again thank the Minister. The Government has spent \$1.43 million on Corporate Partners for Change, with 51 programs, 500 graduates in jobs by Christmas and 11 programs planned for 2006. This is indeed money well spent. One of the big factors behind the program's success is the high calibre of training organisations such as the YWCA at Campbelltown, the Spastic Centre and TAFE. I also thank my colleagues who have taken an interest in the program—honourable members representing the electorates of Drummoyne, Londonderry and Campbelltown. They are all keen supporters and have attended graduation ceremonies.

Corporate Partners for Change is the quiet achiever in the Government's job plans—employers, government and people working together to turn long-term unemployment and disadvantage into the skilled work force that we need, marrying jobs with people who have the necessary skills and commitment and the desire to change their circumstances and move forward with their lives. I particularly thank the office of the Minister for Western Sydney, our training providers, and those who have come together to make this an outstanding success for the long-term disadvantaged in Western Sydney.

**MANLY HOSPITAL**

**Mr DAVID BARR:** My question is directed to the Premier. In light of the cutback in orthopaedics, eye surgery and maternity services at Manly Hospital, how long will it be before the Government announces the site for the new Manly hospital?

**Mr MORRIS IEMMA:** The Department of Health is in the final stages of evaluating the potential sites for the new northern beaches hospital. I am advised further that the Minister expects to receive the department's submission and recommendations within the next few weeks. The Government will consider those recommendations when they are received, and it is anticipated that an announcement as to the site for the new northern beaches hospital will be received in the next few months. I can inform the House that the honourable member for Manly has been very clear and upfront in relation to his position on this matter of a new hospital, unlike those opposite, who have a number of positions when it comes to the new northern beaches hospital.

**Mrs Jillian Skinner:** No, we don't.

**Mr MORRIS IEMMA:** Yes, they do. Last year, Liberal members co-signed a document confirming their support for a new hospital somewhere in the Warringah area, in the vicinity of Dee Why. Now the Leader of the Opposition is running away from that.

**Mr Brad Hazzard:** Point of order—

**Mr SPEAKER:** Order! The honourable member for Wakehurst knows the standing orders of this House. He knows the appropriate way to seek the Chair's attention without carrying on like a turkey.

**Mr Brad Hazzard:** Naughty, naughty! That is inappropriate, when all I did was stand in my place and say, "Point of order", and that is under the standing orders. Let us get down to what we are really talking about. On the radio this morning Peter Macdonald said that lot on the other side has been stuffing around for six years—

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

**Mr Brad Hazzard:** —and has not come to any conclusion on the hospital services for the northern beaches.

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

*[Interruption]*

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

*[Interruption]*

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

**Mr MORRIS IEMMA:** So the document was signed, and it was signed by the Liberal members of the northern beaches electorates and it had their support. Of course, it has now been changed. The Leader of the Opposition now has a different policy, a different position, when it comes to the northern beaches, Manly and Mona Vale hospitals. It can all be summed up in that call to the Mike Carlton program yesterday.

**Mr Barry O'Farrell:** Point of order: My point of order relates to standing orders 137 and 139. What about Mike Carlton's call this morning complaining about the Government's closure of maternity services at Manly Hospital?

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

*[Interruption]*

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

**Mr MORRIS IEMMA:** The caller yesterday said—

**Mr Barry O'Farrell:** Talk about today's caller.

**Mr MORRIS IEMMA:** We will get to that in a second. Be patient. The call went like this:

Caller: They (the Liberals) have been there for 35 years and never given us anything and now promise us everything.

Mr Carlton: The Liberals can't promise anything, they're not in government. They can't give you anything.

Caller: Exactly. It's a con. It's a monumental con and just depresses the hell out of me.

**Mrs Jillian Skinner:** Point of order—

**Mr SPEAKER:** Order! Government members will come to order. The honourable member for North Shore has the call.

**Mrs Jillian Skinner:** The radio programs this morning made it clear that the Labor Party will give you nothing, no hospital. It is the Government's plan to shut down the hospital like it has shut down the maternity service at Manly and intensive care service at Mona Vale.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for North Shore will resume her seat. The Premier has the call.

**Mr MORRIS IEMMA:** It goes on:

Carlton: I mean, the Liberal candidate there, he's just a blow-in. He used to live in Ryde or Epping or somewhere until about a week ago.

Caller: Exactly, exactly—he can't even vote in Pittwater.

**Mr Brad Hazzard:** Point of order—

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will resume his seat. The honourable member for Wakehurst has the call. I call the Minister for Planning to order.

**Mr Brad Hazzard:** The Premier is displaying gross hypocrisy. It was he who had to change his own seat when he had a fight with another member.

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

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Wakehurst will resume his seat. The Premier has the call.

**Mr MORRIS IEMMA:** To continue:

Caller: Exactly, exactly—he can't even vote in Pittwater. And they've come out with this policy on the hospital and that's where my real heart is.

Carlton: Save Mona Vale Hospital.

Caller: I chair that committee and they've come out with a policy which they will pretend is going to upgrade Mona Vale hospital. I got to tell you, the end result if they get in, will be the end of Mona Vale hospital.

The caller said that. He said, "I chair that committee and they've come out with a policy which they will pretend is going to upgrade Mona Vale hospital. I got to tell you, the end result if they get in, will be the end of Mona Vale hospital." A site for the new hospital will be announced shortly and Mona Vale Hospital will continue to be upgraded, but only the people who have got the real commitment to it—that is the Government—

**Mr Peter Debnam:** Point of order. If the Premier has got nothing to say I have another question for him. I would like him to answer a real question.

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

**Mr MORRIS IEMMA:** As far as obstetric services are concerned, I can advise the House that an extensive local, national and international advertising campaign has been undertaken to recruit a suitable obstetrics registrar to fill the vacancy. Despite the area health service's concerted efforts, it seems to have been unsuccessful to date. This is symptomatic of a broader work force challenge, and a shortage of specialists, particularly in this area, has led to the temporary suspension of birthing services at Manly's maternity unit. The safety of mothers and babies is the ultimate concern for the hospital and the health service. That is why the action has been taken that will commence a temporary suspension of services from 21 November. That is behind it. Efforts are being made to recruit, there is a national—indeed an international—shortage in these specialist areas, and that is why action has been taken to ensure the safety of mothers and babies.

### Questions without notice concluded

## BUSINESS OF THE HOUSE

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

#### Special Adjournment

**Mr CARL SCULLY** (Smithfield—Minister for Police, and Minister for Utilities) [3.26 p.m.]: I move:

That:

- (1) standing and sessional orders be suspended to permit:
  - (a) the introduction at 7.30 p.m. of the following bills, notice of which was given this day, up to and including the Minister's second reading speech:
 

Industrial Relations Amendment Bill  
 Mine Safety (Cost Recovery) Bill  
 Terrorism (Police Powers) Amendment (Preventative Detention) Bill  
 Water Management Amendment Bill

at the conclusion of which the House shall adjourn without motion being put.
  - (b) from the commencement of private members' statements until the rising of the House no divisions or quorums to be called.
- (2) the House at its rising this day do adjourn until Tuesday 29 November 2005 at 2.15 p.m.

**Mr ANDREW TINK** (Epping) [3.27 p.m.]: It is good to see that the police force of this State is better co-ordinated in its approach to terrorism than two senior Ministers of the Government. The Leader of the House just moved a motion in relation to advancing a terrorism bill, which the Attorney General had forgotten to give notice of. After that sort of effort by the Government, the police and the people who are at the sharp end of the anti-terrorism effort in this State deserve a little better. I hope from here on in Ministers of the Crown will make a better effort in this Chamber and set an example at the top of how to co-ordinate urgent business on terrorist activities.

I would normally oppose the suspension of standing orders to bring on legislation, but after the Leader of the Opposition raised matters in the House this afternoon I for one am very keen to see what is in the bill relating to terrorism. Indeed, I am interested to see what is in the bill relating to the very serious matters the Leader of the Opposition raised in relation to the Premier's reference. It is interesting that much of what we know about Willie Brigitte and his relationship to the person to whom the Premier gave a reference resulted from interrogation by a judge in France. I would like to see whether this bill contains powers to give authorities here the sorts of powers that the French authorities appear to have to get to the bottom of issues and make the link in France, on the other side of this planet, between the Premier and somebody who is an associate of a serious terrorist suspect. The *Daily Telegraph* stated on 25 March 2004:

Brigitte has told a French judge he considered Mohammed Ndaw, a Senegalese man who had been a refugee in Sydney for the past seven years, as his closest and most trusted friend.

The Premier's reference on behalf of the same Mr Ndaw says that Mamadou is a sincere and gentle man who places the needs of others above himself, including Willie Brigitte.

**Mr Alan Ashton:** Point of order. I think the manager of Opposition business knows that he should be talking about the suspension of standing orders and not simply reading the latest edition of the *Daily Telegraph*. We have all read the *Daily Telegraph*.

**Mr SPEAKER:** Order! Without referring to any report in the media, I concede there is some merit in the point of order taken by the honourable member for East Hills. The House is debating a motion to suspend standing and sessional orders. We are not debating legislation that may or may not come before the House.

**Mr ANDREW TINK:** I accept that. The point I am trying to make is that on this occasion we want to see the bill introduced. I am actually in furious support of the Leader of the House's motion for once and I am trying to demonstrate that furious support, anticipating that, hopefully, if this is a good bill it will have some things in it that are relevant to the investigation and consideration of the Premier's relationship with this man Mamadou Ndaw. They are the sorts of things we expect to see before the House. That is why I am furiously agreeing with the Leader of the House that this bill ought to be brought on.

**Mr Alan Ashton:** Sit down then.

**Mr ANDREW TINK:** No. Members of the Government do not seem to get it. They are happy to interrupt but they are not convinced. I need to give them a bit more. If they could accept what I say without interrupting I would sit down, but they have to interrupt, they cannot help themselves. I hope this bill will provide the sorts of powers and abilities that the French authorities had to bring out the essence of the relationship between Brigitte and a number of people in Australia. It is regrettable that no matter how many times the honourable member for East Hills tries to interrupt, it is a matter of public record that someone for whom the present Premier gave a ministerial reference is one of those very people—not uncovered here but uncovered by the French authorities. In welcoming this motion, we expect that the bill will allow us to further explore the relationship between the Premier and one of Mr Brigitte's associates.

**Motion agreed to.**

## BEHAVIOUR OF MEMBERS

**Mr SPEAKER:** Order! During question time, upon a point of order being taken by the honourable member for Wakehurst, I made certain references to him. It has now been brought to my attention that the sounds that were resonating throughout the Chamber were made by another member. That demonstrates that we should at all times behave in an orderly manner in the Chamber. When 93 members are present it is easy to mistake the member disrupting proceedings.

## CONSIDERATION OF URGENT MOTIONS

### Redfern Oval

**Ms KRISTINA KENEALLY** (Heffron) [3.32 p.m.]: My matter is urgent because the bulldozers stand poised to knock down Redfern Oval, and the lord mayor is putting the keys in the ignition. This matter is urgent because the city of Sydney council will vote next week on the future of Redfern Oval. This matter is urgent because nothing less than the heart and soul of South Sydney is at stake. This matter is urgent because 31 local businesses, three local schools, more than 15 Aboriginal organisations and local churches of all denominations cannot get the council to listen to the hopes and desires of the local community. This matter is urgent because the lord mayor is not considering the views of thousands of residents who have signed petitions or the several hundred who have attended community consultation meetings, all desiring the redevelopment of Redfern Oval.

This matter is urgent because this may be the last opportunity this House has to speak to those people in south Sydney whose voices are being ignored. With the council vote looming, with the result of the council's environment and heritage committee meeting this week—where the lord mayor used her casting vote twice to knock back any opportunity for the proposal of the police and community youth club [PCYC] to go ahead—the situation is crucial. The barbarians are at the gate, threatening the heart and soul of south Sydney.

Honourable members will be aware of the socioeconomic challenges facing Redfern and Waterloo. They will be aware that the Iemma Government is looking to address those challenges through a whole-of-government approach through the Redfern and Waterloo Authority. It is essential and urgent that this House today expresses the view that Redfern Oval offers a wonderful opportunity for active recreational infrastructure

for the community. If we wait, it may be too late. The council will vote next week, and if we have any hope at all of convincing just one of the independent councillors—and I say the independent councillors—to evaluate this proposal in an objective way, not in the way their caucus or the lord mayor wants them to—we must have this debate today and send a clear message from this House that Redfern Oval ought to be redeveloped and the PCYC should lead the way.

### **Anwar Hisam Al Barq Prisons Access**

**Mr PETER DEBNAM** (Vaucluse—Leader of the Opposition) [3.34 p.m.]: As much as I can understand the honourable member for Heffron's concerns for her motion, one must understand that the urgency today is about terrorism, the Government's response to terrorism and the Government's counter-terrorism measures. As each day unfolds we will see a little more about how this Government over the past 10 years has dealt with counter-terrorism and how the Ministers and the Labor Party have dealt with the issue. The motion of which I gave notice today reads:

That this House notes with concern the extent of political pressure brought to bear to continue Muslim cleric Anwar Al Barq's employment in New South Wales prisons and the education department.

It is important that we all understand that in question time yesterday we were talking about the New South Wales prison system. The Government came a little bit clean. Yesterday, when it had to remove the cleric from the prison system, it had to find another job for him. It found that job with the education department.

**Mr Steve Whan:** Point of order: It is clear that the Leader of the Opposition is now going into the substance of his motion. He is not justifying urgency. He has already outlined the arguments when he tried to put them forward yesterday in question time.

**Mr SPEAKER:** Order! There is substance in the point of order of the honourable member for Monaro, but I will listen further to the Leader of the Opposition before ruling on it.

**Mr PETER DEBNAM:** I think everybody in New South Wales would agree that this matter is urgent. If they listened to question time yesterday and again today they would rate this as the most urgent issue in the administration of government in New South Wales. That is why we are looking forward to that bill. This is an opportunity to debate an issue of real concern to the community. We should debate the political pressure and interference brought to bear to ensure Al Barq got a job in New South Wales prisons and again in the education department.

**Mr Steve Whan:** Point of order: The Leader of the Opposition in his comments then and earlier in question time made unsubstantiated allegations about political interference as if they are fact. That is casting a reflection on members of the Government. As a member of the Government I take offence at those reflections.

**Mr SPEAKER:** Order! Although the aspect of the contribution of the Leader of the Opposition referred to by the honourable member for Monaro does not contravene the standing orders, the Leader of the Opposition is dealing with the substance of the motion. That contravenes the standing orders. Again I remind the Leader of the Opposition that he must show why his motion should have priority over the motion of the honourable member for Heffron.

**Mr PETER DEBNAM:** The honourable member for Monaro said they were unsubstantiated allegations. His Government confessed yesterday afternoon, but to only half the story. We are going to get the other half of the story.

**Mr Milton Orkopoulos:** Point of order: Again, the first words the Leader of the Opposition uttered went against your ruling. He is continuing the debate. The substance of the debate he proposes has nothing to do with the presentation he has to make now. He has to make out a case for his motion being given priority over that of the honourable member for Heffron. Clearly he is floundering.

**Mr SPEAKER:** Order! Again I remind the Leader of the Opposition that he cannot debate the substance of the motion under the guise of establishing why it should have priority.

**Mr PETER DEBNAM:** The most urgent thing before the community of New South Wales today is the extent of infiltration of government departments and agencies by Islamic fundamentalists. What we need to do—

**Mr Steve Whan:** Point of Order: The standing orders say that you cannot cast aspersions on officials in the Government without a substantive motion. There is no substantive motion that lets him cast that sort of aspersion.

**Mr SPEAKER:** Order! The Leader of the Opposition was making a general comment and did not name any specific person. I do not uphold the point of order. The speaking time of the Leader of the Opposition has expired.

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

**The House divided.**

**Ayes, 49**

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

**Noes, 34**

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

**Pairs**

Ms Allan	Mr Armstrong
Mr Price	Mr Hartcher

**Question resolved in the affirmative.**

**REDFERN OVAL**

**Urgent Motion**

**Ms KRISTINA KENEALLY** (Heffron) [3.48 p.m.]: I move:

That this House:

- (1) notes the overwhelming community support for the South Sydney Police and Community Youth Club's proposal to develop Redfern Oval.

- (2) notes the significant role Redfern Oval has played over many years in providing a safe and healthy environment to develop sporting prowess and community spirit within the Redfern community.
- (3) calls on this House to support South Sydney Police and Community Youth Club's proposal to redevelop Redfern Oval.

On 14 November the City of Sydney's Environment and Heritage Committee narrowly endorsed a recommendation that puts the future of Redfern Oval in jeopardy. I understand that the option that was endorsed by the lord mayor using her casting vote was for an open field with a grandstand capacity of 700, surrounded by a picket fence and with open access, at a cost of approximate \$19 million to taxpayers. The lord mayor and the other Independents voted as a block to block the proposal from the police and community youth club [PCYC], a proposal with cross-partisan support from Labor, Liberal and Greens, and wide community support from Redfern and Waterloo.

The lord mayor believes, and claims publicly, that the proposal endorsed at the environment and heritage committee's meeting will provide training facilities for the South Sydney Rabbitohs and will be used by schools and other sporting bodies, but this flies in the face of the evidence. The facility that the committee endorsed is no different from the other three open access levels in South Sydney—Erskineville, Alan Davidson and Waterloo. These three ovals are underutilised, they lack active recreational facilities, and they are used by only a minority of the community. Why would the council spend \$19 million to create a fourth oval—a facility that only replicates what already exists in South Sydney three times over? The council would do that because the lord mayor and her team of Independents have an ideological obsession with passive open space.

I am sure the honourable member for Bligh is about to tell the House that the average area of open space per square metre per person in Redfern and Waterloo is below the average in the Council of the City of Sydney. As a matter of fact, the honourable member for Bligh often quotes those figures, so let me put on the record that in the Council of the City of Sydney there is an average of 6.6 square metres of open space per person whereas Redfern-Waterloo has 5.9 square metres of open space per person. However, there are some other figures that the lord mayor does not frequently quote, so I will ensure that they are stated on the record because they make a compelling argument in support of the proposal of the police and community youth club to redevelop Redfern Oval.

Income levels in the Redfern and Waterloo are low compared to the remainder of Sydney: 28 per cent of Redfern's population and 56 per cent of Waterloo's population have incomes of less than \$400 per week. Tenancy in Department of Housing dwellings is high compared to the remainder of Sydney: 23 per cent of Redfern's dwellings and 73 per cent of Waterloo's dwellings are Department of Housing homes whereas the equivalent figure for greater Sydney is only 5.1 per cent. In Redfern, the profile of persons over 15 years of age who are not in the labour force is similar to the overall Sydney profile. However, in Waterloo, 60 per cent of people over 15 are not in the labour force. The proportion of people who are employed full-time or part-time is less than half the rate in Redfern than in greater Sydney. Among the Aboriginal population in Redfern and Waterloo, levels of employment are lower again.

Children and young people in Waterloo are almost three times more likely to be living in sole parent households than in Redfern and Sydney as a whole—that is to say, 11 per cent compared to 4 per cent respectively. However, the proportion of Aboriginal children in sole parent households is higher again, with 46 per cent of Aboriginal families in Waterloo being sole parent families compared to 19 per cent of Aboriginal households in Redfern and 15 per cent of Aboriginal households across greater Sydney. Not only that, but Tony Vinson's report "Community Adversity and Resilience" ranks Redfern and Waterloo as suburbs with some of the highest rates of unemployment, imprisonment, court convictions, disability and sickness in this State.

In short, Redfern and Waterloo are communities that struggle. They are not resource rich. In an area where children and young people are most likely to come from a household with a single, unemployed parent, or a parent who is mentally ill or drug and alcohol addicted, what is the Council of the City of Sydney offering at Redfern Oval? A big empty field with a lovely picket fence. It is not as though the Council of the City of Sydney does not have the funds, or the will, to spend money on community infrastructure—take for example the Ian Thorpe Aquatic Centre in Ultimo. When the lord mayor was elected, the budget for that facility was \$25 million. The lord mayor has increased it to \$40 million, and construction is well under way. Indeed, today the *Sydney Morning Herald* published a lovely story about the construction of that facility.

It is worth noting that that pool will be in the honourable member for Bligh's new State electorate of Sydney. North of Cleveland Street there are four pools and the Ultimo pool is the fifth. Meanwhile, back in the current State electorate of Bligh, south of Cleveland Street residents have nothing. There is no active community

facility at Redfern Oval, there is no swimming pool, and there is no indoor sports facility. People in the Heffron electorate cannot even get the upgrading of Redfern Street happening at a cost of a lousy \$8 million, and we have been waiting for three years. That is why the PCYC's proposal to redevelop Redfern Oval is so important. It provides the community with a top-notch active recreational facility in suburbs that are resource poor and for people who are doing it tough in high-rise public housing accommodation.

We do not need passive recreation space in South Sydney. What we desperately need are active recreational community facilities. The PCYC proposal will relocate the South Sydney PCYC from its existing location in Elizabeth Street, Redfern, across the street to the oval and it will create a new PCYC with indoor sports courts, exercise rooms, homework centres and recreation capacity for the entire community. The PCYC proposal integrates a number of social policy objectives and provides for rationalised and sustainable social infrastructure. The proposed facility will open up Redfern Oval to the park. The PCYC believes its proposal meets the key criteria outlined by the lord mayor for the redevelopment of Redfern Oval with the added advantage of providing for a new PCYC in the same strategic area where it is currently located.

The proposal is also formally endorsed by the South Sydney Leagues Club and is supported by the football club and Souths Juniors. It will provide a first-class training facility and the possibility to play some—I emphasise "some"—home games at Redfern Oval to maintain the team's identity in the local community. The PCYC proposal has the support of three local schools, 31 local businesses, over 15 Aboriginal organisations, and local churches of all the nominations. It is also worth noting that the Construction, Forestry, Mining and Energy Union is strongly supportive of the proposal. In short, the PCYC proposal reflects a willingness to find, in consultation with the community and the council, common ground for the renewal of Redfern Oval.

By supporting the motion, the House can send a clear message to the independent councillors of the Council of the City of Sydney—Marcelle Hoff, Robyn Kemiss, John McInerney and Phillip Black—some of whom, I understand, have privately endorsed the proposal and some of whom have given me a commitment that they will not rip the heart out of Sydney. I urge this House to call on those councillors to support a facility that provides active recreational space that the Redfern-Waterloo community needs. Otherwise, if the independent councillors cannot stand their ground and stand up for the South Sydney community, their tag of "independent" will stand for something else. It will stand for councillors who act completely independently from the community they represent. I conclude my speech with the words of Terry Denzil, who is a local Aboriginal man from Alexandria. He says:

The hypocrisy of this Council that can offer the keys to the City to the triumphant Sydney Swans in 2005 but cannot offer the keys to Redfern Oval to the Rabbitohs, a local treasure and icon. Not unlike the draconian Industrial relations reforms being proposed by the Federal Government, this Council has taken us back in time when the disadvantaged and the vulnerable are again placed at risk.

I do not think that anyone wants that to happen. I do not believe that councillors of the Council of the City of Sydney intend to do that to the people of South Sydney. The people of Waterloo and the people of Redfern, their community organisations and their football club all want a redeveloped Redfern Oval. I have said previously that Redfern Oval is the heart and soul of South Sydney. Whether that heart continues to beat depends on the vote that the council takes next week.

**Ms CLOVER MOORE** (Bligh) [3.57 p.m.]: Redfern Oval on Redfern Park is public land currently locked away from the public. It is unsafe, unsightly and underused due to the leagues club's failure to do work required under its lease from the former South Sydney council. The Rabbitohs left the site in 1987, not having maintained it—notwithstanding its 1981 agreement with South Sydney Council—and the team has not played a match at Redfern Oval since 1996. Moreover the team has never played a National Rugby League [NRL] game there. The site is not suitable for a stadium of over 20,000, which is what is needed for NRL games, and would not be viable if built for crowds of 12,000 to 15,000, which is what is required for some NRL home games. On top of all that, Redfern Oval is not needed because Aussie Stadium is less than two kilometres away.

The city's strategy for a \$19 million upgrading culminates years of debate and provides action after years of talk. To maintain the team's historical links with Redfern, the city proposes a professional-level training field for the Rabbitohs with a total ground capacity of 8,000 and a new grandstand on the site of the existing stand which will include facilities such as change rooms, storage rooms and weights rooms. The field will be accessible to all football codes and other outdoor activities for junior and senior teams, and it will be available for individual athletes for the remainder of the time.

The oval will be managed and maintained to a high standard by the council. The design will provide access to areas around the field for all the community and will expand green space in Redfern, which has less

open space than most other areas of Sydney. I am appalled by the shameful attempts by the honourable member for Heffron to undermine work that is intended to enhance desperately needed services and infrastructure in the area, and to divert attention from the failure of the State Government and the Redfern-Waterloo Authority to address the needs of this community.

The real issue is: what has the Redfern-Waterloo Authority done for this previously neglected community? It has done nothing of substance—no new funding, no new programs. The only things we have seen in the area are glossy newsletters. The locals are tired of spin, they have been consulted to death, and they know that the real purpose of the Redfern-Waterloo Authority is to carve up their suburb for development. This is clear from the Minister's attitude to the Aboriginal Housing Company. In a way that would generate outrage if done to a commercial landowner, the Minister rejected out of hand a well-developed plan for the Block that has wide support and is consistent with current planning controls.

I opposed the introduction of the Redfern-Waterloo Authority legislation in Parliament as a dangerous concentration of power and a way to evade the usual checks and balances. A year on, my view has not changed. I see no evidence that the Redfern-Waterloo Authority has added value to my community; if anything, it has slowed down the implementation of earlier plans. In the meantime, the Redfern-Waterloo Authority is trying to claim credit for the work being done by the city council to upgrade public facilities and critical social services. Just last week the city council received a request from the authority to fund a camp for Aboriginal kids, which it did, of course. The council knew that there was no new money in the Redfern-Waterloo Authority without the intended development, but it is ridiculous to think that the authority could not find \$1,500.

By comparison, the Federal Indigenous Land Corporation plans to buy the former Redfern school from the State Government for \$25 million—the State Government had planned to flog that site—and the city council is injecting more than \$50 million into South Sydney over four years through upgrades to Redfern Park, Prince Alfred Park and pool, the Redfern Street and Regent Street shopping centres, Waterloo skate park, other local parks and reserves around the Block area and East Redfern, and child care places in Alexandria and Redfern.

Why is the police and community youth club [PCYC] looking for an alternative location? It is because the State Government wants it off the site so it can flog it for income-generating redevelopment. The council supports the work of the PCYC. The council's biggest concern is that the PCYC will be moved from its ideal current location. The State Government is seeking to move the PCYC in order to develop the land as high-density residential and, presumably, is seeking to make a substantial profit from the sale of the site—which is 3,760 square metres and may yield in excess of \$10 million.

I call on the State Government to leave the PCYC at its present location, ideally situated between the new residential area of the Redfern Estate and Redfern Park and Redfern Oval. The Government appears to have made preliminary offers to the PCYC to redevelop Redfern Oval, which, of course, is public land; it is not the State's land to make that offer. That money should be accepted by the PCYC to make its existing site an even better facility for the youth of the area. The PCYC is seeking—and has put a proposal to the city council—to move off its site, not to the State Government site, but to a site owned by the city council and zoned as open space. That proposal goes way beyond the charter of the PCYC, which is to provide life opportunity, growth and development for young people.

The proposal put by the PCYC—to be on public land, zoned for open space—is for corporate boxes, a large stadium, administrative offices and cafes. That is not all in keeping with its charter. However, the city council's plans provide local young people and the South Sydney PCYC with outdoor recreation and a new quality oval. The kids who will use the new oval are living in tiny high-rise flats in Redfern and Waterloo, which has less open space than elsewhere. They need the facility of the existing PCYC site and they need the facility of open space where they can, together with other people in the community, have active sporting recreation.

I put strongly to this House that redeveloping the existing PCYC site is a much better option. Public housing tenants support that. I lobbied former Minister Scully, former Minister Tripodi and now Minister Burton on behalf of the Redfern public housing tenants to keep the PCYC on its current site, which is ideally located. The population of the area is set to increase from 14,000 to 40,000 by 2015. The PCYC facilities at the existing site, the council-provided facilities on public open space, and other facilities in the area will be needed urgently by the community, many of whom are seriously disadvantaged. The behaviour of the honourable member Heffron has been opportunistic and disgraceful, and many people in the area that I have represented for a very long time share my view. I really regret that Deirdre Grusovin is not still here.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [4.05 p.m.]: I am very familiar with Redfern Oval. At the end of the football season I went to Redfern Oval for my nephew's grand final: unfortunately, the Rovers Nines lost. However, it was a great occasion. It is very obvious when one goes to events at Redfern Oval, particularly for junior events, that it is not just a football oval, it is a place that is extremely symbolically important to the people of Redfern and Waterloo and, to build on what the honourable member for Heffron said, it is important to the people of the whole inner city right through to Marrickville and Dulwich Hill. Redfern Oval is very symbolic to the Aboriginal community of the area. I will give a number of reasons why that is so.

I cannot count how many Aboriginal knockout grand finals I have attended at Redfern Oval, they are always held there. Generally there is a crowd of about 10,000, which the honourable member for Heffron might be interested to know. Redfern Oval is fenced, for security and for crowd control. Another reason why Redfern Oval is symbolically important to the Aboriginal community and to much of the activist community is that on 26 January 1988 it was the rallying point for those who gathered for the March for Freedom, Justice and Hope. It was a most incredible event, as the march wound its way into the city from that well-known site.

Redfern Oval has been of spiritual and symbolic importance to the five or six generations of people who have lived near there. People need to understand that the oval, the spiritual hub and the original home of the Rabbitoh's football team, is very important to local people. Not everyone follows the Rabbitohs but it is safe to say that everyone loves the Rabbitohs, with all due respect to my Canterbury Bulldogs, of course. I have attended many Rabbitohs games, and met with the honourable member for Heffron at one match not so long ago at the Sydney Football Stadium. It really is an anomaly to me that Redfern Oval is not the oval that the Rabbitohs are able to train on and play their games on. It would mean a lot to most of the local community if they could.

There is a great need for balance between urban planning and open space. Infrastructure in a community is not only bricks and mortar, it is also social capital, and that is what is really important here, development of social capital. A number of organisations support the honourable member for Heffron's proposal, and in my view that equates to support of the development of social capital. This area of Sydney needs development of social capital. I understand the police and community youth club [PCYC] proposal is to join up with Redfern Oval. That matter has received community consultation and a response should come back to the community. I note with interest that today's edition of the *Daily Telegraph* contains a fantastic piece by Rob Welsh, the Chairman of the Metropolitan Land Council. He writes:

For generations, Aboriginal people have gained strength and hope from watching Souths play at Redfern Oval.

Generations of Aboriginal families have cheered on the Rabbitohs there and generations of young black footballers have aspired to play on the same famous ground as their heroes.

Social capital is linked to infrastructure, which is what this motion is about. Honourable members should understand that the proposal by the Aboriginal Housing Company is not endorsed by everyone, and there are many differing opinions about it.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [4.10 p.m.]: I regret that this urgent motion is really about the ongoing concern of the State Labor Party regarding the loss of city hall in the local government elections. Every parliamentary sitting week the honourable member for Heffron moves motions that have more to do with the business of the Council of the City of Sydney—

**Ms Linda Burney:** Point of order: My point of order goes to relevance. The Deputy Leader of the Opposition is supposed to be debating the motion, not personalities. I ask him to draw his remarks back to the motion before the House.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I ask the Deputy Leader of the Opposition to confine his remarks to the urgent motion.

**Mr BARRY O'FARRELL:** For your benefit, Madam Acting Speaker—as I know that you were tied up in discussion with the Clerk—the motion relates to an action that is being considered by Sydney city council. So presumably it is relevant to talk about this ongoing obsession that the honourable member for Heffron has, on behalf of the State Labor Party, with the Lord Mayor of Sydney, who for the first time in many years sits as a member of the House. That is how I intend to progress the debate today. The only worthwhile comments to come from Labor members to date—I realise that there is another speaker to come—are the observations by the

honourable member for Canterbury about social capital. As someone who spent time in high-rise public housing, I could not agree more.

But I object to Sussex Street not getting over the last local government elections and, instead of trying to progress these matters in the spirit of co-operation, continually sending the honourable member for Heffron into the Chamber on a weekly parliamentary basis to try to somehow or other tag the honourable member for Bligh, the Lord Mayor of Sydney. That will not advance the interests of the residents of Redfern and Waterloo one single jot.

**Ms Kristina Keneally:** She would have knocked it down last year if we hadn't spoken up.

**Mr BARRY O'FARRELL:** The honourable member for Heffron spreads disinformation. If one were to combine her comments today with those of the honourable member for Canterbury one might believe that at the end of the process Redfern Oval will no longer exist.

**Ms Kristina Keneally:** It's not. It's going to be a nice white picket fence, an open field and nothing else.

**Mr BARRY O'FARRELL:** The reality is that, just as Redfern Oval began as an open field, it will continue to be preserved, under the lord mayor's proposal, as open space in an area that, for goodness sake, needs open space. Over the next 10 years the population of the area is to increase from 14,000 to 40,000. We on this side of politics, of course, support police and community youth clubs [PCYCs]. We have done so consistently for 10 years despite, as the honourable member for Epping, the former shadow Minister for Police, and I remember, the machinations of those opposite in relation to PCYCs in the mid to late 1990s. We support the South Sydney community and we support the Rabbitohs—one of our former Premiers sat on the board of the Rabbitohs. We enjoy the National Rugby League. But the interests of the Rabbitohs and the PCYC, of those who live in high-rise buildings in Waterloo and Redfern today, and of the 40,000 people who are due to live there in 2015 will not be advanced—

**Ms Kristina Keneally:** What would you know about it?

**Mr BARRY O'FARRELL:** Do you want to talk about what I know? How long have you been here, mate? If we want to advance those issues—

**Ms Linda Burney:** Point of order: The term that the Deputy Leader of the Opposition used in referring to the honourable member for Heffron is not acceptable and he should withdraw it.

**Mr BARRY O'FARRELL:** If the honourable member for Heffron regards the term "mate" as unparliamentary, I am happy to withdraw it.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I ask the Deputy Leader of the Opposition to be chivalrous and withdraw the remark.

**Mr BARRY O'FARRELL:** I withdraw. My thesis in this debate is that the honourable member for Heffron must stop politicising this process. She must stop leading the tag team for the minority Labor councillors on Sydney city council when it comes to the honourable member for Bligh and that council. The honourable member for Heffron should use her good offices as the local member to try to advance this matter. She should concentrate more on social capital, as the honourable member for Canterbury discussed, rather than political capital so that the community is the winner in this dispute at the end of the day. It is not about the interests of the Labor Party; it is about the interests of the Redfern-Waterloo community first and foremost.

**Pursuant to sessional orders business interrupted and motion lapsed.**

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! It being 4.15 p.m. the House will now deal with General Business Notices of Motions (General Notices).

**General Business Notices of Motions (General Notices) given.**

**PRIVATE MEMBERS' STATEMENTS****HOME INSTRUCTION FOR PARENTS OF PRESCHOOL YOUNGSTERS LA PEROUSE PROGRAM**

**Mr MICHAEL DALEY** (Maroubra) [4.31 p.m.]: On 3 November this year I received a delegation in my electorate office from people connected with the HIPPY La Perouse program. Prior to the visit I had not heard of the program. HIPPY stands for Home Instruction for Parents of Preschool Youngsters. The program is new to Australia; I am led to believe it had its origins in Israel. The suburb of La Perouse sits at the southern end of my electorate and has a significant Aboriginal community. Like many Aboriginal communities in Australia, it has its problems. Some of those problems manifest themselves, as they customarily do, in criminal acts, but more significantly in hopelessness and underachievement by some members of the community. I am told that literacy levels in young Aboriginal boys in La Perouse community prior to the introduction of this program were amongst the lowest in the country. In an evaluation dated 2004 the HIPPY organisers said:

The only answer to the problems facing our community is to get people enthused about the education system. Also educating parents to take responsibility and get involved with their kids.

The aims of HIPPY La Perouse are to keep Aboriginal children at school, to give parents the skills to teach their children, to help children be ready and prepared for school, to give parents and children confidence, to show parents and children that learning is fun, and to bring the community together. When young Aboriginal children from La Perouse hit school at five years of age we often find that they are already at a disadvantage because they feel uncomfortable, they have not been taught things that non-Aboriginal children have been taught and customarily have not had access to preschools. When they get to school they are lost from day one. The HIPPY program aims not only to counter that, but also to give self-esteem to the parents. The program also aims to have parents teaching kids in the home.

HIPPY La Perouse employs a co-ordinator and three home tutors, all of whom are members of the La Perouse indigenous community. The program is funded by the Commonwealth Department of Family and Community Services. It is auspiced by the University of New South Wales and those who run the program have worked collaboratively on action research and evaluation with the Australian Institute of Family Studies as part of the Stronger Families Learning Exchange. To date 76 families have been involved with the program. Approximately 70-75 per cent of children participating are Aboriginal. Most of the participants live around the La Perouse community. The completion rate of the full two-year program has ranged from 35 per cent to 50 per cent of families who start the program. That figure is fairly good bearing in mind what they have to work with. The main reasons for people dropping out of the program are deaths in the community, families moving out of the area and family breakdowns.

They delegation came to see me because in June 2006 the program will no longer be eligible for Department of Family and Community Services funding. I do not recall exactly how long funding for the program lasts, but I believe it is for four or five years only. The funding is basically a seeding grant, and it will run out in June. I do not wish to play politics with the Federal Government on this issue because the outcome is more important than the politics. It is vitally important to the community that this program survives. I voice my support for HIPPY La Perouse and call on the Federal Government to have another look at this program to see if there is some other way to help it.

**MOBBS LANE, EPPING, DEVELOPMENT**

**Mr ANDREW TINK** (Epping) [4.35 p.m.]: I raise an issue relating to the Channel 7 site at 61 Mobbs Lane, Epping, which I understand the Minister for Planning is considering as a potential site of State significance under the provisions of State Environmental Planning Policy (Major Projects) 2005. I understand Channel 7 is seeking the Minister's approval to rezone the Mobbs Lane site to facilitate the development of up to 900 residential dwellings and community facilities. I understand that as a result of that process it may be possible for the Minister to take steps that would remove planning decisions from the control of Parramatta City Council, which otherwise has jurisdiction to deal with planning issues at the site.

I certainly believe that the Minister for Planning should allow Parramatta Council to retain its authority to consider Channel 7's proposals without any outside involvement by him or anyone else that detracts in any

way from normal procedures. The site has a number of challenges that can only be fully and properly assessed by Parramatta Council and its elected representatives fully taking into account the concerns of locals residents, who will be significantly affected by the proposal. As I said, the site is an extremely challenging one. Some years ago two massive floods created havoc in the Eastwood shopping precinct, which is downstream from the site. At that time it was claimed that other developments in the area now proposed to be developed by Channel 7 along the ridgeline had dramatically affected the volume and speed of the run-off, which materially contributed to the two floods. I have no doubt that run-off and flooding are major issues in this development, which should be left to Parramatta Council to consider in conjunction with Ryde Council, whose local government area cops the run-off and was devastated by the two floods I have referred to.

The second major issue I am concerned about is the impact of traffic volumes on the local road network, which is totally inadequate to cope with any substantial increase. The major street frontage is Mobbs Lane, which, as the name implies, is still a lane. It is no wider than a country lane, and has been in that condition for well over 100 years. It is certainly in no position to cope with the traffic volumes that would be generated by such a development. Despite extensive lobbying by me to the former Minister for Roads, Michael Costa, on behalf of Parramatta City Council, there are still no traffic lights at the intersection of Mobbs Lane and Marsden Road, which would be a condition precedent to move the sort of traffic generated by the development of 900 dwellings on the Channel 7 site.

In addition, the whole of the proposed development area is west of the main northern railway line and east of Marsden Road. People who move from that area in cars have great difficulty getting across the railway line to the Sydney CBD side. The network of roads in the area, including Rawson Street access to Carlingford Road, then to Beecroft Road across the Epping bridge or, alternatively, travelling south down to Rutledge Street and First Avenue across the railway bridge, or south to Chatham Road and Victoria Road, is extremely congested already. The magnitude of this development would greatly exacerbate those problems.

Finally, I find it hard to envisage exactly what 900 units would look like on the site. I imagine they would have a dramatic impact on the existing landscape, producing a density of building unlike anything previously seen in the area. This alone should be reason enough to allow local residents to have some say with the local council in the normal way. Even bearing in mind high-density developments in the area already, such as Alan Walker Village, which I understand has approximately 210 units, this seems to be a very significant overdevelopment of the site.

For all those reasons I ask the Minister in this case not to exercise his powers under the State environmental planning policy covering major projects but to let Parramatta council decide the matter according to the ordinary rules. There is support across the board to allow Parramatta council to continue to have its authority. One of the Labor councillors of the area, Pierre Esber, as well as Liberal councillor Andrew Wilson and independent councillor Lorraine Wearne, are at one on this. Basically I want the State Government to stay out of it and allow the council to consider the application on its merits, allowing residents to have a full say so the final result is something that local residents can live with.

#### **UKI COMMUNITY TECHNOLOGY CENTRE WEB SITE**

**Mr NEVILLE NEWELL** (Tweed—Parliamentary Secretary) [4.40 p.m.]: On 29 October I visited the Uki Community Technology Centre [CTC] for the official launch of its web site, *ukivillage.com.au*, and I recommend it to all members of the House. It is a wonderful web site. Honourable members will see when they go into that web site that it has a picture of the local area. Superimposed on that is a picture of the native wampoo pigeon. The Uki CTC is currently administered by a team of volunteers led by Ida Daly, who is the chair, and Lindy Teasure, the administrator. Tweed Shire Council administrator Max Boyd and I co-hosted the launch and Ida kindly gave me a tour of the CTC. I have toured the CTC in the past but over the years it has grown into a constructive piece of infrastructure for the community. The web site is funded by the Uki Residents Association boom, led by Cath Donaldson, who were also instrumental in getting this CTC up and running in the first place.

The web site was designed by volunteer Jonathan from Cedars Digital Web. The Uki community song, which symbolises the village atmosphere and community spirit, was performed by Loran. The Uki CTC is a credit to the people of the Uki area, who supported it wholeheartedly. The centre offers many training courses and access to the Internet. It has a small seniors information technology club and has talented volunteers to assist with web site design and desktop publishing. It is also an accredited level three tourism information office.

In the Northern Rivers area alone there are nine CTCs—Uki, Chillingham, Pottsville, Mullumbimby, Evans Head, Woodburn, Nimbin, Kyogle and Bonalbo. Of those nine, four are run by volunteers—Uki, Chillingham, Woodburn and Evans Head. These CTCs are more than Internet access points; they are turning the community into business hubs providing technology and business infrastructure to many areas as well as becoming e-government kiosks, a way to spread government information and programs into communities.

The Community Technology Centres Association [CTCA] has now been set up as a support office for the 73 CTCs that have joined its membership. The office is now in my electorate, in the growing regional hub of South Tweed. The CTCA is headed by an executive officer, Alison Turner, who has had hands-on experience in starting and growing the CTC at Pottsville. This means that the South Tweed office is now helping regional and rural communities across New South Wales, assisting them with business and community outcomes within their local CTCs. As the former manager of the CTC at Pottsville, Alison Turner has hands-on experience in managing and working with local CTCs and understands the importance of working with our communities and government to maintain sustainability.

Over the last three years of planning and development the CTC at Pottsville has met a direct need in that community. In November 2005 the Pottsville Beach CTC completed its third year of the seed grant deed and is now self-sustainable. The centre is managed by one employee, Mrs Odille Esmonde-Morgan, who is employed at the CTC as a business manager and trainer. There are 15 active volunteers registered with the organisation, with a total of 30 on the books. An overview of the activities held at the centre over the past financial year include free access on line and free access to government websites; TAFE outreach courses such as Mentoring the Community Program and eLearning; the University of the Third Age computer beginners course; school work experience and job placement with Kingscliff High School and the Department of Education and Training; many school holiday programs and TAFE summer schools—which are held in January—teaching moviemaking; seniors open days; seniors week; and seniors Click into IT Club, which has 48 members.

The centre runs a homework club for youth, business training, business support, networking and a rural women's forum. It is involved in work for the dole programs as well as a tourism information office. As I said, it is an accredited level three office. It is involved in industrial relations seminars and information dissemination and has a grant from the Office of Women which goes to the Reeling in Women's Issues filmmaking course. The Pottsville CTC is slowly attracting more and more people. Being a standalone centre, with not a lot of space and not in a main street, has had its drawbacks. However, with innovative ideas and commitment the centre has grown, particularly in attracting interest from the seniors market and partnerships with Tweed Coast University of the Third Age. However, the centre needs to be innovative to survive for the next 12 months. The CTCs have become a window to the government web site. I commend the Community Technology Centres Association and hope that it will continue to explore various State partnership opportunities.

### COMMUNITY EVENTS LIQUOR LICENCES

**Ms KATRINA HODGKINSON** (Burrinjuck) [4.45 p.m.]: I wish to speak about liquor licensing for community events. Each village, town and city in the Burrinjuck electorate has an annual agricultural, pastoral and industrial show, a community festival, and a market day or field day as part of the social calendar. They range from large internationally acclaimed events such as the Goulburn Blues Festival, through regional attractions such as Tumut's Festival of the Falling Leaf and Boorowa's famed Woolfest—which I opened this year—to smaller, quirky but unique occasions such as the Collector Pumpkin Festival and the Adelong Gold and Antique Fair, and any number of rodeos, shows, wine and cheese nights and so on. Each of these events has an element in common—people come together to have fun and enjoy themselves.

A key part of fundraising at local events is the sale of alcohol. Indeed, wine making is an integral and important part of the economy of the Murrumbateman area and throughout the electorate of Burrinjuck, and the promotion of regional produce should be a significant part of local festivals. As with any aspect of life, alcohol can be abused, sometimes to the detriment of others, and has to be managed responsibly. Yet I have concerns as to the administrative difficulty that the current licensing regime places on organisers of community functions. As an illustration, the Collector Pumpkin Festival provides a good insight.

For the past few years the Collector festival has included wine tasting from local vignerons as an integral part of its attractions. To do this the festival has to obtain a temporary off-licence function licence. This makes a nominated member of the festival committee the temporary licensee. The licensee then has to purchase the wine from the local vignerons, who, if they wish to be present to promote their wines, must act as committee

volunteers or employees of the licensee. Assuming visitors taste a wine and decide to purchase a bottle to enjoy with their picnic lunch they must then be directed to a separate sale point where they can purchase an opened bottle of wine. Purchasers are unable to buy an unopened bottle or two to take home. They have to be referred to the winery so a retail purchase can be made under the auspices of the different off-licence vigneron licence held by the wine maker.

Few, if any, sales will result from potential customers having to leave the festival and travel 10, 20 or 30 kilometres or more to a winery to make a purchase. Indeed, the whole point of a vigneron attending a festival is to promote the product that will result in increased sales and benefit the local economy. The difficulties engendered by current regulations surrounding the sale of wines at festivals are very daunting to small committees comprised mainly of volunteers. For this reason the fantastic and widely known Murrumbateman field days do not showcase the most important produce of the Murrumbateman area—cool climate wines. I am a strong supporter of the Murrumbateman field days; I do not think that I have missed one for many, many years. There I can buy a chainsaw, a goat, a tractor, any amount of food or a succession of amazing knick-knacks for the farm, house or kitchen, but not a bottle of wine from Shaw's Winery just around the corner. The organisers of the Yass River Festival have had a similar experience. The Yass River Festival has been an outstanding success for the Yass district for the past 16 years.

Over the years volunteers and organisers have funnelled immense energy into promoting and improving the festival into a real regional drawcard. I particularly mention the work of Ms Cathy Campbell, the organiser of the event for the past few years. She has done a great job. The Yass River Festival is a large, free, annual regional festival held within 45 minutes drive of the Australian Capital Territory. Yet over the years its growth has been hampered by State government regulation. In 2003 the Minister for Fisheries refused, despite numerous requests from me and other community members, to grant an exemption to the pernicious \$10 fishing fee to allow a community-based attempt on the freshwater fishing record. For the forthcoming Yass River Festival the organisers have been forced to admit that they are unable to cope with the convoluted manoeuvrings that would be necessary to adhere to the New South Wales licensing laws. Similar problems also faced the recently held Murrumbateman Cool Climate Wine Show regarding the disposal of unopened bottles of wine held by the organising committee.

Some years ago the Australian Capital Territory had similar bureaucratic restrictions to those of New South Wales. Yet as a result of requests for reform, their licensing laws were changed to allow the freeing up of regulations governing community events involving the sale of alcohol, by the issuing of a tourism wine permit. New South Wales needs a similar type of permit to use at public community events. I support strong regulations to address the problems caused by the abuse of alcohol at community festivals and similar events. However, these regulations should be tempered to allow the organisers of festivals and community events, and businesses, to properly showcase the produce of their local area. I call on the Minister for Gaming and Racing to review the licensing requirements to assist the organising and running of community events by introducing a new license similar in effect to the Australian Capital Territory's tourism wine permit.

### **ROYAL NEWCASTLE HOSPITAL BOOK LAUNCH**

**Mr JOHN MILLS** (Wallsend) [4.50 p.m.]: On Friday 2 September I attended the launch of a wonderful book entitled *The Royal—A castle grand, a purpose noble*, a history of the Royal Newcastle Hospital from 1817 to 2005. Royal Newcastle Hospital, as we have known it, will transfer its services to the John Hunter Hospital campus and a new polyclinic located in the business district of Newcastle as part of the Newcastle Strategy announced in 2001 by the then Minister for Health, Craig Knowles. Royal Newcastle Hospital had a special place in the hearts of people of the Hunter region right from the beginning. The book launch was the first in a series of commemorative events to be held in the next 12 months to celebrate the contribution of Royal Newcastle Hospital and its staff to the wellbeing of the people of the Hunter region since 1817. The many events will be a mixture of nostalgia and celebration because it is really all about the wonderful people who have been involved in the hospital for all those years.

The hospital is in the electorate of Newcastle, but I have a special interest in the hospital for two reasons. One is that both of my kids were born in the 1970s. They are "Royal" babies. When my wife, Trudy, was recovering in hospital from the birth of our first child, she had a wonderful view of young people in wetsuits on their surfboards in July. It was wonderful therapy. The second reason is that I had the honour of serving on the board of the Royal from 1983 to 1986 in the days when individual hospitals had boards. I was the honorary treasurer for half of that time. The chairman was Graham Mullane, now a Federal Court Justice; the chief executive officer was Dr Elwyn Currow; and the deputy chairman was John Alderson, a wonderful

workingman who had the ability and determination to avoid the kind of hoopla that normally would go with a board visit to the working parts of the hospital. He would talk to the workers in their workplaces to find out what was really going on.

The master of ceremonies for the book launch was Di Deschamps. The welcome was given by Terry Clout, the Chief Executive of Hunter New England Health, who attended with his wife. Karen Kelly, the Clinical Services Director of the Greater Newcastle Sector, spoke about the Royal today and emotional changes that were coming. Dr Betty Capper, the Chair of the Royal Newcastle Hospital Heritage Committee, has been associated with the Royal since 1946. She said that the hospital would go out with a bang, not with a whimper. She gave the background history of the project to develop the book and the history of the hospital. She acknowledged the financial assistance from the then Hunter Area Health Service to get a tender under way to write the history. Dr Susan Marsden, the author of the book, was assisted by Cynthia Hunter. They have done an excellent job. One of the points made by Dr Marsden was that the working-class history of Newcastle and the history of the hospital have run parallel for all those years. Many written reminiscences from surviving patients are included in the book.

Deirdre Anderson, whom I knew from my time on the board of the hospital, gave the background to the nursing DVD that is being prepared. If one group of people represented the soul of a wonderful hospital, it was the nurses. I paid my money for one or two of the DVDs, and some of the photographs were available on the night. Deirdre Anderson spoke about some urban myths. One was the late-night phone calls to the big and busy nurses homes for nurses to come to parties. She said it definitely is not true that people used to light newspapers under fire alarms in the nurses home. I cannot think why that would happen. I met and had a good time with Dr John Duggan and his wife, Mary, as well as Lee Hughes, Lynne Moore, Margaret Marks, June Graham and Caisley, Dr Jack Toohey and Dr Peter Henry. The commemoration and farewell service will be held at Christ Church Cathedral on Sunday 4 December. Many other events will commemorate this excellent hospital and its people.

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [4.55 p.m.]: I thank the honourable member for Wallsend. Obviously, he has an intense connection with the hospital through his membership on the board, the birth of his two children and the hospital's care of his wife, Trudy. I note her significant contribution to health issues in the Hunter. Everyone in Newcastle has a strong emotional connection with the Royal, which is the second-oldest hospital in Australia. In 1991 my brother died in the Royal and for several months in 1991 my wife underwent treatment for acute myeloid leukaemia in the Royal. My memories are of the fantastic medical attention and nursing care received by both those people. As the honourable member said, the Royal touches everyone in Newcastle and the Hunter Valley.

Its history from its time in the sandhills to its closure in 2006, the wonderful pink ladies who were so important to the hospital's fundraising, the nursing care and health care generally, and the community-based care that operated out of the hospital will be celebrated. One of the closing ceremonies will be the multidisciplinary conference in March next year to celebrate the contribution of the staff of the Royal for nearly 200 years. The conference will bring together health professionals from all disciplines who have worked at the hospital. There will be social events and a scientific meeting to show our appreciation for the work and achievements of the staff of the Royal.

#### **THE HILLS MUSIC ACADEMY TWENTY-FIFTH ANNIVERSARY**

**Mr MICHAEL RICHARDSON** (The Hills) [4.57 p.m.]: Two Fridays ago I was privileged to attend the twenty-fifth anniversary concert of The Hills Music Academy, an organisation founded in 1980 to provide training and opportunities for young musicians in the Baulkham Hills shire. The performance was held in the Castle Hill High School hall, with the audience consisting of past members of the bands as well as regular attendees. The first director of the Hills Music Academy was the indomitable Mike Butcher, whose military background is obvious in the school bands he trains, such as Kellyville Public School. He established two bands—the Senior Band and the Training Band, an arrangement that has survived to the present day. Mike subsequently became the Royal Australian Air Force [RAAF] Director of Music in Melbourne, handing over the baton to Nigel Anderton, who took the bands to several championships.

The task then fell to another RAAF musician, Tom Cooper, an officer in charge of the RAAF Richmond band, many of whose members played in the Hills Music Academy during this period. Carl Hammond was the next distinguished director. He was writing and arranging music for bands at the time, and the Hills Music Academy helped him record his demonstration tapes. It was at this time, 1992, that the current

musical director, Garry Clark, became the principal conductor. He soon rose to the position of musical director—a position he has held with distinction ever since.

The academy competes at State championships, where it is well respected for its quality performances. The Hills Music Academy is also recognised as an official ambassador of Baulkham Hills shire and frequently plays at citizenship ceremonies and other official occasions. The band's distinctive blue uniforms and entertaining playing style have become well-known trademarks in the district. Two of the heroes of The Hills Music Academy are Ron and Shirley Hamilton, whose tireless efforts for more than 20 years behind the scenes in organising the venues and programs and making sure everything runs like clockwork during a concert were recently recognised with life membership of the academy. Garry's wife, Kelly, also plays a pivotal role in keeping bands on track. Following Ron and Shirley's retirement, the academy recently appointed a management committee.

As usual, both bands performed at the concert on 4 November and played a wide range of pieces ranging from classical to popular music. The first item was a Kachina dance tune based on the sacred dances of the Pueblo Indians—an unusual choice, one might think, for a concert band, but an interesting piece nonetheless that was carried off with aplomb. Next was a Slavic march that had been written during World War I by Vasilij Agapkin and which has become something of a signature tune throughout eastern Europe. That was followed by Johannes Brahms' masterpiece *Blessed Are They*, the first movement of his German Requiem.

No concert of The Hills Music Academy would be complete without some American band music, so Garry's choice of the *Oregon, Fantasy for Band* to wind up the segment came as no surprise. Then it was the Training Band's turn. Their pieces tended to be a bit lighter—highlights from *Shrek 2* and *Pirates of the Caribbean: The Curse of the Black Pearl*, plus a medley of Latin favourites and a couple of Christmas pieces—the *Huron Carol* and that old shopping centre stand-by, *Jingle Bell Rock*. The Senior Band reappeared after the interval, with several former players joining their ranks to perform former director Tom Cooper's *Hillshire March*—a piece that I believe should be a regular feature at Baulkham Hills Shire Council functions.

Two Armenian dances, written by Aram Khachaturian in 1943, Handel's aria *Where'er You Walk*, a Scottish Carol and John Zdechlik's *Chorale and Shaker Dance* rounded off a memorable evening. All told, there are 60 members of The Hills Music Academy. Some are accomplished musicians who welcome the chance to perform and to compete in a band led by someone willing to challenge them, to take them outside their comfort zone, while others are younger musicians who have had limited previous musical experience. There is real team spirit within the bands, as palpable as anything on the sporting field—although perhaps not as palpable as at Telstra Stadium last night, but powerful nonetheless—and their members train at least as hard as members of a cricket or rugby team.

The Hills Music Academy is an outstanding organisation which has provided a great deal of pleasure and opportunity to very many people since 1980. I look forward to its next 25 years of outstanding band music. One way in which the Baulkham Hills Shire Council could make a very positive contribution to an organisation that it purports to support is by reducing the cost of hall hire for performances. I understand the academy was quoted \$400 for the hire of the Harvey Lowe Pavilion, which is its normal venue, at the Castle Hill showground. By contrast, the Castle Hill High School's hall costs \$60, and its acoustics are vastly superior. For more years than I care to remember it has been a tradition of Castle Hill High School to perform an annual musical. The school hall is an outstanding venue for musical performances of all types, whereas the Harvey Lowe Pavilion is not. Quite frankly, one could understand Castle Hill High School charging \$400 for the hire of its hall and the council \$60 for the hire of the Harvey Lowe Pavilion. The Hills Music Academy is well worth supporting in a very tangible way through a financial contribution from the council.

### ETHNIC BUSINESS AWARDS

**Mrs BARBARA PERRY** (Auburn) [5.02 p.m.]: Following on the heels of the 2005 Ethnic Business Awards held in October at the Le Montage function centre in Leichhardt, I invite the House to recognise the achievements of the multicultural business community of Australia, more specifically of Western Sydney and New South Wales as a whole. For over a century, migrants from the furthest reaches of the globe have journeyed to our great State in search of opportunity and the chance of a better life. Many who came here with little more than a suitcase in tow and a phrase or two on which to build their English language skills faced obstacles and challenges that few of us will ever know. Isolated in a distant land without modern means to communicate and travel, these new Australians courageously devoted themselves to learning the language, winning the affection and respect of their neighbours and workmates and working exceptionally hard without complaint or due rest to establish themselves.

Whether it was on the factory floor as workers or behind counters as owners of fruit shops or takeaway businesses, they laboured and inspired in their children a work ethic evident in succeeding generations. It is not only the example for which we should be grateful, but also the fact that their sweat and toil helped to lay the foundation of the life that we enjoy today. The entrepreneurial and hardworking spirit embodied by these migrants who were guided by firm values of family and proper ethics resulted in the establishment of numerous businesses, community initiatives and even large-scale public works projects such as the Snowy River scheme, which relied so heavily on immigrant labour.

A particularly relevant success story is that of Joseph Assaf, the Chairman of Ethnic Communications and founder of the Ethnic Business Awards. Joseph came to Australia from Lebanon 38 years ago at the age of 22. Unable to speak a word of English, he set about mastering the language and eventually pioneered the first ethnic communications company. Observing the lack of recognition and encouragement that was needed in the multicultural business community, 17 years ago he was inspired to set up the Ethnic Business Awards, which incidentally is one of the longest running awards of any description in the country. Joseph was also motivated by the understanding that by celebrating the accomplishments of migrants and giving them a chance to express appreciation for the opportunity afforded them, a growing awareness of their contributions and feelings of gratitude would help to draw the community at large closer together and generate goodwill. This year's small business category winner, Green Sprouts, movingly illustrated this in their acceptance speech:

Whatever the imperative that made us search for a new home, it can only be described as a true blessing that we landed in this truly lucky country. We will forever be grateful for the generosity, the inclusiveness and the encouragement of the Australian people and the Australian Government.

Thus the Ethnic Business Awards have come to represent not only a celebration of past and present achievements of migrants, but even more are a significant community-building event. Proof of this can be found in the fact that every Prime Minister has attended at least once or sent a representative, and a number of major corporations, including the National Bank, Gulf Air and Telstra, have eagerly lent their support. But perhaps the greatest proof is found in the phenomenal success the awards have enjoyed among viewers, both here and abroad.

I understand that this year the awards were shown on SBS—not once, but twice, as the station recently agreed to replay the program due to popular demand. The ABC service to Asia is also screening the awards, but to a larger audience, to the tune of millions throughout 42 countries in our neighbouring Asia-Pacific region. I use this occasion to commend Joseph for his vision and devotion in having started this initiative, and I also thank all the sponsors and others who play a supporting role. I extend a further note of commendation to Joseph for having established the world's first multilingual call centre that is available for general use, which to date has accommodated 100 language groups.

Thus far a number of private companies and Centrelink have found the facility of tremendous help in facilitating the achievement of their objectives. This enterprise is a fantastic example of multiculturalism at its best—employing the language skills of our incredibly diverse constituencies in a harmonious, vibrant work environment. It is, in addition, another illustration of the migrant entrepreneurial spirit, building strength and dynamism into our economy. As is the intention of the awards and this speech, I reserve my highest commendations for the many migrants, both past and present, who apply themselves, in spite of every obstacle and hardship, to providing for their families and to contributing to the life of commerce and business in our State. My concluding sentiment is perhaps best expressed in the speech by Carla Zampatti on behalf of the award judges, as follows:

It is wonderful to see the imagination of migrants, looking at the market with fresh eyes and discovering opportunities that we living here do not see. The strength and size of the nominees seems to be getting larger and larger, creating exports and employment. It is very humbling for us all.

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [5.07 p.m.]: I thank the honourable member for Auburn for drawing to the attention of the House today the story of Joseph Assaf and his promotion and convening of the Ethnic Business Awards and for her clear exposition of the wonderful assets that the multicultural community has brought to virtually every aspect of life in Australia. This is nowhere more evident than in business. One of the reasons Sydney has become a global city and a focus of international business operations is the enormous talent within our multicultural communities and our capability in doing business with every area of the world. I congratulate Joseph Assaf on being the originator of the multilingual call centre and on the Ethnic Business Awards, which recognise the wonderful input into Australian business of our multicultural community.

### **BALLINA REHABILITATION CENTRE**

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [5.09 p.m.]: Under a recent proposal by the North Coast Area Health Service, Ballina will receive a new \$8 million state-of-the-art rehabilitation centre. I believe this facility will not only greatly benefit the increasing aged population of Ballina and its surrounds but will also increase the access to rehabilitation facilities on the North Coast, thereby supporting more people in more places on the North Coast. Most importantly it is a centre that Ballina needs. Currently, residents of Ballina and the surrounding towns and villages must travel to Lismore to receive rehabilitation treatment. A significant proportion of patients have to stay at the facility for more than 20 days to receive their treatment. Patients at the new centre at Ballina would be supported by their family and friends closer to home, in more familiar surrounds, and without the added stress of travel for both themselves and their families and friends.

Currently, each year more than 100 patients travel from the Ballina shire alone to Lismore to receive rehabilitation treatment. This figure excludes areas outside the Ballina local government area, such as Woodburn in the south and Byron Bay in the north. The number of people needing to utilise rehabilitation facilities will increase as the population along the coast grows and more people get older. Ballina's 65-plus aged population alone is forecast to increase from 18 per cent to 24 per cent of the total population by 2011. That is a massive 33 per cent increase in the over-65 age bracket. Ballina's need for aged care services was identified three years ago. It makes clear sense to build a rehabilitation centre where the demand will be. Ballina District Hospital, where the centre would be built if approved, already has excellent rehabilitation staff who have been successfully running an ambulatory service for years.

In addition, Ballina District Hospital has space available on public land and on level ground which would be ideal for a modern rehabilitation service. Patients would be able to further their recovery by being able to get outdoors to relearn mobility skills, for example. Establishing a modern rehabilitation centre at Ballina could also encourage more students to live and work in this area through the University Departments of Rural Health Program. A placement in the popular and well-known coastal town of Ballina is an attractive concept and it would surely boost the number of medical practitioners who are lured to work there once they complete their training. Under the Ballina rehabilitation centre proposal, some rehabilitation services would be relocated from St Vincent's Hospital in Lismore to the Ballina rehabilitation centre.

It is important to note that this relocation is by no means shifting all of Lismore rehabilitation services out of Lismore. The North Coast Area Health Service will maintain rehabilitation services in Lismore while ensuring the growing aged population of the Ballina area also has access to vital rehabilitation facilities. I am advised that between eight and 12 in-patient beds will be retained at St Vincent's Hospital in the interim, a new 66-bed rehabilitation and aged care facility is expected to open in Lismore in November 2006, and Lismore Base Hospital already provides acute rehabilitation services that will be continued and expanded with stage three of the hospital's redevelopment. The rehabilitation facility at St Vincent's is in need of refurbishment yet the land is privately owned, presenting a problem to any government wanting to use taxpayers' money to fund a new facility.

In light of that, there is a need for improved rehabilitation services and the proposed Ballina centre provides a practical and feasible way to do that. The North Coast Area Health Service should be supported in its plan to build this \$8 million state-of-the-art rehabilitation centre at Ballina. It is a facility that would be well used now and into the future. It would also provide rehabilitation services closer to where more people will need them, while boosting the rehabilitation facilities available on the North Coast. I believe we need to take a regional approach to medical and health services. Many of my constituents need to access services in Lismore because of the specialist services offered there. Recently I came to Sydney as part of a delegation to see the Minister about matters relating to Lismore Base Hospital. I did that because I believe Lismore Base Hospital plays a vital role in the region and must not be downgraded.

Similarly, from time to time it will be appropriate for people further inland to access specialist facilities like a modern rehabilitation unit on the coast at Ballina. An opportunity exists right now to build an \$8 million state-of-the-art rehabilitation centre. It would be a tragedy if this new facility were lost because of internal and parochial squabbles about whether this facility should be located in Ballina or Lismore.

### **TRIBUTE TO MR BILL BODENHAM**

**Mr BRYCE GAUDRY** (Newcastle—Parliamentary Secretary) [5.14 p.m.]: Today I joined a huge gathering of unionists, peace activists and community members at the Northern Chapel of the Newcastle Crematorium to celebrate the life of an outstanding Labor and community leader, Bill Bodenham. Bill Bodenham was one of the most powerful and incisive speakers that one could find; a man totally committed to

the trade union movement and to the betterment of the working and living conditions of the people in his community. Bill was born in 1935. He spent most of his life in the maritime industry, going to sea as a young man. He was a member of the Seaman's Union of Australia, the Firemen and Deckhands Union and, after its amalgamation, the Maritime Union of Australia. Bill played a prominent part in all of the organisations with which he was involved.

Bill Bodenham was National President of the Maritime Unionists Socialist Activities Association, of which he was the principal founder, and was National Secretary of the Maritime Union of Australia Veterans Association. That veterans association has a very strong statement as its motto: "Retired From the Workforce—Not the Struggle". That is the epitome of Bill Bodenham, during his entire life. For many years Bill was a committed communist, working for workers' rights and the rights of their families, and for the improvement of living conditions of his community. He was renowned in the Hunter region and nationally for his work in the Seaman's Union and internationally for the work he had done on improving living and working conditions of seamen. Bill was involved in introducing twin-crewing, which created an opportunity for seamen to have a family life as well as work at sea.

Bill was born in Wickham, where he met his wife, Daphne. At his funeral oration today, given by Paddy Crumlin, the National Secretary of the Seamen's Union, it was said that Bill really forged all of his political and social ideals from his early life in Wickham. At that stage the community consisted of seamen, wharf labourers, painters and dockers, pin bosses and people involved in the operations of the ports. It was natural that Bill would go to sea, and natural that, as a seaman, he would have both the social and political education that has always been part of the education processes within that union.

Bill was a strong believer in taking education and in ensuring that young people entering the union movement, particularly those entering the Maritime Union of Australia, were educated and capable of understanding both the political and social actions that were occurring within their community. Bill certainly built his whole involvement in the trade union movement on that basis. There was no doubt of Bill's commitment or of him carrying it forward very forcefully in discussions within the trade union movement and in advocacy as a peace activist and political operative. He was known as Boots, from the fact that he was content to put the boot in—not in a physical sense, but in the sense of keeping members of political parties and representatives focused on the primary responsibility of ensuring social justice in the community and ensuring that the betterment of living and working conditions was constantly in the minds of those making political decisions.

For Bill Bodenham that was a life-long commitment. However, his first commitment was to family—he never put any activity before his family—but he was certainly committed to his fellow workers and to all involved in the union movement. I pay my respects to Bill and offer my condolences to his wife, Daphne, to Cherie and Bryan Hughes and Lara, Margo Bodenham, Mac and Tiana, Hazel Gibson, Kim Barnes and all those comrades who celebrated Bill's life today.

### COMMUNITY COLLEGES FUNDING

**Mr MALCOLM KERR** (Cronulla) [5.19 p.m.]: The cut in funding to community colleges has had an effect in my electorate of Cronulla. On 15 November the honourable member for Port Macquarie spoke about this issue and outlined the effects that the cuts will have on his constituents. As the honourable member said, the issue of funding cuts was raised on the weekend in the *Sun-Herald*, which carried a story entitled "Funding cuts risk future of 10 colleges". The honourable member also said:

The State Government appears to be planning yet another cut—

I stress that it is another cut—

in funding for community colleges. In the past three years the community college sector has suffered cuts equating to more than 70 per cent of its overall funding. No sector could handle those sorts of cuts from government ...

The honourable member for Port Macquarie is quite right. The St George and Sutherland Community College [SGSCC] serves my electorate and other electorates in the St George and Sutherland shire. On 9 November I received a letter from the principal, Patricia Carroll, on behalf of the college council, in which she said:

Thank you again for your recent representations to the Minister of Education and Training ...

It is now more than twelve months since I first wrote to you, after the devastating cuts made in state government funding to SGSCC this time last year, and sought to enlist your support to rescind this decision.

I now regret to inform you that 2006 looks bleak indeed for SGSCC.

It would appear that further cuts beyond 2005 levels will again be made to state government funding received by our College because of the \$M1.9 shortfall in the Department of Education and Training budget to Community Colleges.

In spite of requests and visits to the appropriate politicians and bureaucrats by the Executive Director of Community Colleges NSW, John Shugg, to restore this petty amount of \$M1.9 and to maintain at least 2005 funding levels to community colleges and SGSCC, there has been no action –

1. to restore the funding cut (\$M1.9), or
2. to advise the quantum of further cuts.

That is the most disturbing element of the decision. Ms Carroll continues:

This is a most unsatisfactory situation and threatens to destabilise further the education and training efforts of SGSCC on behalf of its community.

You would be aware that at this time of year community colleges like SGSCC have to plan and budget for 2006, determine staff levels and course fees. Without 1 or 2 above, these strategic tasks cannot be undertaken with any accuracy or confidence.

Our preference would be to maintain at least 2005 funding levels. Without this SGSCC will not be able to maintain current quality vocational education and training activity, now the focus of both state and federal governments, and will further decrease its provision of equity under the current state government policy of *Lifelong Learning*.

In the most recent correspondence received from the Minister's office, the point was raised about the "reasonable" usage arrangements we have for the Jannali site. We are most grateful for this.

Mention was also made of the belief that community colleges can run "high profile" courses at a higher fee level to generate income to balance the budget. Without restoration of at least 2005 funding levels course costs will move beyond the capacity of community college clients, especially those who are disadvantaged. The removal of seven staff members made redundant this year because of 2005 funding cutbacks has cut our infrastructure to the bone. This does not allow SGSCC to alter staff or costs any further without destabilisation to student outcomes and service and the College business as a whole.

As the honourable member for Port Macquarie said, the Australian Labor Party espouses the policy of lifelong learning for all—and he outlined the seven principles of lifelong learning in his speech. It is interesting to note that Michael Egan, as Treasurer, initiated the cuts to community college funding. But when he left this place he did a computer course at a community college. He might have benefited from those computer skills as Treasurer, but better late than never. It is an act of hypocrisy to make further cuts to the community college sector.

### LIVERPOOL ELECTORATE ITALIAN COMMUNITY

**Mr PAUL LYNCH** (Liverpool) [5.24 p.m.]: Tonight I inform the House of several functions involving constituents of mine who are members of the Italian community. One significant organisation in the Italian community in south-western Sydney is the Association of Maria SS Delle Grazie and San Vittorio Martire. This association is particularly important to people from the Calabrian region of Italy—the Calabrese. This is a well-established group that does much charitable work, as well as celebrating the rich Calabrian cultural tradition. It holds an annual ball, which this year was held on 9 September. The proceeds this year were directed to the Make a Wish Foundation as well as, as usual, to the Scalabrini village. This year's event was as successful as ever.

For 45 years the association has also been organising an annual festival. This year the festival was held on 6 November at the Liverpool Catholic Club. I was invited to the festival and annual dinner and was delighted to be able to attend both events. The festival was a great event and a tremendous celebration of Calabrian heritage by a very significant component of multicultural south-western Sydney. The association's President, Sylvio Marrapodi, and its Secretary, Tina Furfaro, deserve to be thanked and congratulated, together with other office bearers of the association. Significant guests present at these events included Fathers Nevio and Adriano and Catholic Club President Tony Atkins and directors Sylvio Marucci and Michael Coffey. Many other significant figures in the local Italian community were present, including Pino Scambellone and Angelo Maggiotto.

Another event I attended that I should mention was the launching of the Artists on Norton exhibition, which occurred in this building on 11 October. The exhibition was launched by the Minister for Tourism and Sport and Recreation. One of the people present was an old friend and constituent of mine, Bruno Gerace, whose daughter—who is also a teacher at a local high school—had a painting hanging in the exhibition. Also present was a delegation from the Cirque Terre National Park, which is located in Northern Italy along 15

kilometres of the Ligurian Coast between La Spezia and Levanto. The delegation included the president of the park, Franco Bonanini, and the Mayor of Vernazza, Geromalo Leonardini. One of the organisers of the delegation was Barbara Raffellini, a well-known figure in Liverpool.

I should also advise the House of a small but significant exhibition at the Liverpool museum that opened on 25 August. The exhibition was entitled "Prigioniero Di Guerra: POW". It was subtitled an "Italian migrant's exhibition" and it dealt, in particular, with Italians detained in Australia during the Second World War. It included, of course, both prisoners of war [POW] and, even more problematically, internees. In Liverpool more than 6,000 Italian migrants were interned in POW camps in Holsworthy. Following, appropriately, a welcome to country by Aunty Norma Shelley, an elder of the Aboriginal community, there were a number of speakers. The exhibition was launched officially by Tony Campolongo, President of Club Marconi. His father was a prisoner of war, originally held in Africa and then sent to India, who eventually found his way to Australia.

Another speaker was Dominic Arrivolo, who is the President of the Co.As.It Italian family history group. Mr Arrivolo's father, an accomplished clarinet player, arrived in Australia in the 1920s. He played for a number of Italian community organisations and was interned during the Second World War. He was eventually released after a hearing into his objection—he was luckier than many other internees. Another speaker at the launch was Gianfranco Cresciani, an author and historian. He made the point that Australian historiography has largely ignored the story of Italian POWs and internees in Australia during the war. Granted the very large numbers involved, this is somewhat surprising. If nothing else, the thousands in this category who worked in Australian agriculture made a very significant contribution to the Australian economy during the Second World War. The Italian Consul was also present and said diplomatically that Australians and Italians got on so well together that they could even be friends during the Second World War.

Some 40,000 Italians were living in Australia when Italy under Mussolini declared war on Great Britain in 1940. The day after that Australian authorities started raids, confiscating materials and prohibiting publications. There were also movement restrictions, reporting obligations to police stations and registrations of aliens. Christopher Keating's history of Liverpool, entitled *On The Frontier*, records the claim that more than half the local Italian men in Liverpool were interned. One man who had been overseas returned to Australia just before the declaration of war. Despite the fact that he had been awarded a Kings Medal for Bravery—an English award—after saving a young English boy from drowning and had a photo of the King and Queen in his house, he was still taken to the camp.

According to historians, a total of 4,727 Italians in Australia—that is about 10 per cent of the total Italian population here—were interned. These included some people born in Australia and some who were naturalised British subjects. They were mostly men, but some women were interned also. There were far more Italian prisoners of war in Australia than internees. There were 18,000 Italian prisoners of war imprisoned in Australia. They were captured in North Africa and were brought to Australia to work on farms. Many were billeted out to Australian farmers and they lived and worked with the family of farmers. Many became quite close to the farmers and their families and many eventually returned to Australia as migrants. I am delighted to celebrate the contribution of the Italian community to south-west Sydney.

### STOKER FAMILY

**Mr STEVE CANSDELL** (Clarence) [5.29 p.m.]: Today I pay tribute to a good bloke—Mark Stoker. In 2002 the Stoker family was an ordinary, loving family. Mark and Cindy Stoker were in their thirties and they had four beautiful daughters, Leticia, 13, Jacynta, 11½, Krystal, 8, and Jody at the time was 4 years old. Thirteen years earlier Mark had found the love of his life in Cindy. She asked him for a smoke, he said he did not have a light, she said she did, then he gave her his last cigarette. This first contact and exchange would set the scene for the rest of their life together, in which Mark gave Cindy everything he had.

Mark was a good husband and a great father. His passion was fishing and his eldest daughter, Leticia, was his best mate who would go fishing with him all the time. I first came into contact with the family in July when I heard about its predicament. In 2002 Mark had been diagnosed with terminal brain cancer. He was given a 40 per cent chance to live two years, but his strength, positive commitment and love for his family kept him—or so it seemed on the surface—just as healthy as anybody, even with the drugs and operations and the work he had to do to stay that way. The tumour was manageable and it seemed he could live for another six years.

But then in April this year Mark's wife Cindy was also diagnosed with terminal brain cancer, with secondary cancers to the lymph glands, lungs and throughout her body. She was given a very limited life

expectancy. I attended Mark's funeral yesterday. Mark died suddenly and it was a shock to everybody because he was the strength of his family. Cindy is in a hospital bed at home having been sent home to spend the last few weeks with the family. Although Mark's mother had come down from Queensland to help and is a great strength to the family, it has been a trial for all of them.

When I first met Mark we just sat down and talked clinically about the predicament his family was facing. From that meeting the community rallied round to support the family as much as they could. The Rotary Club, the Lions Club, the Clarence Valley Club, all the hotels, families, kids, everyone, donated money where they could to help to try and get these kids over the hump when the final time came. Even the local undertaker rang up and said, "The funerals won't cost a cent". So everyone dug deep. But it really pulled at a lot of people's heartstrings. Even as early as this morning I was telling one of my Labor Party colleagues here about this family's predicament, and by the time I had got from The Rose Café over the road to my office, there was a cheque for \$500 made out to the Stoker family left in my office. It shows that we can get across politics when human tragedy hits. I want to read a letter that Krystal read out yesterday at the funeral. Krystal is only 10 years old and she was very, very brave to read this out. One can imagine the hurt, because the whole family was very close. She said:

My dad was the best dad in the world. He was there if I needed help or comfort. He never backed down without a fight and did everything he could for his family. We used to go out in the boat and play in the yard together. No matter what happened, he was a fighter and I will always remember and love him.

She finishes off with:

I love you dad.

I do not think there was a dry eye in the place. It was a very emotional thing. Why I raise this in Parliament is because it shows the strength of a family and a predicament that people and families go through and how they handle their tragedies in-house. It also shows the strength of a community that gathers around and supports a family. I am going to send a copy of this statement to every politician in this House, because this family is in need and they have a big hurdle to climb yet. Anyone who is not touched by this family and the predicament they are in does not have a heart.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.34 p.m.]: I thank the honourable member for Clarence for that contribution. I know that it is a contribution that everyone in this House could relate to. Clearly, the Stoker family is a very important family in the community, and the honourable member has brought to the attention of the House how individual families and communities handle adversity and how a community, no matter what their beliefs are, will pull together when they see families such as the Stoker family obviously in need of its support. The bravery, strength and dignity of this family that the honourable member has conveyed today is something that we all hear. I thank the honourable member and offer to the Stoker family, through the honourable member for Clarence, our thoughts.

### **GOROKAN HIGH SCHOOL**

**Mr PAUL CRITTENDEN** (Wyong) [5.36 p.m.]: It is my very great pleasure tonight to draw to the attention of the House the beautification program that has recently been completed at Gorokan High School. In 2002 a group of people formed a committee to beautify the front of the school, and there was a lot to beautify. I thought the vision initially was to simply expand the car park, but that was not in the minds of some of the people who originally had the idea. Not only is there now a new car park, but there is also a very good vista, in an aesthetic sense, as one enters the school either by motor vehicle or on foot.

One of the lucky things that has occurred at Gorokan High School is that the school buildings have been set back on the block in Goobarabah Avenue and the committee has done an excellent job in turfing the entrance area and creating gardens and boundaries almost like the entry into a university institution such as one would expect to see at the Australian National University or the University of New South Wales. It is a great credit to the people that have been involved. I am sure many members experience when people come to their electorate office the feeling that very often people think they have a vision when in fact it is an hallucination, and one often sits there politely and nods knowingly, but one is never quite sure how the whole vision will play out. I must admit that initially I was a little bit sceptical, I thought there might have been a political agenda behind it, but I am happy to say that I was wrong and that this vision of great depth was realised.

The project cost in total \$350,000. The State Government contributed \$150,000 of that, and the remainder was raised in the community, although I acknowledge that Wyong Shire Council also provided a

small amount of funding. But the overwhelming funds that were raised were through the community. This is not a community that has money to throw around, but everyone came to the party. A lot of businesses provided support in kind. For a community that is facing straightened financial times Gorokan has done very well to raise these funds. The committee that was involved in the three-year project comprised the school principal, Mr Allan Arkins; Mrs Marie Grant, the head science teacher; and Ms Larene O'Neill, the parents and citizens association parent representative, who was both event manager and chairperson, and a driving force.

Students involved included Vanessa O'Neill and Lisa Provest, who have now left Gorokan High and are at university, and secondary students, from mainly years 10 and 11, Grant Gardiner, Grady O'Neill, Luke Sandford, Tiffany Spee, Ben Davis, Ryo Endo, Matt Fulton, Darren Harrison, Marc Meech, Jason Mirah, James Ralph, Corey Thompson and James Waterhouse, and many more students. As well as beautifying the school, many of these students now have an added interest in gardening and are relieving their parents of some of those onerous weekend duties by beautifying their home gardens. That has been an added spin-off benefit. I congratulate everyone involved in this worthwhile project. Gorokan High has a proud academic tradition. The dux of Gorokan High last year was the dux of all the schools on the Central Coast—selective, private and every other school. Now there is a beautiful, green garden landscape as you enter the school.

### **BREAST CANCER SCREENING**

**Mr WAYNE MERTON** (Baulkham Hills) [5.41 p.m.]: A number of women from my electorate have raised their concerns in relation to the need to ensure that funding is available for the State's breast cancer screening program. Giselle Fleming of Baulkham Hills is one lady who contacted me to voice her opinion on the lack of funding for breast cancer. Giselle explained that she moved to Sydney from Brisbane this year and was horrified to be told that she could not access regular breast screening in Sydney. I know that it is not the done thing to reveal a lady's age but in this instance I feel sure that it is appropriate and necessary that I should do so. Giselle Fleming is 42 years of age. Due to the Government's funding constraints, the State's free breast cancer screening program is now targeting women aged between 50 and 69 years of age. That is despite it having been established to provide breast screening for women aged from 40 to 70 years.

Giselle has stated that in Sydney she does not fall into the age category deemed to be acceptable for this service, even though breast cancer has been proven not to be age dependent. She assured me that a large number of young women are affected by breast cancer and that to discriminate on age is ridiculous. Giselle has a family history of breast cancer and had been receiving regular screenings in Brisbane for the six years prior to moving to Sydney. She makes the point that in moving to a much larger city she thought that access to more services would be available. Had she known that she would not have access to such services here, she would have thought twice about moving from Brisbane.

Patricia Wagstaff, of Winston Hills, is 71 years of age, another lady who does not fit into the 50 years to 69 years of age breast screening category. Mrs Wagstaff first wrote to me on 5 August expressing concern with the difficulties she was having in obtaining a breast screening appointment. This lady has advised me that she has a medical history that makes it essential that she undertake this breast screening. She advised that she had telephoned the breast screen service number in July hoping to obtain an appointment. She was told to ring again on 1 August to try to make the appointment. For family reasons, she was unable to make the call until 2 August, only to be informed that there were no appointments left. She was told to ring again on 1 September to try for an appointment date. On 1 September she made the call only to be told once again there were no appointments left and to ring again on 1 November.

Mrs Wagstaff brought to my attention the pamphlet put out by New South Wales Health titled "Free Breast Screening", which has on its front page a photograph of the late actress Ruth Cracknell, who would have been in her seventies when this photo was taken. My constituent believes that this pamphlet could be considered to be misleading when older women such as she are given the run-around when they try to make an appointment to undergo breast screening. Mrs Wagstaff has indicated that when she phoned once more on 1 November, she was finally given an appointment for 5 January 2006. It took her from July to November to make this appointment for January 2006. There should be no age restrictions on breast screening for women.

Young women have suffered and died from breast cancer, as have women over the age of 69. Women in their forties constitute 18 per cent of breast cancer cases whilst those over 70 years of age represent 27 per cent of all breast cancer cases. The Government has become selective and discriminating in its choice of age restrictions for free breast screening. I have presented petitions calling for increased funding for the breast screening program. On 21 July I made representations to the Minister for Health on behalf of Giselle Fleming.

An acknowledgment of my representation was received dated 28 July. Despite follow-up calls to the Minister's office, no final response has been received to those representations.

It is time the Government ensured the necessary funding for the State's breast cancer screening program to allow access for all women aged between 40 years of age and 79 years of age. That is a major issue in the community and one that should be addressed. I have given examples of two people in different age groups who, unfortunately, fell outside the rigid guidelines fixed by the Government for people seeking access to breast screening. Unfortunately, delay can often be fatal. Let us hope it does not occur in these cases. I ask the Minister to look into this matter urgently.

### **PARRAMATTA PARK**

**Ms TANYA GADIEL** (Parramatta) [5.46 p.m.]: I draw the attention of the House to some of the recent improvements to one of Parramatta's greatest assets—Parramatta Park. A visit to Parramatta Park is a pleasant and familiar experience. It is Parramatta's big backyard, a welcoming and comfortable place for family gatherings, sport, exercise and events. It is also one of Australia's most significant places. Parramatta Park conserves core tribal lands of the Burramatagal of the Darug people. Modified after 1788 by colonial settlement, Parramatta Park contains intact Cumberland Plain vegetation and natural systems and areas where our early agricultural practices began. Wine lovers might be interested to know that Australia's first vineyard was planted there.

Parramatta Park is the site of the former Governor's Domain from 1788 to 1855. The park is one of the world's oldest public parks, with land released in the 1840s for a racecourse, followed by formal dedication as a public park in 1857. Parramatta Park has been a place for celebration, recreation and commemoration. It has been loved by the community for its history, its interesting landscape setting, combining a distinctly rural character, historic buildings, the river, natural vegetation and views over Parramatta. It is a remarkable treasure to have on the doorstep of Sydney's second CBD. The vision of that decision in 1857 to set aside public land for Parramatta Park was echoed in 2001 when the Carr Labor Government gazetted the Parramatta Park Trust Act. It established a new independent park trust with greater scope in operations and responsibilities, charged with the object of conserving the heritage significance of Parramatta Park and making improvements for the enjoyment and appreciation of the community and visitors.

That significant step has been supported by a funding commitment from the State Government in the form of an annual grant that meets a significant component of running cost, with the park trust raising the balance of its funding requirements through commercial operations and other sources of revenue. A key component of the trust's recent work has been to form partnerships with the community to care for and improve the park. Over the past three years especially, many improvements have been completed through funding and other partnerships.

A few of those improvements are a landscape master plan prepared with funding support from the New South Wales Heritage Council; construction of landscaped car parks and three new toilet blocks with capital funding from the State Government; playground improvements funded by the Department of Sport and Recreation and Parramatta City Council; stormwater pollution traps funded by the Stormwater Trust, Upper Parramatta River Catchment Trust and Parramatta council and interpretative walks and garden plans funded by the Rotary Clubs of Parramatta.

Recently another such partnership was formed. Following a public expression of interest process, the park has joined with Landmark Venues to refurbish a former kiosk and visitor centre as the Parramatta Park Cafe and Event Centre. With a perfect position overlooking the Parramatta River at the popular swimming spot known throughout the twentieth century as Little Coogee, Landmark Venues has revitalized the building with a high-quality refurbishment to create what will undoubtedly become one of Parramatta's "must do" destinations. The event centre and cafe enlivens this area of the park and gives park visitors improved amenities and a high-quality cafe. I congratulate Angus Crane and Landmark Venues for the quality of their facility and for the expertise they bring from many years of experience developing and managing unique venues such as Centennial Parklands Restaurant, Hyde Park Barracks Cafe and the Poolside Cafe at Andrew "Boy" Charlton Pool.

Parramatta Park Cafe and Event Centre is a new and exciting facility for Parramatta Park. It is important to provide diverse facilities within parks for the community and I congratulate Chris Levins, Director of the Parramatta Park Trust, as well as the individuals who make up the trust—Chairman Tom Uren, Elaine Evans, Julia Finn, John Landau, Alan Overton, Penny Pike and Jackie Puckeridge—all of whom have worked

together in identifying this business opportunity, which will, in turn, create awareness and interest in Parramatta Park and meet the needs of the park's diverse visitors. I place on record my thanks to those individuals for their hard work and passion.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.51 p.m.]: Last Friday I happened to travel to Parramatta for an event at the Riverside Theatre. I had someone in the car with me who had never been to Parramatta before. As we drove along O'Connell Street, which passes Parramatta Park, she was stunned at how beautiful it was and at the greenness of Parramatta. Many people who have not been to Parramatta are surprised by it. It is exactly the way the honourable member for Parramatta described it. The other wonderful thing about Parramatta Park is that the community have a real sense of ownership of it. The honourable member demonstrated that in her presentation. I congratulate her on the many private member's statements she has made in this House in relation to Parramatta and I commend those responsible for the improvements to which the honourable member has referred.

#### **DEPARTMENT OF HOUSING NORTHCOTT ESTATE**

**Ms CLOVER MOORE** (Bligh) [5.52 p.m.]: Tonight I speak again about the dramatic and positive transformation I have witnessed at the Northcott Department of Housing estate in Surry Hills in recent years. In September 2002 I informed Parliament about the murders, suicides and high rates of violent crime on the estate during the previous year. The vast majority of tenants suffered extreme isolation, and many witnessed or suffered violence. Tenants were afraid to leave their units or even speak to their neighbours. For many years I have worked closely with dedicated tenants to improve safety and amenity, and whenever I visited Northcott I was distressed by the low morale and entrenched hopelessness tenants felt. I repeatedly called on the Government to employ a community development worker to help this community turn itself around.

I have spoken before about the positive change at Northcott since the Department of Housing employed that community worker, Dominic Grenot. When I visit Northcott now, I see a positive sense of community, and tenants say that there is a "new normal at Northcott", with its vibrant tenant-run community centre, where there is such a full schedule of classes, activities, clubs and groups that I now have to book my community meetings there months in advance. Recently I was delighted to announce the inclusion of two shows from Northcott in the 2006 Sydney Festival.

*Stickybricks* is a multimedia performance in the grounds at Northcott, the result of a dynamic collaboration between tenants, arts organisation Big hART, and artists including Leah Purcell and Kerry Armstrong. *Tenant by Tenant* is an exhibition at the Museum of Sydney of photographic portraits that tenants have taken of each other. I encourage all honourable members to go and enjoy these special productions, and I offer a special invitation to the Minister for Housing. These events are symbolic of the incredible turnaround at Northcott, and will show the wider community that the days of violence and hurtful stigma that tenants faced when their home was called "Suicide Towers" are behind us. These successes, and many other achievements, including a significant reduction in crime, are the result of strong partnerships tenants have forged with Dominic, national arts organisation Big hART and Surry Hills police. I have previously said that the Northcott experience should be used as a model for other housing estates, and this has been recognised by academics and government agencies nationally.

The report from a comprehensive five-year study of crime reduction programs in nine public housing estates clearly showed that social interventions based on strong community partnerships are the most effective way to reduce crime and victimisation on large estates. The Commonwealth Attorney-General's Department awarded Big hART more than \$400,000 through its Community Crime Prevention Program to continue its work at Northcott and help tenants become safety ambassadors, both within Northcott and to other struggling communities. Senior Constable Brett Degenhardt from Surry Hills police, representatives from Big hART and tenants themselves have been invited to present the Northcott model to the New South Wales Ombudsman's Office, South Australian and Tasmanian government departments, and other police commands and management. The partnership has just been awarded the Australian Crime and Violence Prevention Award through the Australian Institute of Criminology. The ABC and the Film Finance Corporation have funded Big hART to make a documentary about Northcott and the community's recent achievements.

The Commonwealth Government primarily funds Big hART's work at Northcott, and I am disappointed that the New South Wales Government has withdrawn the majority of its support for the project. The New South Wales Government no longer provides any direct funds to the Northcott project, and the previous Minister for Housing decided not to continue the community development worker position at

Northcott. That is most concerning. Tenants say that Dominic Grenot is the glue that holds these partnerships, and the community, together.

While many tenants now have the confidence, skills and opportunities to stand up, participate and even lead their community, the loss of the community development worker position will be devastating for this community. The balance is fragile, and a lack of commitment from the New South Wales Government at this crucial time could be disastrous. The New South Wales Government should acknowledge the achievements of the Northcott community, continue to support the program and use this model of community development to help fragile and fragmented public housing communities throughout New South Wales. I have asked the Minister for Housing to meet with me urgently to discuss the future of this valuable project.

I call on the Minister to continue the community development worker role at Northcott and implement similar programs in public housing estates throughout New South Wales. Thanks should go to members of the Department of Housing's Redfern/Surry Hills client service team, Big hART, Surry Hills police, St Vincent's Community Mental Health Service and the Surry Hills Neighbourhood Centre for their important contributions. I congratulate Northcott residents on their inspiring achievements, especially Sandy Henderson, the Chair, and other members of the executive of the Surry Hills Public Tenants Association. Finally, I acknowledge and commend Dominic Grenot's invaluable hard work, dedication and success.

### **TRIBUTE TO MR DAVID CURLEY**

**Mr DAVID BARR** (Manly) [5.57 p.m.]: David Curley passed away this week. He was 43 years old and was cut down in his prime by cancer. I have known Dave and his wife, Anita, since becoming a member of Parliament in 1999. I met him in his capacity as Manly local area controller of the State Emergency Service [SES]. He was the representative on the Manly Lagoon Committee when I was on that committee. Dave Curley joined the New South Wales SES as a member of the Mosman unit in 1992. He shortly thereafter transferred to the Manly unit and was appointed as Manly local controller in 1998. Anita was appointed deputy local controller. Dave had been married to Anita for more than 14 years.

Recently he had been reappointed local controller by the New South Wales director-general for a further two-year tenure, an indication of the esteem in which he was held by the organisation and an indication of his ability and leadership. Recently he also received the director-general's commendation for services to the SES and the community. Dave was much loved throughout his unit of the SES, the Sydney northern division, the statewide membership, both volunteer and salaried, and in his local community. That expression "much loved" is often used in these circumstances. While I cannot speak for other people, it is certainly true in relation to Dave.

As an operator and trainer Dave was highly respected. He possessed an easygoing manner and was very helpful to people learning new skills. He insisted that everyone had the ability to learn new skills. It might take some people a bit longer, but he was always encouraging. That is one of the signs of a leader. He was endorsed to train and assess a diversity of skills ranging from induction and general rescue through to working in the emergency operations centre and chainsaws. Dave was very keen on chainsaws. Only six weeks before he passed away he was still dragging out his colleagues to look at potential training trees in the Manly area.

Dave was also keenly involved in any new information technology projects being rolled out by State headquarters. Just three months ago he gained qualification as a trainer in the new SES operational management system, RFA Online. He also instigated the planning for a new local headquarters facility in Manly to house the volunteers and their equipment, a legacy he now leaves the unit to build on. I hope Manly Council will honour the commitment it gave to Dave and the SES to provide appropriate and adequate facilities for the SES. There has been some toing and froing about this lately and I hope Manly moves forward on this quickly. Dave was not only a valued member of the SES and the Manly community; he was also a valued friend and mentor to many. Local SES personnel are deeply saddened by his passing and so are many in the community he helped, and so am I. We are indebted to Dave and remember him for the fine person that he was and for his contribution to the community. We all feel for Anita and wish her well in these difficult times. Dave Curley has left a legacy. It will be hard for others to fulfil the role that he played. He was an important person in the Manly community and we are indebted to him.

**Private members' statements noted.**

**COMPANION ANIMALS AMENDMENT BILL**

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

**LEGISLATION REVIEW COMMITTEE****Membership**

**Mr ACTING-SPEAKER (Mr Paul Lynch):** I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

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

That Mr Primrose be discharged from the Legislation Review Committee and that Ms Sharpe be appointed as a member of the committee in his place.

Legislative Council  
17 November 2005

AMANDA FAZIO  
Deputy-President

*[Mr Deputy-Speaker (Mr Paul Lynch) left the chair at 6.02 p.m. The House resumed at 7.30 p.m.]*

**TERRORISM (POLICE POWERS) AMENDMENT (PREVENTATIVE DETENTION) BILL**

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

**Second Reading**

**Mr MILTON ORKOPOULOS** (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [7.30 p.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Terrorism (Police Powers) Amendment (Preventative Detention) Bill amends the Terrorism (Police Powers) Act 2002 to implement a preventative detention scheme designed to detain persons in order to prevent a terrorist attack or preserve evidence following a terrorist attack. There is no doubt that these powers are extraordinary, but they are designed to be used only in extraordinary circumstances and are accompanied by strong safeguards and accountability measures. This scheme implements the agreement reached at the Council of Australian Governments [COAG] meeting of 27 September 2005 and will complement the preventative detention scheme introduced by the Commonwealth Government in the Anti-Terrorism Bill (No. 2) 2005. All States and Territories of Australia agreed to enact preventative detention legislation.

The New South Wales scheme replicates the Commonwealth provisions in that it provides for the detention of a person, thus incapacitating them; restrictions on communications, which is true of all arrested and detained persons; and the monitoring of the detained persons communications to ensure that there is no exchange of information between suspects or plans made to evade capture or destroy evidence. However, this bill differs in a number of important respects, namely, due to constitutional reasons the Commonwealth scheme can operate for only 48 hours. The New South Wales scheme operates for up to 14 days. The Commonwealth scheme is administrative. Initial orders are made by a senior police officer and they are later confirmed by judicial officers acting in their personal capacity.

The New South Wales scheme is judicial. Both the initial and final preventative detention orders are made only by judges of the New South Wales Supreme Court. The Commonwealth scheme at no time allows a hearing on the merits between the parties before the expiry of the detention. The New South Wales scheme permits an initial preventative detention order to be made in the absence of the subject person. However, at subsequent confirmation or revocation hearings the detained person will be permitted to be present and to contest the matter. The Commonwealth scheme contains a number of disclosure offences designed to keep the making of a preventative detention order secret.

The New South Wales scheme contains no such disclosure offences, but allows the Supreme Court to make non-publication orders in relation to the proceeding, as is usual for all criminal matters before the courts in

New South Wales. A 14-day scheme where a person was arrested secretly and held incommunicado without access to the courts would offend not only fundamental principles, such as habeas corpus, but also basic commonsense. In the end the disclosure offences were not included in the New South Wales scheme as they are not effective in keeping a preventative detention order secret over a 14-day period. But their inclusion would have added greatly to the complexities of the bill. The bill implements a fairer scheme of preventative detention. This balance, sadly lacking in the Commonwealth bill, will mean the legislation can still operate effectively in preventing a terrorist attack and in preserving evidence of an attack, but ameliorates some of the more rigid and unreasonable aspects of the Commonwealth bill.

The principal features of the New South Wales preventative detention scheme are as follows. Police may apply to the Supreme Court for a preventative detention order under proposed section 26D to prevent an imminent terrorist act or to preserve evidence of terrorist acts that have occurred. Proposed section 26G sets out the matters that must be contained in an application for a preventative detention order. Urgent phone applications are available. Pursuant to proposed section 26H, the Supreme Court will be able to issue an interim preventative detention order of up to 48 hours in the absence of the subject person. After making an interim order the court will set a date and time for a hearing to make a final order and give directions that the subject person be notified of this hearing date. Within this 48 hours another hearing to confirm the order will be held—proposed section 26I. At this hearing the detained person can be represented and heard. A confirmed order can be made for a period of up to 14 days.

The matters that must be set out in a preventative detention order are listed at proposed section 26J. A police officer or the person detained may apply to the Supreme Court for the revocation of a preventative detention order at any stage as provided under proposed section 26M. During the hearings, material with national security implications will be protected by the National Security Information (Criminal and Civil Proceeding) Act 2004 and by appropriate public interest immunity applications. The maximum period under which a person may be detained under a final order is 14 days—proposed section 26K—and 48 hours for an interim order—proposed section 26L. The maximum of 14 days will include any period of detention under an interim order, or other corresponding preventative detention order of a State, Territory or Commonwealth law for the same terrorist act. That is, including every order, whether from New South Wales or the Commonwealth, 14 days is the total maximum period for detention under this scheme.

The bill provides certain safeguards for young people. First, preventative detention orders may not be made in relation to persons under 16 years of age as provided by proposed section 26E. There are special safeguards for persons aged between 16 and 18 years of age, as well as persons incapable of managing their own affairs, such as the right to contact someone who is able to represent their interests, a guarantee of two hours contact a day with parents or guardians and limitations on the type of identification material that can be taken without a court order—proposed section 26AH. Pursuant to proposed section 26N the Supreme Court may make a prohibited contact order that prohibits a detained person from contacting specific people.

An order can be made where the Supreme Court is satisfied that this will assist in achieving the purposes of the preventative detention order. Proposed section 26AD provides that a person may be prevented from contacting another person unless they are entitled to under the Act. Proposed section 26AE entitles the detained person to limited contact with certain persons, including a family member, a person he or she lives with, an employee or an employer. Unlike the Commonwealth bill, the detainee will be entitled to disclose the fact if the person is detained under an order and the period of detention. Proposed section 26AG enables a person being detained to contact a lawyer, although any contact a detained person has can be monitored by a police officer—proposed section 26AI.

The police are prohibited, however, from disclosing any communication between the detained person and his or her lawyer where that communication has a proper basis—such as giving instructions to a lawyer regarding a final orders hearing. Breach of this condition will carry a maximum penalty of five years imprisonment and will prevent monitoring police from passing on communications that would otherwise have been private and privileged. These conversations between the detained person and his or her lawyer cannot be used in court proceedings. Proposed section 26AF entitles the person being detained to contact the Ombudsman and the Police Integrity Commission in order to lodge complaints about his or her detention or treatment. These communications will not be monitored by police.

Other safeguards in the bill include a requirement that the person be treated with humanity and respect for human dignity and must not be subjected to cruel, inhuman or degrading treatment—section 26AC. A person being detained cannot be questioned except for the purposes of establishing identity or ensuring his or her safety

and wellbeing—proposed section 26AK. A senior police officer must be responsible for the exercise of functions under a preventative detention order—proposed section 26R. This is a role similar to a custody manager under part 10A of the Crimes Act 1900. That is, an officer independent of the investigation and not involved with the making of the order will oversee the exercise of the powers. Proposed sections 26Y, 26Z and 26AA require a police officer detaining a person under a preventative detention order to inform the person of certain matters, including the details of the order and any restrictions that apply; and the detained person's rights to contact certain people and have access to a lawyer. It is an offence to fail to inform a detained person of these details, carrying a maximum penalty of two years imprisonment.

Section 26AB requires the detained person to be given a copy of the order and a summary of the grounds on which the order is made. Section 26AN requires the Commissioner of Police to provide annual reports to the Attorney General and the Minister for Police in relation to the exercise of the powers, and these reports will be tabled in Parliament. The functions of the Ombudsman and the Police Integrity Commission under other Acts are not affected—proposed section 26AP. The scheme will be monitored by the Ombudsman for a period of five years, with an interim report at two years—proposed section 26AO. A sunset provision is included so that the scheme will expire in 10 years time—proposed section 26AS.

Other provisions of the bill include the following. Proposed section 26O provides that, as is the case with bail review hearings, the strict rules of evidence do not apply to proceedings before the court in connection with applications for the making or revocation of preventative detention orders or prohibited contact orders. Courts can take into account credible or trustworthy material and can give each piece different weight according to its nature. Proposed section 26P provides for any such proceedings to be heard in the absence of the public and for the making of suppression orders by the court. A disclosure in contravention of such a suppression order constitutes an offence punishable by imprisonment not exceeding five years. The police powers in relation to arrest and search are clearly set out in the bill. Proposed section 26Q enables any police officer to take a person who is the subject of a preventative detention order into custody and detain the person while the preventative detention order is in force.

Police have the same powers as if they were arresting a person for an alleged offence. Proposed section 26T enables a police officer to request a person to disclose his or her identity if the officer believes on reasonable grounds that the person may be able to assist in the execution of a preventative detention order. It is an offence under this provision not to comply with a request to disclose one's identity. Section 26U provides for a power to enter premises for the purposes of searching for a person who is the subject of a preventative detention order, and proposed section 26V provides for the carrying out of ordinary searches and frisk searches of a person who is the subject of a preventative detention order. There are specific provisions in relation to taking fingerprints, recording voice, taking samples of handwriting or photographs of a person being detained—proposed section 26AL.

Proposed section 26AM limits the purpose for which any such personal identification material relating to a detainee may be used and provides for its destruction. In terms of the intersection of these provisions with other legislation, proposed section 26W provides that a detainee may be released from detention under an order at any time, including for the purposes of being arrested and charged for an offence. The period during which a person may be detained under a preventative detention order continues to run while the person is released. Proposed section 26X makes provision in relation to arrangements for a person being detained under a preventative detention order to be detained at a correctional centre or if under 18 years at a juvenile detention or correctional centre. These extraordinary powers are invoked in the face of the threat of terrorism.

The Government has consistently proven that strong counter-terrorism laws can be crafted that include strict safeguards and effective oversight. Whilst being ever vigilant as to the security and safety of the citizens of New South Wales I also want to assure the public that the Government will always attend to the liberties and freedoms that are the mark of our democracy. I repeat the commitment of the then Premier Carr in introducing the Terrorism (Police Powers) Act in 2002, that we look forward to a time when these powers are no longer needed and can be removed from the statute books of New South Wales. I commend the bill to the House.

**Debate adjourned on motion by Mr Andrew Tink.**

## **INDUSTRIAL RELATIONS AMENDMENT BILL**

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

### **Second Reading**

**Mr MILTON ORKOPOULOS** (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [7.50 p.m.], on behalf of Mr John Watkins: I move:

That this bill be now read a second time.

This bill amends the Industrial Relations Act. The major purposes of this bill are to clarify the Industrial Relations Commission's jurisdiction to declare void or vary unfair contracts, and to allow for appeals on questions of the jurisdiction of the Industrial Relations Commission [IRC] in Court Session, but only after the processes of the commission are complete. These amendments are necessary to clarify the situation following a number of recent judgments in the Court of Appeal, notably *Mitchforce v Industrial Relations Commission & Ors* [2003] NSWCA 151 and *Solution 6 Holdings Ltd & Ors v Industrial Relations Commission & Ors* [2004] NSWCA 200. These decisions threw the scope of the IRC's unfair contracts jurisdiction into doubt and allowed parties to remove disputes from the IRC to the Court of Appeal before the IRC had had a chance to consider whether or not they fell within its jurisdiction.

The bill also makes two other amendments. It enables the commission, in exceptional circumstances, to accept an application in relation to an alleged unfair contract that is made out of time, and changes the name of the Industrial Commission in Court Session to the Industrial Court of New South Wales. I would like to give the House some background to these amendments before going into detail about their effect. Section 106 of the Industrial Relations Act allows the Industrial Relations Commission in Court Session to review contracts whereby work is performed in an industry and, where it finds such contracts unfair, to vary them or declare them void in whole or in part.

Section 179 of the Act is a privative clause. In effect, it states that there can be no appeal from decisions of the Industrial Relations Commission in Court Session, even on the grounds that the commission did not have the jurisdiction to hear the matter. A number of recent judgments of the Court of Appeal, beginning with *Mitchforce*, have indicated difficulties with the jurisdiction of the IRC to hear unfair contract cases that have a significant commercial element, and with the operation of section 179 as a privative clause. These cases have expanded the opportunities for matters to be brought before the Court of Appeal for consideration of jurisdictional issues, prior to any hearing being held by the commission.

In the *Mitchforce* and *Solution 6* cases, the Court of Appeal criticised the IRC for "intruding into the heartland of commercial contracts". The Court of Appeal in these decisions considerably narrowed the interpretation of section 106 that had been adopted previously by appellate courts by holding that the power to declare void or vary a contract, as defined in section 105, extended only to such aspects of it as closely relate to the performance of work in an industry. Further, in the *Solution 6* case, the Court of Appeal held that since the privative clause says that there is no appeal from a decision of the commission, it was not prevented from hearing cases that were brought before it prior to the commission having made a decision in the matter. This meant that if a party brought a matter before the Court of Appeal in the very early stages of proceedings—for example, at the time that the statement of claim is filed in the IRC—section 179 would not come into effect.

This practice has the potential to subject workers to substantial expense and delay by forcing them to litigate in the Court of Appeal, which is expensive and is not as expeditious as the IRC. Following these cases, in 2004 the Attorney General formed an expert working party to consider all the issues involved. The terms of reference for the working party were to consider the scope of section 106 and section 179 of the Industrial Relations Act. Acting Justice Stein of the Court of Appeal chaired the working party. Other members were Mr Joe Catanzariti of Clayton Utz, representing the Law Society, Mr Dick Grozier of Australian Business Ltd, Mr Max Kimber, SC, representing the Bar Association and Mr Mark Lennon of the former Labor Council, now Unions NSW. The working party's report contained 12 recommendations, most of which either did not require legislative action, or were matters for the IRC to consider. The bill seeks to implement a number of the recommended legislative amendments. It is important to note that the amendments made by this bill will affect the commission only in court session, which exercises judicial functions: there is no change proposed to the industrial arbitration functions of the commission.

I would like to speak now in some more detail about the bill's amendments to section 106 of the Industrial Relations Act. Section 106 gives the commission the power to amend or vary any contract "whereby a person performs work in any industry", if it finds that the contract is unfair. An unfair contract is defined to be one that is unfair, harsh, or unconscionable, or against the public interest, or that provides a total remuneration that is less than a person performing the work would receive as an employee performing the work, or that is designed to, or does, avoid the provisions of an industrial instrument. This provision was originally designed to protect the industrial arbitration system and awards by giving the IRC the power to strike down arrangements that would undermine that system.

The provision gave the IRC effective powers to deal with contractual substance, and not mere form, because it was considered unlikely that either the common law or equity would provide an effective remedy for

unfairness in work-related contracts. The terms of section 106 and its predecessors have remained essentially unchanged for 45 years. However, over that time, work practices have changed radically and the protection provided by section 106 has been validly extended to a wide range of transactions including franchise, licence and lease agreements in circumstances where work is performed in an industry.

Section 106 must be read together with section 105, which defines the term "contract". Read together, these sections provide that contracts or arrangements, or collateral arrangements, or related conditions, are reviewable under the unfair contracts jurisdiction. Up until the decision in *Solution 6*, the commission and appellate courts had interpreted the words of the equivalent sections in previous versions of the Industrial Relations Act to mean that as long as there was a contract or arrangement between the parties whereby work was performed, then any collateral arrangements or related conditions—for example, a superannuation scheme or share bonus scheme—could also be varied or declared void. These other arrangements did not, in themselves, have to satisfy the test of being contracts "whereby a person performs work in an industry".

In *Solution 6*, the Court of Appeal held that the commission may only declare void or vary a collateral arrangement or related condition that itself leads directly to the performance of work. This interpretation of the section significantly narrows the scope of the commission's unfair contracts jurisdiction. It is problematic because an arrangement that leads to the performance of work may consist of a formal work contract as well as other related agreements, which, of themselves, may not lead to the performance of work. If this interpretation were continued, and a person's total package were not reviewable, then the commission's unfair contract jurisdiction would be narrowed to a significant extent for employees and independent contractors. It would then be open to unscrupulous employers to ensure that the contract for work was minimalist and carefully quarantined from other aspects of the relationship that are set out in different documents, or entered into at different times.

The bill amends section 106 to clarify that if the commission finds that there is a contract or arrangement whereby a person performs work in an industry, then it can vary or declare void any related condition or collateral arrangement found to be unfair, even though that related condition or collateral arrangement does not in itself relate to a person's performance of work. For example, the commission will be able to vary a superannuation arrangement, share option agreement or franchise agreement that is related or collateral to a contract whereby a person performs work in an industry. The amendment requires however that the performance of work is a significant purpose of the overall contractual arrangements between the parties. By adopting the requirement that there be a significant connection between the arrangements and the performance of work, the bill ensures that the Court of Appeal will be able to continue to set the parameters of what are industrial matters, as opposed to those which are essentially commercial in nature.

The Government regards it as crucial that the Court of Appeal should be able to scrutinise judicial decisions of the IRC to ensure that they involve the proper exercise of its jurisdiction. At the same time, the Government acknowledges the crucial role of the IRC in safeguarding principles of industrial equity. The amendments aim to reverse the decision in *Solution 6*, insofar as it held that the power to declare void or vary a contract, or arrangement, under section 106 extended only to such aspects of it as closely relate to the performance of work in an industry. The amendments will clarify the commission's power to vary or declare void any provision or aspect of the overall arrangement found to be unfair.

I should also bring the transitional provisions in the bill concerning the amendment to section 106 to the attention of honourable members. The proposed change to section 106 is to apply to cases pending in the commission, but not to any case pending in a higher court. This provision is particularly important in view of the fact that an appeal against the *Solution 6* has been heard in the High Court, and judgment is currently reserved. The Government has no intention of interfering with the High Court's determination in this matter and the bill, accordingly, makes it clear that it does not apply to proceedings pending in any court or tribunal apart from the IRC at the time of the bill's commencement.

The second necessary amendment that is made by the bill is to the privative clause, section 179, which states that a decision or purported decision of the commission is final and may not be appealed against, reviewed, quashed, or called into question by any other court, whether on an issue of fact, law, jurisdiction, or otherwise. This section is designed to prevent other courts from dealing with any appeal or review of decisions of the commission. The purpose is to preserve the commission's status as a superior court of record that exercises a specialist jurisdiction. The main purpose of the commission's specialist jurisdiction is to settle disputes between employers and employees and to ensure that work-related disputes are resolved quickly and cheaply. Section 179 has been around in more or less its current form for over a century.

The most significant amendment was made to it in 1996, when the words "or purported decision" were added, following the High Court's decision in *Public Service Association of South Australia v Federal Clerks Union*. In that case, the court drew a distinction between a decision and a purported decision. Essentially, the court found that where a court makes a decision that is outside its jurisdiction, it can only be a purported decision because it was not one that was within the court's power to make. In order to afford decisions of the IRC the greatest possible protection from appeal and review, section 179 was amended to state that even purported decisions of the IRC—that is, decisions that were outside its jurisdiction—could not be reviewed or appealed against. That amendment made section 179 one of the most complete privative clauses on record.

The Court of Appeal considered that it was in fact too effective in preventing appeals and reviews. This is why, in Solution 6, the Court of Appeal adopted a new approach to section 179, and decided to allow parties to bypass the commission by applying directly to the Court of Appeal before the commission has made any decision at all, that is, as soon as the plaintiff lodges the originating process in the commission. Following this decision, in 2004 the Law Society of New South Wales issued a practice note to all solicitors informing them of the Court of Appeal's preparedness to deal with unfair contract cases in advance of the commission. Since then at least 29 applications concerning unfair contract matters, which would ordinarily be dealt with in the commission, have been lodged in the Court of Appeal.

The Court of Appeal has in a number of its decisions granted orders prohibiting the commission from exercising, or purporting to exercise, its power under section 106 with respect to particular proceedings, or from hearing and determining certain proceedings, on the basis that the commission does not have jurisdiction. These orders have been made where no decision has yet been made in relation to the matter by the commission, for example, in *BEA Systems Pty Ltd v Industrial Relations Commission of New South Wales in Court Session & Anor* [2005] NSW CA 227. Further, these applications are no longer confined to applications under section 106: an additional 13 matters relating to prosecutions for occupational health and safety matters have been filed in the Court of Appeal. This is a bad result for workers, the courts and the community.

The IRC is a quicker, cheaper, and less adversarial jurisdiction than the Supreme Court or Court of Appeal. In 2003 the IRC resolved over 90 per cent of all matters by conciliation without the need for a full hearing and the expense and delay which that entails. The Court of Appeal's decisions in *Mitchforce* and *Solution 6* have created the potential for additional, more drawn-out and more expensive litigation. The bill seeks to remedy this situation in two ways. Firstly, it removes the protection of purported decisions of the Commission in Court Session from the privative clause. This allows for review of decisions that are claimed to be outside the Commission in Court Session's jurisdiction, and so should cause the Court of Appeal to reinstate the doctrine of restraint, and to refrain from accepting very early applications before the commission has had an opportunity to consider jurisdiction. Secondly, the bill makes clear that there will be no access to the Court of Appeal under any circumstance until the processes of the commission, including appeal, are complete. This will ensure that parties cannot use the judgment in *Solution 6* to bypass the commission.

The effect of these amendments is that the Court of Appeal will be able to review the decisions of the Commission in Court Session, but only insofar as there is a challenge to the commission's jurisdiction, and only after the processes of the commission, including appeal to the Full Bench of the commission, are complete. These amendments provide for a reasonable amount of appellate supervision, including review by the High Court. At the same time, they will prevent the jurisdiction of the IRC from being undermined, and employees and contractors from being forced into expensive and delay-ridden appeals. These changes will only apply to the Commission in Court Session: the intention is to preserve the full operation of the privative clause in so far as the arbitral function of the IRC is concerned. Under the transitional provisions of the bill, the amendments to section 179 will not apply to current proceedings in the High Court. Again, this provision has been drafted to ensure that the bill does not interfere in any way with the High Court's determination in the *Solution 6* case.

The other amendments made by the bill, whilst also important, are somewhat more straightforward. One of these amendments is an extension, with the leave of the court, of the time in which an application for review of an unfair contract may be brought. The time frame is currently limited to 12 months and there is no discretion to allow any extension of time. This does not allow for exceptional circumstances, and so the bill amends the section to give the court discretion to allow any application made within three months of the expiry of the original 12-month period.

The bill also amends the Industrial Relations Act to change the title of the Industrial Relations Commission in Court Session to the Industrial Relations Court of New South Wales. The Industrial Relations Commission of New South Wales consists of both judicial and non-judicial members. Both types of members

can exercise the arbitration powers of the commission, but only the Commission in Court Session, which is constituted by one or more judicial members, can exercise the judicial functions of the commission. These judicial functions include the hearing of unfair contract applications, prosecution of offences against the Act, proceedings for breach of industrial instruments, appeals against decisions of inferior courts in industrial matters, and prosecution of occupational health and safety offences under the Occupational Health and Safety Act 2000.

Section 152 of the Act provides that the Commission in Court Session is a court of superior record and is of equivalent status to the Supreme Court and the Land and Environment Court. The title "Commission in Court Session" may cause some confusion in the public mind about the status and powers of this body. This is particularly significant in the area of occupational health and safety. The Commission in Court Session deals with prosecutions for occupational health and safety offences, some of which have a serious impact on the health and safety of workers and which may result in severe penalties being imposed.

The criminal nature of these proceedings is sometimes lost on those who do not understand that the proceedings are being dealt with by a court, because the judicial body is generally referred to as the commission. The bill, therefore, amends the Act to provide that the Commission in Court Session should be referred to and known as the Industrial Court of New South Wales. The only change will be to the name or title of the body; there will be no variation to the way in which the court and commission interrelate, or to how the functions of each are allocated under the Act. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire.**

### **WATER MANAGEMENT AMENDMENT BILL**

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

#### **Second Reading**

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [8.10 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

This bill covers a raft of significant changes which are essential to protect our fragile river and ground water ecosystems and ensure the prosperity of our regional communities that depend on continued and certain access to water. This bill will strengthen and improve the provisions of the Water Management Act, an Act which, when passed by Parliament in December 2000 and significantly updated in June 2004, represented a major overhaul of the State's previous water legislation and heralded a new approach to water management in New South Wales. At the same time the bill will align our reforms in New South Wales with the broader platform of the national water initiatives agreed to by the Council of Australian Governments [COAG]. The New South Wales Government has clearly indicated its willingness to work with the Commonwealth and the other States to ensure that our water policies represent best practice and promote long-term sustainability.

At this point I would like to put the legislative changes that I am tabling today into perspective by outlining some of the major outcomes that have been achieved in water management in the past few years. These cover both real environmental outcomes as well as substantial progress towards a sustainable water industry in New South Wales through a transparent and community-involved planning process. Eighty per cent of water extracted in New South Wales is now managed through statutory water-sharing plans. In July 2004, 31 water-sharing plans commenced setting the rules for allocating water between water users and the environment for the next decade and, therefore, guaranteeing environmental and water users' rights. The gains New South Wales has made have been recognised nationally and internationally.

The Murray-Darling Basin Commission, for example, has stated that New South Wales is leading the way in implementing sound ecological water management. New South Wales water reforms are also directing much of the broader national water agenda. Through the water-sharing plans we have now preserved the majority of water in the State's major inland river systems for the environment. Some 200 gigitalitres, or 200,000 megalitres, of water have been returned to the environment. These rules not only preserve water for the environment, they also are designed to help reinstate natural flow patterns to critical wetland areas. In New South Wales we have also provided for the important Aboriginal cultural connections to water.

The Murrumbidgee water-sharing plan allocated more than 2,000 megalitres of water to be granted under licence for indigenous cultural activities. I am pleased to advise that the first Aboriginal cultural access licence has been issued to the Nari Nari Tribal Council for the inundation of a culturally significant wetland on their lands. In the overallocated ground water systems, New South Wales is committed to an approach of reducing entitlements to achieve sustainability, while also recognising the impacts on water users and their local communities through the dedication of substantial funds totalling \$110 million to assist in their adjustment to the new levels. It must be noted that if ground water resources continue to be mined, the eventual result is the collapse of the aquifer and the industries and communities that depend on this water.

While the water-sharing plans focus on providing water through the environmental rules and managing extractions to a set limit, we are also looking at other innovative ways to provide additional water for the environment that will not impact on the water availability to licence users. As a result the Government has committed substantial funds to improve the efficiency of water delivery as a means of freeing up water for the environment. For example, under the Living Murray initiative, New South Wales, in partnership with the Victorian, South Australian, Australian Capital Territory and Australian governments, will invest \$500 million over the next five years to recover up to 500,000 megalitres of water to improve the environmental health of the Murray River. Similarly, through the Snowy Joint Government Enterprise, the Australian, New South Wales and Victorian Governments have committed \$375 million over the next eight years to water-efficiency projects to increase environmental flows to the Snowy River and the River Murray systems.

Under the Wetland Recovery Project we have also allocated \$13.4 million to improve water efficiencies in the Macquarie Marshes and Gwydir wetlands. Major water savings from our artesian aquifers are being achieved through the Government's Cap and Pipe the Bores Program. In addition we are developing a program of measures to minimise the release of cold deoxygenated water from the bottom of major storages. Release of this water can have significant effects on the environment downstream, often for many kilometres. The significant advances in environmental initiatives have not come without acknowledging the importance of our \$3 billion irrigation industry.

The water-sharing plans not only specify the environmental rules but provide licence holders with greater certainty over their allocations of water and open up water trading opportunities. Last year we also legislated for perpetual water licences for commercial users and for guaranteed water titles, similar to land titles, for water licences. This increases the value, mortgageability and tradeability of water licences, encouraging investment in water industries. A whole new expanded range of water-dealing or water-trading options are now also available to licence holders. The legislative amendments which I am tabling today are designed to build on and support the substantial achievements that have already been made. In New South Wales we have done more than any other State to ensure that water users can act with confidence about their investment in water businesses such as irrigation.

This has been demonstrated through the introduction of perpetual water licences and the statutory water-sharing plans. These water-sharing plans are backed by compensation provisions providing a significant safeguard for water users. In June last year the COAG agreed to a further refinement of these compensation arrangements through what is called a risk assignment framework. The COAG risk assignment framework specifies when and how the costs of future reductions in water availability should be shared between licence holders and governments, including the Australian Government. The COAG risk assignment framework recognises that reductions can arise as a result of three factors—firstly, natural events such as climate change; secondly, via improvements in knowledge; and thirdly, as a result of changes in government policy.

The risk assignment framework is to be implemented in two stages: until 2014 and after 2014. The initial stage of the framework is consistent with the Government's existing compensation provisions. Compensation is already available to licence holders if the Government makes a change to a water-sharing plan which is not provided for in the plan irrespective of the factor driving the change. The post-2014 risk assignment framework provides for different arrangements for the sharing of the costs of reduction in availability of water. Climatic changes will be borne by the licence holder and policy changes will continue to be borne by government.

The significant difference, however, is for changes arising from improvements in knowledge or science. The first 3 per cent of the change would be borne by the licence holders. A reduction between 3 and 6 per cent would be compensated by both the State and Australian governments—one-third paid by the State and two-thirds by the Australian Government. Reductions above 6 per cent would be shared equally by the State and Australian governments. I believe that the national risk assignment framework is an appropriate

compromise between the concerns of government and stakeholders. It excludes government compensation for natural events which are outside our control, retains the status quo on government policy changes and addresses industry concerns about investor certainty. The risk assignment framework applies to water-sharing plans that are amended and implemented after 2014. As we already have 31 water-sharing plans in place and plans will be completed for the rest of the State before 2014, the risk assignment will apply to all second-term plans in New South Wales.

Although the provisions of the risk assignment framework will not commence until after 2014, it is important that the framework be reflected in our legislation now. This will give farmers sufficient time to take into account the new arrangements in their future planning and investment decisions. Certainty over future access to water is essential for licence holders and lending institutions to invest in the productive capacity of the State. To provide licence holders with confidence in the risk assignment process, the Minister has given the independent Natural Resources Commission an extended role. Currently the commission can recommend that a water-sharing plan be rolled over unchanged at the end of its 10-year term or that a replacement plan be made. The commission will now also be asked to specify the factor responsible for any change and the impact on a licence holder's water availability when it makes its recommendation.

If a new plan is to be made the Minister will specify the reason for this in the order for the plan, and compensation will be paid according to the risk assignment framework. Another key obligation of the national water initiative is the achievement of an open water trading market, and a particular focus is the removal of trading restrictions imposed by irrigation corporations on their members. There are five private irrigation corporations in New South Wales—Murray Irrigation, Western Murray Irrigation, Murrumbidgee Irrigation, Colleambally Irrigation and Jemalong Irrigation. The irrigation corporations hold the water licences on behalf of their members or shareholders. Their entitlements can represent the majority of the water in a valley.

For example, Murrumbidgee Irrigation and Coleambally Irrigation together hold 70 per cent of the total entitlement of the Murrumbidgee Valley and so have the potential to be a major player in the water trading market. The national water initiative requires the irrigation corporations to permit permanent trade out of their areas up to an interim threshold level of 4 per cent per annum of their total water entitlement that is available for irrigation. These corporations, through their constitutions and other contracts, have restricted permanent trade of water out of their areas because of concerns about the remaining members having to bear higher infrastructure and overhead costs. In the extreme case, the assets could be stranded and the whole corporation scheme made unviable. Numerous discussions have been held with the irrigation corporations and most of their concerns can be alleviated through the imposition of exit fees on the seller.

They have agreed in principle to amend their memoranda of articles of association where necessary to permit open trade up to the threshold level and they are taking the proposals to their shareholders for endorsement. However, the national water initiative still requires New South Wales to have back-up legislative powers to enforce these changes. As a result, the bill amends the Water Management Act to allow for civil penalties if the constitution of an irrigation corporation prevents trade up to the threshold. New South Wales is required to have this legislation in place by January 2006. Although representing smaller entitlements, I believe it is appropriate that similar principles be applied to other licences held by multiple persons.

For example, there are thousands of former water authorities in New South Wales in which the landholders have a holding in a common licence. Currently a co-holder can only exit or trade out of his or her holding with the agreement of all the other co-holders. This can represent a major stumbling block for such trades. To facilitate the sale of a licence holding the bill, therefore, provides for majority consent. If majority consent cannot be obtained, the parties may apply to the Supreme Court to allow the trade. The court must take account of whether the remaining holders would be unduly burdened by stranded water-supply works.

An important part of the bill covers the need to extend the definition of "environmental water" in the Act to provide a more practical definition and one that reflects how water access is managed on a daily and long-term basis. This will not alter the intent of the legislation, that is, the environment and its dependent ecosystems will continue to have priority in the sharing of water. A Court of Appeal decision on the Gwydir regulated river plan last year confirmed that the plans comply with the intent of the environmental provisions of the legislation. However, the amendments will allow clarification of two aspects: first, that environmental water can be expressed by reference to extractive requirements for water; and, second, that it does not have to be provided at all times. This will not change the significant commitment of water to the environment already provided for in the current water-sharing plans. As I have already stated, some 200,000 megalitres of water have been reallocated to the environment under the regulated river plans.

All the current water-sharing plans have specific environmental rules, which have to be met or delivered and, in addition, the plans preserve all water left over after extraction for the environment. The water taken by licence holders is directly controlled and managed within the extraction limit set in the plan so as not to erode the share to the environment. In the regulated river systems from 50 per cent to 80 per cent of the flow is reserved for the environment, clearly demonstrating that, as required under the legislation, the environment is given priority in the allocation of water. Whilst over the year the majority of water is committed for the environment, it is not appropriate for environmental water to be provided at all times.

Under natural conditions there are dry periods when the environment does not receive any actual water. One of the aims of environmental water rules is to replicate natural flow patterns and requirements, which means that at times it is natural for there to be no or little flow in a river. Our native flora and fauna have adapted to such extremes of nature, and to do otherwise would be detrimental to our aquatic ecosystems. The bill includes a provision to ensure that such changes required to clarify the wording of the Act will not invalidate the existing water-sharing plans.

Another key part of the bill focuses on clarifying the circumstances under which compensation will be paid for changes to a water-sharing plan. The Government last year deferred the commencement of the five inland alluvial ground water plans that had been gazetted. While it is clear that reductions in access are necessary to ensure the sustainability of the ground water systems and the regional communities—and this will occur—there was concern over the across-the-board approach to reducing entitlements in these overallocated aquifers, and some of the plans were appealed against on this basis. The method has now been refined and will take into account the past water use of licence holders when determining their entitlement reductions. This recognises the significant investment some farmers have made in obtaining and using ground water for irrigation. In the past few months the Australian Government has also agreed to contribute \$55 million dollars in matching funds to the structural adjustment package to be paid to affected ground water irrigators and communities.

Some \$100 million will be provided to these farmers and an additional \$10 million to affected regional communities once the plans commence, which is expected to be in July 2006. As a result of the changes to the entitlement reduction approach, amendments will now need to be made to the five inland ground water plans. This could give rise to claims for compensation on the grounds that the plans as made—that is, as gazetted—are now being changed. Given that some 650 ground water licence holders will receive substantial financial assistance under the structural adjustment package, other claims for compensation would simply be double dipping. As a result the bill includes amendments to the compensation section of the Act clarifying that compensation is not payable for financial loss arising out of the development of a plan, including representations, consultation and changes that occur prior to its commencement.

In addition, the validating provision will ensure that these plans are still valid. As the legal appeals to some of these ground water plans were held over awaiting the changes to the entitlement reduction method, the Minister has determined that the Government will now pay the costs of these appeals. The entitlement reductions in the overallocated ground water systems, and those that have also recently been agreed to in the Barwon-Darling river system, require another consequential amendment to the Act. As the legislation now stands, entitlements when converted from the former legislation to the Water Management Act must be equivalent. The wording needs to be changed to provide for a methodology that will provide a lesser entitlement to some licence holders to account for overallocation.

In the inland catchments, some water users pump or gravity feed floodwater into large storages using pumps that have not been metered or licensed. The Murray-Darling Basin cap requires all water extraction to be accounted for and controlled. A floodplain harvesting policy and rules for managing floodplain water are being developed. As a result changes may be needed to the water-sharing plans to incorporate these rules. The bill allows these necessary changes to be made without invoking the compensation provisions of the Act. As a result of the water-recovery projects I earlier outlined, substantial water savings will be created that can then be used to provide additional water for the environment. Licence holders may also choose to commit all or part of their licence to environmental water purposes, or to do this as result of an agreement with the Government on funding of on-farm or other efficiency measures.

This water will be licensed as adaptive environmental water. In contrast to the water that is committed as a priority under the environmental rules in a water-sharing plan, adaptive environmental water may be temporarily traded when not required for the environment. The funds generated from this trade can then be used to implement further environmental measures. The bill, therefore, includes a number of provisions to ensure the proper management and use of this water. This includes the granting of the licences, the conversion process, the accounting process and reporting requirements and conditions, such as the need for a plan that specifies how the water will be used and when it can be traded.

While the Government's focus is on the use of water savings to provide additional environmental water, in some cases the most cost-effective use of public funds may involve the purchase of water. For example, the purchase of supplementary water and its conversion to rules-based water is being investigated as a means of topping up critical environmental allocations to the Macquarie Marshes. A reduction in supplementary water would reduce the extraction limit for irrigators and require a change to the water-sharing plan. There has also been some concern from industry that the removal of supplementary water would expose general security irrigators earlier to reductions in their annual allocations if total extractions increase. Under the Government's growth-in-use strategy, supplementary water—which is opportunistic and lower-priority water—is the first to be cut to maintain extractions within the plan's extraction limit.

After supplementary water has been effectively extinguished, general security users would then have to bear the brunt of their growth through lower annual allocations. This should not be compensatable as it is the general security irrigators that are causing the growth. Similarly, they should not be granted compensation for the loss of the supplementary water buffer since this becomes an issue only if there is growth in the first place. Those who sold their supplementary water licences to the Government would, of course, be compensated through the sale price they would receive, which would be the market value of the water.

I said that the Government is currently developing a statewide program of works and operating protocols to minimize the impact of cold-water releases from dams. To enable these measures to be implemented, the bill allows agreed modifications to smaller dams or the protocols for releases from all dams to be enforced through the water management works approval for the dam. For the major storages, modifications to the dam wall and outlet structure may be applied under the Environmental Planning and Assessment Act. Across New South Wales there are hundreds of local water utilities providing water to towns outside the major metropolitan areas. The Act currently provides for automatic review of all local water utility entitlements every five years. This will produce unnecessary work as not all rural towns will grow in the next five years. The bill replaces the automatic review with one that would be undertaken when required, such as when the population is increasing or when the utility requests such a review. This is a prudent risk management approach.

Although under the Act local water utility licences have priority over most other licences—as part of the consideration of the entitlement increase—the local water utility will now need to demonstrate to the Minister for Utilities that it has implemented the best practice management guidelines for water supply. It is important to point out that the entitlement granted to a local water utility under the Act is already relatively generous and any increase will impact on the water available to the environment and other users in the water system. In addition, civil penalties as currently apply to major utilities are to be introduced when a local water utility breaches the conditions of its licence.

The Act specifies that the review of the water utility's entitlement is to reflect any variation in population and associated commercial activities. At the request of local water utilities the requirements of food and fibre processing will now be included in the definition of associated commercial activities. Under the current Act, in times of restricted supply the allocations for water utilities must be reduced at a lesser rate than allocations for other licence holders. The Greater Sydney water sharing plan will require the Sydney Catchment Authority, by far the major water user in the system, to operate within a benchmark extraction level. The bill allows for a water-sharing plan to change the priorities for water allocation, and the amendment is primarily to accommodate the requirements of the Sydney plan.

A number of amendments to the Water Management Act are also required to facilitate trading and water licensing arrangements. To assist with the accounting of water traded within New South Wales between the Murrumbidgee, Murray and Lower Darling regulated river valleys, the bill incorporates a system of tagging of all or part of the water allocations under a licence. Tagging has already been adopted by New South Wales as the preferred method for the trading of water between States. This means that if a Murrumbidgee licence is traded downstream to another river system the water can still be debited from the original source. The Minister's access licence dealing principles will specify where tagging can occur.

Four other procedural changes are included to improve water trading. The first involves a term transfer that was added as a new water dealing in the Act last year. A term transfer allows a licence holder to effectively lease the water licence to another person for a period of time, usually a couple of years. A more flexible

arrangement allowing a term transfer to be extended before the current period expires is now included. The second procedural change requires applications for all types of dealings to be assessed in accordance with the Act and the dealing principles. In error, the Act currently excludes water allocation assignments from this requirement.

The third change enables conditions to be added to the works and water use approval when a water access licence is changed through a water dealing. For example, if a licence is moved to another location the impacts of this will be assessed and, as a result, new conditions may need to be added to the water use approval. The fourth change allows the Government to auction or tender the right to transfer a licence into a water source or zone that has a limit on the quantity of licences within it. This situation could arise when an opening is created because a licence has moved out of the water source. Rather than the opening going to the first person who lodged an application, a tender or auction process would provide a fairer solution. Currently the auction-tender process is permitted under the Act only when there is unallocated water.

To provide licence holders with a guaranteed legal water title the Water Access Licence Register has been established and water access licence certificates are being issued by the Department of Lands. This places water title on a similar footing to land in New South Wales. The process of listing a water access licence on the register involves checking the licence details, verifying its ownership and confirming the details of any security interest. Security interest holders are companies or mortgagees who have an interest in the licence. As with land, they would want to be party to any agreement to sell or significantly change the licence. This bill builds on the significant work already undertaken by this Government to provide a sustainable and secure resource for the environment, farmers and the community. It focuses on providing certainty for licence holders, opening up the market in water, clarifying and supporting our environmental initiatives and driving greater water efficiencies. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire.**

### **MINE SAFETY (COST RECOVERY) BILL**

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

#### **Second Reading**

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [8.38 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

The Government has consistently promoted the goal of zero deaths or serious injuries in the mining industry in New South Wales. Its commitment to this goal was first highlighted when it undertook an independent review into mine safety in 1996, and accepted all the review's recommendations to improve mine safety. In 1998 this commitment was further emphasised with the acceptance of all the safety recommendations from the inquiry which followed the Gretley coalmine disaster. The outcome of these two reviews has led to great changes in the way mining is conducted in this state. Safety has become a central aspect of what mining is about in New South Wales. It is about the building of a culture of safety so that our 15,000 mine workers come home safely at the end of each day's work.

The good work of employers, workers and government has seen a significant drop in the numbers of deaths and rates of injury in recent years. It is gratifying to report these improvements. However, this Government is still determined to have a mining industry that is free of fatalities and serious injuries. To meet this goal the Government asked the former Premier, the Hon. Neville Wran, QC, to review the progress we are making on mine safety. The Government also asked him to see what else needed to be done to have a truly safe industry. The review acknowledged the significant improvement in the industry's safety performance. At the same time it made clear that the journey to a totally safe mining industry is not yet complete. To map out that journey the review made 31 wide-ranging recommendations.

The review recommended that the role of the Mine Safety Advisory Council be enhanced. The Mine Safety Advisory Council is constituted under the Mining Act 1992. It is made up of representatives from industry, unions and government. The review calls for independent occupational health and safety experts to be included on the council, and for top-level representation from its present core groups. The review recommends

that the council should have the tools and resources to drive the new reform agenda for mine safety. Further, it calls for the council take forward examination and progression of mine health and safety issues. These recommendations on the Mine Safety Advisory Council are pivotal, with the potential for far-reaching improvements to mine safety. The Government has accepted the Wran review recommendations.

A second key review recommendation is to form a board of inquiry. The board is to examine the issue of safety enforcement policy and implementation. It will look at the adequacy of the current enforcement policies. Further, it will develop a strategic approach to enforcement with a view to long-term improvement in industry health and safety performance. The board of inquiry will also consider the role, resourcing and training of the safety inspectorate of the Department of Primary Industries, and look at the sanctions available to it. Implementing these recommendations will lead to significant changes in the mine safety framework of New South Wales. Other significant recommendations from the review, such as those relating to fatigue and hours of work, are to be referred to the Mine Safety Advisory Council to consider and progress.

The Department of Primary Industries is also specifically tasked with implementing several recommendations. These relate to the preparation and implementation of safety and health regulations, and the benchmarking and improvement of safety data systems to international best practice. They also include the department being given responsibility for identifying, monitoring and reporting on mine health hazards. As well, it will undertake monitoring of contractor management and a major audit of its performance and compliance with new legislation. The review recommends that the inspectorate also regularly monitor and audit the implementation of industry's mine risk management plans and safety management systems. An innovative part of this work will be a requirement to consult with the work force during that process. This Government will ensure that the review recommendations are addressed.

The review calls for a levy on mining industry employers to provide the means to implement the recommendations. The Mine Safety (Cost Recovery) Bill enacts legislation for a levy to cover the costs of implementing the recommendations. As well as covering these costs, the levy will cover the Department of Primary Industries' costs in relation to regulating mine safety. Other industries in New South Wales currently pay all the costs of their workplace safety regulation through the WorkCover scheme. This proposed safety levy means that the mining industry will pay its way like other industries. The cost of regulating mine safety and implementing the Wran recommendations is estimated to be at least \$13.5 million dollars per year. Until now the Government has provided the majority of the financial resources to support the mine safety functions of the Department of Primary Industries.

We know the community expects that industry will strive to improve the safety record of every mine site. However, the community also expects that industry will pay its share of the cost of regulating and improving mine safety. The mining industry is in a good position to pay the levy. In 2004-05, the value of mineral production in New South Wales is expected to be more than \$9 billion. The levy is estimated to add around a mere 11¢ a tonne to costs in producing coal. To demonstrate this in terms of its impact on coal profits, let me give the House some figures from 2004-05. Average free-on-board cash costs at New South Wales coalmines are between \$40 and \$45 a tonne. In comparison, the average price for export thermal coal prices in 2004-05 was a little over \$61 a tonne.

For export hard coking coal the price was over \$83 a tonne. Clearly the mining industry can afford to pay the costs of regulating and improving mine safety. The safety levy will apply to the mining, oil, gas and extractive industries. The levy will be modelled on the other levies in place in the workers compensation system. The dust diseases levy is one of these, a practical and sensible model that can be applied across the mining industry. This levy is currently collected from employers in relevant industry sectors through WorkCover's scheme agents. It is also paid by some self-insurers. The dust diseases levy is charged as a small percentage of an employer's wages bill. The mine safety levy will be based on this model, with details to be settled with industry. The levy will begin operation in the first half of 2006, once these administrative details have been settled.

A further point of similarity with the dust diseases levy is the levy collection system. The dust diseases levy is added to relevant workers' compensation premiums and collected when these premiums are paid. A similar system will be adapted and used across the mining industry by WorkCover. Coal Mines Insurance, a separate specialised workers' compensation insurer, will implement a similar system for the coal industry. By using these well-established systems, this new levy will be collected efficiently and effectively and will minimise extra costs. It is intended that the WorkCover and Coal Mines Insurance collection system will use existing methodologies for defining who is an employer and who is a worker. If there are changes in this system, levy arrangements will be adjusted accordingly.

I now turn to the bill. The mining industry can be assured that the money it contributes to mine safety regulation will be used only for that purpose. In clause 4 of the bill, a Mine Safety Fund is proposed, into which all levies will be paid. Clause 6 of the bill sets out that funds will only be spent on the Department of Primary Industries' regulatory mine safety functions and the costs associated with them. The director-general may, under Clause 7, invest the moneys in the fund. These provisions ensure transparency and accountability in how Government manages the fund. Industry also needs to know how the levy amount is decided each year. In clause 8 the bill provides for the director general of the Department of Primary Industries to estimate the department's mine safety costs each year.

That estimate will take into account any surplus or deficit from the previous year, and adjustment will be made according to the total to be levied. This estimate will be passed to the Mine Safety Advisory Council, which will have a high-level oversight role in advising the Minister. The council will provide policy and strategic advice on the mine safety functions of the Department of Primary industries. The council's representation makes it a good sounding board for advice to the Minister. The council will report to the Minister on the levy estimate, and the Minister will be responsible for approving the amount to be raised. Under clause 9 of the bill the director-general will determine the insurers and classes of insurers who will make contributions to the levy fund.

The director-general will also determine the contributions to be made by these insurers or classes of insurers, and when they are to be paid. These provisions will make it clear for those raising the levy what is expected of them. WorkCover will play an important part in raising the levy through its established premium collection systems. Clause 11 of the bill allows for arrangements to be made with WorkCover. These arrangements cover such issues as exchange of information on practical matters, contributions from specified insurers, notification of amounts to self-insurers and debt recovery. The bill includes proper safeguards in how industry's levy contributions are assessed each year and how the levy funds are managed. This is responsible legislation for a very important purpose. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire.**

**The House adjourned at 8.48 p.m. until Tuesday 29 November 2005 at 2.15 p.m.**

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