

# LEGISLATIVE ASSEMBLY

Thursday 2 March 2006

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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 the Gadigal clan of the Eora nation and their elders, and thank them for the custodianship of this land.

## CAREEL BAY PROTECTION BILL

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

### Second Reading

**Mr CHRIS HARTCHER** (Gosford) [10.02 a.m.]: I move:

That this bill be been now read a second time.

Careel Bay is a significant wetland estuary on Pittwater in the metropolitan Sydney region. It is one of the most valued coastal areas in New South Wales, with special ecological significance. Careel Bay provides a habitat of high conservation significance for a variety of water birds. These include migratory waders from the Northern Hemisphere such as the Eastern Curlew, Whimbrel and Bar-tailed Godwit. Australia has two specific bilateral international agreements, which have been entered into between the Governments of Australia, Japan and China to deal with migratory wading birds and their environments

The international obligation to protect these species and their habitat is enshrined in international agreements including the Japan-Australia and China-Australia Migratory Birds agreements and the Bonn Convention on the Conservation of Migratory Species of Wild Animals. Since 1972 there has been a decline in numbers and variety of migratory waders using Careel Bay, and this must be viewed with concern. The most significant is the Eastern Curlew. In about 1997 new flight paths proposed by the Federal Government had placed the north-south approach right over Careel Bay. The international treaties expressly forbid noise pollution where it can be avoided, and subsequently the paths were relocated offshore, east of the coastline.

Since early 2004 there has been continuous, escalating debate on the proposed development for Careel Bay Marina by Austral Monsoon Industries [AMI] at a cost of approximately \$6.5 million. The proposed development involved two stages, redevelopment of the existing boat maintenance facility leased by AMI from the Department of Lands and development of a 37-berth floating marina beyond the current leased area. The proposed boat travel lift is approximately 75 tonnes, which is highly inappropriate for a shallow and small bay such as Careel Bay. This type of development often triggers the downgrading of beautiful areas, such as Careel Bay. Classified as State significant development under Part 3A of the Environmental Planning and Assessment Act as amended 2005, the development application was lodged with the State Government, the responsible Minister being the Minister for Planning as the relevant consent authority. Community groups such as the Careel Bay Protection Association, chaired by Mr David Poppleton, and the Pittwater Environment Trust as well as individuals have lobbied tirelessly for years against this development. They garnered more than 5,000 signatures of opposition to the development, regarding inappropriate development proposals, potential loss of aesthetic values, loss of coastal amenities and loss of traditional public access.

Key objections to the development were the scale of the marina, which is considered to be out of keeping with the character of the area; the threat to marine ecology; the effects on residential amenities; and the increase in traffic. On 25 February 2006 the State Government, through the Minister for Planning, announced refusal of the development application, but gave no indication of protection for Careel Bay from future development applications. Careel Bay contains valuable and irreplaceable marine habitats. Careel Bay is home to the largest mangrove system in Sydney, environmentally sensitive sea grasses and migratory birds. Careel Bay is, indeed, one of the jewels in the crown of the natural assets of the eastern coastline of New South Wales. It is extraordinary that it is still in existence in such an undisturbed state, given its proximity to metropolitan

Sydney. We need to protect our natural assets not only for present but also for future generations. The purpose of the bill is to ensure the protection and preservation of Careel Bay for the future.

The bill introduces the provisions necessary to protect Careel Bay on Pittwater and prohibit any redevelopment of the marina at that bay that is inconsistent with the existing character of Careel Bay. Passing this bill will ensure that any future upgrades for Careel Bay based on improvements and expansion of any current facilities will meet occupational health and safety standards for usage patterns and will not alienate public space. Passing the bill will ensure a reduction in risks of pollution, implementation of appropriate planning and use standards to guarantee the maintenance and enhancement of the ecological integrity of Careel Bay. It will provide protection of significant heritage sites and amenities, and the preservation of biological diversity and ecological integrity. Under the bill the community will be part of any future use proposals for Careel Bay. The consent authority will be the council and not the Minister, which will ensure Careel Bay is not subjected to any undue influences and allow transparency in future proposals for the bay.

Passing to the specific sections of the bill, clause 1 sets out the name and the short title of the proposed Act. Clause 2 provides that the bill will commence on the date of the signification of Royal assent. Significantly, clause 3 defines certain terms for the purposes of the proposed Act. In particular, Careel Bay marina development is defined to mean "development for the purposes of a marina, the upgrade of a marina or the erection of new facilities at a marina, in Careel Bay". Clause 4 provides that any existing declaration under section 75B of the Environmental Planning and Assessment Act 1979 that development for the purposes of marinas is a project to which Part 3A of the Act applies is revoked to the extent to which it applies to Careel Bay marina development. Such a declaration is currently made by State Environmental Planning Policy (Major Projects) 2005.

Clause 4 also provides that such a development or a declaration that has the effect of making Careel Bay marina development a project or part of a project to which Part 3A of the Environmental Planning and Assessment Act applies cannot be made after the commencement of the proposed Act. Clause 5 provides that Pittwater Council is the consent authority in relation to any Careel Bay marina development. Careel Bay marina development may be carried out only with the development consent under Part 4 of the Environmental Planning and Assessment Act. Clause 6 provides that Careel Bay marina development may be carried out only on land or coastal water that is within the area presently covered by a marina when the proposed Act commences.

Clause 7 provides that Pittwater Council must not consent to Careel Bay marina development unless the development is, in the opinion of Pittwater Council, consistent with the character of Careel Bay as at the commencement of the proposed Act and that Pittwater Council has had regard to the advice on the development application provided by the community forum established in accordance with proposed section 8. Clause 8 provides that if Pittwater Council receives an application for consent to Careel Bay marina development it must establish a community forum in relation to the development application, made up of residents and councillors of Pittwater Council. The function of a community forum is to advise Pittwater Council on the development application and in particular on the plans for the development, the assessment of the development application and the future monitoring of the proposed development. Clause 8 provides that the committee, which will be established by Pittwater Council, must have an equal number of residents of Pittwater local government area and councillors of Pittwater Council. In any case the committee is to have at least six members and not more than eight members.

Clause 9 provides that the proposed Act will apply despite any provision of any other Act or any regulation or environmental planning instrument. What the bill will do is twofold. It will make permanent the protection granted by the Minister in his decision last Friday when he resolved to refuse the development application. It will ensure that Pittwater Council is the only consent authority for Careel Bay, that is, it is inappropriate for the Minister or for any other authority to be involved in decisions relating to Careel Bay. It provides that Pittwater Council must consult with the local community through the community consultation process established by the Act. It will prohibit Pittwater Council from approving any development that is outside the existing marina. While it will essentially allow for an upgrading of the existing marina, if that is so determined by Pittwater Council, it does not allow for any expansion of the marina.

This legislation will protect the ambience, character and aesthetic values of Careel Bay. It will protect the peace and quiet of the residents; it will protect an area that has only narrow road access from excessive traffic. It will protect an area of great natural beauty on Pittwater, and it will protect significantly the migratory birds which have used it for countless centuries past as a habitat on their road from the northern hemisphere to Antarctica or to Australia during the appropriate seasons. The significance of the area is spelt out in a statement issued by Pittwater Council, which states:

**Why is Careel Bay important?**

Careel Bay contains the largest stand of mangroves, one of the last remnants of saltmarsh, and the most extensive sea grass beds in Pittwater. These act as a silt-stabiliser and fish nursery and are essential to the ecology of Pittwater and nearby coastal waters. These ecosystems provide habitat for some unusual resident and visiting bird species.

The bay is a stop-off site on the East-Asian/Australasian Flyaway for migratory wading birds, which arrive in spring from their breeding grounds in Mongolia and Siberia. The Australian people and the Federal Government are committed to a number of international agreements for the protection of these birds and their habitats. These agreements include JAMBA (Japan-Australia Migratory Bird Agreement) and CAMBA (China-Australia Migratory Bird Agreement).

**Why do migrating birds come to Careel Bay?**

Careel Bay has a combination of seagrass beds and mudflats rich in marine life on which the birds feed, a sandspit where they can roost at high tide and a stand of mangroves which is used as a roosting area. The birds spend the summer resting, moulting and feeding to build up the fat reserves necessary for the long trip back to the northern hemisphere where they breed. Some immature birds may remain over winter ... in their first year.

The main threat to these birds was the proposed aircraft flyover zone—they would have been affected by noise pollution—which was abandoned. In Careel Bay the birds, while feeding and roosting, are disturbed by people, uncontrolled dogs and night patrolling cats. The statement continued:

In 1973, the mangroves and tidal flats were saved from marina development by strong local protest and environmental surveys. But each year as human activity increases, that species and numbers of birds decrease.

In the statement the council further acknowledged that a number of studies had been undertaken and reports completed, including a study in May of 1997 entitled "Environmental Studies of Benthic Assemblages in Wetland Habitats in Careel Bay". Other studies are the "Bird Habitat Study of Careel Bay", the "Careel Bay Estuarine Wetlands Process Study", the "Recreational Use of Careel Bay" and the "Careel Bay Wetlands Plan of Management". When the significance of this area is understood—its extraordinary importance for migrating birds, its great beauty as part of Pittwater and its significance to the local habitants—it seems amazing that a development application could have been lodged which would have substantially, both directly and indirectly, affected the habitat and the area.

The Minister was right to refuse the development application. It is right for the Parliament to express its support for the preservation of Careel Bay not only in principle but also in statutory form by making the protection permanent, which is what the Careel Bay Protection Bill will achieve. I acknowledge the assistance of Parliamentary Counsel in preparing the legislation. The courteous and competent assistance provided by Parliamentary Counsel is always welcomed by members of this House. I acknowledge also the great effort put in by residents of Careel Bay, such as those who organised the Careel Bay Action Group. I specifically acknowledge the work of Mr David Poppleton and John Sheehan. I received a letter from John Sheehan that was written as a result of information supplied to him by the Careel Bay Pittwater Protection Association. He said:

My name is John Sheehan and together with my wife Yolanda and our two boys we purchased our land at No 3 Shore Brace in November 1991, and after building our house we moved in October 1993. We look over Careel Bay and from our deck have a fairly clear view of the existing Careel Bay wharf. Understandably I followed with some interest the debate concerning Austral Monsoon Development Application for a marina and other facilities to replace the existing Careel Bay boatshed.

Before proceeding further, it is worthwhile that I mention that I am a Chartered Town Planner in private practice and I also have a Masters Degree in Environmental Law, and I am currently reading for my doctorate in a specialised area of property rights (native title).

He goes on to state.

*s79C* of the environmental planning and assessment act places on obligation on the consent authority be it the Pittwater Council or in this case the Minister for Planning the Hon Frank Sartor, and those issues in *s.79C* must be demonstrated to have been considered by the consent authority. Nevertheless the Minister has the power to call in development applications and on this occasion he has.

The letter goes to raise the significance of the Japan-Australia Migratory Bird Agreement and the China-Australia Migratory Bird Agreement, and he quotes Article (vi) of the Australian Government and Japanese Government agreement where the two agree to take any measures necessary to carry out the purpose of the agreement. He states:

It has been troubling me for some time that the Minister for Planning, the Hon Frank Sartor in calling in the Austral-Monsoon development application may or may not be aware of the need to refer the development application to the Australian Government, presumably Environment Australia, before proceeding to a consideration of section 79 of the *Environmental Planning And Assessment Act*.

The point is that while the State Government and the council have an interest in Careel Bay, so in fact does the Australian Government under its treaty-making powers. The Australian Government has entered into a treaty with both Japan and China for the protection of migratory birds that come from those areas. The Australian Government's constitutional power to enforce that treaty is established by the High Court decision in the Tasmanian dams case of 1983. It is appropriate therefore that if there is to be any consideration of development at Careel Bay not only the council and the state Government should be notified, but the Australian Government also. He goes on to state:

Arguably, it appears whether a development consent can be issued by the Minister [for Planning] under his calling [in] powers as this may be overridden by *Articles vi and vii* of ... [the Japan-Australia Migratory Bird Agreement] and similar provisions in ... [the China-Australia Migratory Bird Agreement].

This legislation would have the significant effect of removing those problems, but one would hope that anybody who has any interest in deciding upon the development of marinas on the eastern coast of Australia in the Sydney region would give due protection and due regard to the importance of Careel Bay and would ensure that the future of Careel Bay is a matter of not just individual importance or council importance, but of great importance to the people of this State, through the State, constituted by the people of Australia acting through the Australian Government, acknowledging the Japan and Australia migratory birds agreements.

This is significant legislation. I hope all members of the House approach it in a spirit of support and acknowledge that the protection of our environment is of paramount significance. It is a matter that all of us have an interest in—supporting all of the State. This bill and the support that can be given to this bill will be a test of whether people in the community and members of the House are prepared to extend that support to Careel Bay. I commend the bill to the House.

**Debate adjourned on motion by Mr David Campbell.**

## **ROYAL REHABILITATION CENTRE SYDNEY SITE PROTECTION BILL**

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

### **Second Reading**

**Mr ANTHONY ROBERTS** (Lane Cove) [10.23 a.m.]: I move.

That this bill be now read a second time.

The object of this bill is to protect the site of the Royal Rehabilitation Centre Sydney at Putney, which is referred to in the bill as "the site", by ensuring that Ryde City Council remains the consent authority for any application to carry out development on the site, by prohibiting the carrying out of excessive development on the site, by ensuring that satisfactory alternative arrangements are made for users of the site displaced by any development, including the Riding for the Disabled Association of New South Wales, by protecting certain buildings on the site from demolition or alteration and requiring them to be maintained, by reserving part of the site as public open space, and by requiring community consultation in relation to the carrying out of development on the site and the management of that public open space.

Ryde City Council will become the consent authority. Clause 4 provides that the council is the consent authority in relation to the carrying out of any development on the site. Clause 5 of this bill prevents the making of any declaration under the Environmental Planning and Assessment Act 1979 that the carrying out of development on the site is a project to which part 3A of that Act applies, or that has the effect of making development on the site a project or part of a project to which part 3A of that Act applies. Any such declaration has no effect to the extent to which it applies to the site. Clause 6 provides that development on the site cannot be carried out except with development consent under part 4 of the Environmental Planning And Assessment Act 1979. Clause 7 of the bill provides that the only development that may be carried out on the site is development for the purposes of a detached dwelling-house, development for the purpose of a new purpose-built specialised rehabilitation facility or demolition or alteration of a building.

Clause 8 provides that proposed sections 6 and 7 do not affect the continuation of any existing use of the site for the purposes of a rehabilitation facility. Clause 9 imposes a limit on residential development on the site. The council must not consent to the carrying out of development of the site for the purposes of a detached dwelling-house if, as a result of the development, the total floor space area of dwelling-houses on the site will

exceed 51 per cent of the area of the site. Clause 10 provides that the council must not consent to the carrying out of development on the site unless it has taken into consideration the concept plan prepared under proposed part 6. Clause 11 provides that the council must not consent to the carrying out of development on the site unless it is satisfied that satisfactory alternative arrangements are made for users on the site who are displaced by the development, including the Riding for the Disabled Association of New South Wales.

Clause 12 requires the council to assess each of the buildings on the site immediately before the commencement of the proposed Act and to determine which buildings are worthy of protection from demolition or alteration and which are not. Clause 13 provides that the council must not consent to the carrying out of development that involves the demolition or substantial alteration of a building that the council has determined is worthy of protection from demolition or alteration under the proposed part. Clause 14 requires the council to maintain all buildings that it has determined are worthy of protection from demolition or alteration and that are on land reserved as public open space under proposed part 5.

Clause 15 provides for the reservation as public open space of that part of the site that is not being used as a rehabilitation facility or the subject of development consent after two years. Clause 16 empowers the owner of land reserved as public open space to require the council to acquire the land. Clause 17 requires the council to landscape any land so acquired. Clause 18 requires the council to consult the community consultative forum established under proposed part 7 on the management of the land so acquired. Clause 19 requires the council to prepare and implement a concept plan for the site. Clause 20 requires the council to consult with the community consultative forum in preparing a concept plan.

Clause 21 provides that the council must not consent to the carrying out of development on the site unless it is satisfied that the local community has been properly informed of the proposed development. In particular the council must not consent to an application for development consent unless the development application has been publicly notified in accordance with the Environmental Planning and Assessment Act 1997 as if it were advertised development and the council has taken into account any objections received as part of that notification procedure. Clause 22 makes it the duty of council to establish an effective procedure for community consultation concerning the management of land at the site reserved as public open space and the development of the concept plan for the site. Clause 23 provides for the establishment of a community consultative forum. Clause 24 provides that the proposed Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument, and that nothing in the proposed Act prevents the making of an environmental instrument that imposes additional restrictions on development on the site or on the council's ability to consent to such a development. Clause 25 provides for the making of regulations under the proposed Act.

This bill empowers Ryde City Council and the people of Putney and Ryde with their own destiny. This is a significant issue in my local area. Two major protest rallies have been held, one with 1,200 people at Putney Public School in late 2005 and more recently a large public rally in Ryde outside the electorate office of the Deputy Premier. Almost 3,000 people have signed petitions opposing the overdevelopment and thousands of people have taken part in public demonstrations because of their concern. I pay tribute to and acknowledge the wonderful work of the Coalition Against Private Overdevelopment [CAPO], which is incorporated under the Putney District Progress Association, to fight the overdevelopment. The Coalition clearly speaks for the association, the community of Ryde and the Lane Cove electorate. This proposed overdevelopment sits on the boundary between the electorates of Lane Cove and Ryde. Lines marked on a map do not stop large amounts of traffic, particularly on Morrison Road, where the traffic levels are well above acceptable levels.

**Pursuant to sessional orders business interrupted.**

## **POLICE INTEGRITY COMMISSION AMENDMENT (REPORTS) BILL**

### **Second Reading**

**Debate resumed from 29 May 2003.**

**Mr DAVID CAMPBELL** (Keira—Minister for Water Utilities, Minister for Small Business, Minister for Regional Development, and Minister for the Illawarra) [10.30 a.m.]: The Government cannot support the Police Integrity Commission Amendment (Reports) Bill. The bill is a fundamentally misguided piece of

legislation. I am advised that previously it was opposed by the Commissioner of the Police Integrity Commission [PIC], Mr Terry Griffin, and the two bodies with statutory oversight roles of it, the Inspector of the Police Integrity Commission and the parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission. The honourable member for Epping introduced this bill in response to allegations that nobody at the PIC is prepared to take responsibility for the Operation Malta report. The bill is based on the false assumption that a person who writes a PIC report, or part thereof, will have been responsible for making any assessment or opinion expressed therein. It confuses authorship with accountability.

Somebody is prepared to be accountable for the Malta report and other PIC reports. That person is the PIC commissioner. Commissioner Griffin advised the parliamentary joint committee on 20 September 2002 that he, as commissioner, was responsible and accountable for all PIC reports, including the Malta report. The honourable member for Epping, in his second reading speech, made a number of assertions that suggest steps were taken to prevent Judge Urquhart, who presided over the Malta hearings, from writing the Malta report. These statements should not remain on the parliamentary record unchallenged. The honourable member for Epping notes the bipartisan approach that was taken in introducing legislation to ensure Judge Urquhart could continue presiding over the Malta inquiry when his non-renewable term of office as commissioner expired. He also suggested that the legislation was never put into effect. Again, this is not the case.

The Government introduced amendments to the Police Integrity Commission Act on 2 July 2001 to enable Judge Urquhart's term as commissioner to be extended for a period of up to one year, or to allow him to be appointed an assistant commissioner, with the delegated role of finalising the Malta investigation, whilst retaining his judicial tenure and entitlements. Judge Urquhart was given the choice of these two options and he chose the latter so that he could focus exclusively on the Malta inquiry, whilst the new commissioner attended to the remainder of PIC business.

The honourable member for Epping also suggests that Judge Urquhart was given the power to preside over the hearing, but his instrument of appointment as an assistant commissioner specifically excluded him from writing the report. Again, this is not the case. As the former Minister for Police advised the House on 31 July 2003, Judge Urquhart was appointed as an assistant commissioner until publication of the report, and his appointment continued on that basis. The instrument of appointment delegated all of the commissioner's functions in respect to the Malta inquiry, except certain functions where there is a statutory presumption against delegation, including the making of reports to Parliament. The making of a report to Parliament is distinct from the preparation and writing of a report under section 96 of the Police Integrity Commission Act. The PIC advised that Judge Urquhart's instrument of appointment in no way excluded him from preparing the Malta report. The honourable member for Epping suggests that Judge Urquhart was not adequately involved in the preparation of the Malta report. The PIC has advised:

It was Judge Urquhart himself who implemented the relevant report writing process. The Judge was integrally involved in formulating the assessments and opinions expressed in the Malta report, and approving its final form.

The bill contains provisions that will not be found in any other legislation establishing an investigative body. The Independent Commission Against Corruption Act 1988, on which the Police Integrity Commission Act was modelled, contains no such provisions. The Royal Commissions Act 1923 and the Ombudsman Act 1974 contain no such provisions. I am unaware of any similar Act anywhere that contains such provisions. There is a good reason for this. Quite simply, the provisions are flawed, restrictive and do not have their intended effect. It is an inescapable administrative reality that a number of officers will continue to have responsibility for the actual writing of different parts of PIC reports. PIC reports are prepared corporately, with input from the presiding officer, counsel assisting, the report project manager, PIC research staff, the PIC solicitor, other senior PIC staff and the commissioner.

The reports of the ICAC and other investigative bodies are also prepared corporately. Justice Wood did not sit down behind his computer and write each word of the police royal commission reports unaided. If all the reports of investigative bodies to Parliament were prepared by a single officer, who may have many other responsibilities, we would all still be waiting for many time-sensitive reports. Such reports are prepared corporately by necessity, not through any desire to avoid accountability. The former Inspector of the Police Integrity Commission, in his report on the practices and procedures of the Police Integrity Commission, tabled in Parliament on 18 June 2003, concluded that the appropriate person to sign off on PIC reports is the commissioner, as was the case in the Malta inquiry. He further stated:

It is appropriate that reports should be prepared corporately and not exclusively by the commissioner or presiding officer. The caveat is that the report writing procedures must make sufficient allowances for the person presiding over the hearing to have an opportunity to provide sufficient input into the report.

The inspector went on to state that there was ample opportunity for Judge Urquhart to have input into the report and the PIC has advised that the judge did avail himself of that opportunity. On 18 September 2003 the parliamentary joint committee tabled its report on the Fifth General Meeting with the Inspector of the Police Integrity Commission where it indicated it concurred with those comments by the inspector. Even if it were desirable to make one person the author of a PIC report, this is simply not practical. The honourable member for Epping acknowledges this, to some degree, in recognising that there may be unavoidable causes for a presiding officer not writing a report.

Whilst he acknowledges illness or death may prevent a presiding officer from writing a report, he is strangely silent on whether ceasing to hold office is an unavoidable cause. The bill, as drafted, provides that where a presiding officer ceases to hold office in the PIC, that will be treated as an "unavoidable cause". This is because section 96 of the Police Integrity Commission Act clearly provides that the preparation of reports is a function of the PIC and section 11 of the Act provides that a function of the PIC can only be exercised by a person who is currently a PIC officer. The honourable member for Epping argues that many of the problems with the quality of the Malta report were caused by certain PIC officers ceasing to hold office, or having the nature of their office changed, during the course of the Malta inquiry. However, he is not up-front about the bill's failure to address this concern of his—presumably because he recognises that legislation which attempts to lock in personnel for indefinite terms will not stand up to the scrutiny of the courts.

The PIC will continue to prepare its reports with input from a number of different officers. The practical effect of the bill would be to require that the officer responsible for each sentence or punctuation mark in a report have his or her name affixed to each of those parts of the report. That is bureaucracy gone mad. The Government and the PIC wish to streamline reporting processes, not strangle them with meaningless red tape. The greatest problem with the Malta process was the delay, a delay caused by overly formal procedures. Requiring individual PIC officers to be named as responsible for writing a particular comment may allow false arguments that the view expressed was simply the view of an individual and not that of the PIC, thus diminishing the credibility attached to PIC reports.

The naming of individual officers in connection with particular comments may increase the risk of PIC staff being targeted by persons who object to the comments made about them in PIC reports. The honourable member for Epping argued that the findings and recommendations of the PIC should be treated as if they were the decisions of a single judge, particularly as they can damage reputations. The report of the parliamentary joint committee report of 18 September 2003 noted that the PIC is substantially different from a court of law and the implications of that distinction are not readily understood by some. They have contributed significantly to many of the criticisms surrounding the conduct of the Malta inquiry. PIC reports are not court judgments—the PIC cannot sentence people to imprisonment and it cannot award damages; it can only make inquiries, express its findings and make recommendations. PIC reports may damage reputations, as may many other reports made to, or comments made in, this House.

Requiring every parliamentary report or comment to be made in the same manner as a court judgment is not the answer. The answer is to ensure that appropriate accountability procedures are in place. So far as the authorship of PIC reports is concerned, both the inspector and the parliamentary joint committee have made it clear that the procedures are appropriate, and the Government accepts their views. That does not for one minute mean that the Government is satisfied that the PIC handled Operation Malta in the best possible manner: quite clearly it did not. The document entitled *Report on the Review of the Police Integrity Commission Act*, tabled in December 2002 by the then Minister for Police, the Hon. Michael Costa MLC, made it clear that there were concerns about the length and legal formality of the Malta hearings. The report noted section 20 (2) of the Police Integrity Commission Act, which provides:

The Commission is required to exercise its functions with as little formality and technicality as is possible, and, in particular, the Commission is required to accept written submissions as far as is possible and hearings are to be conducted with as little emphasis on an adversarial approach as is possible.

The report recommended that the Minister for Police ask the PIC Inspector to review the appropriateness of the PIC's procedures and practices in respect to the formality and length of its investigations, having specific regard to section 20 of the Police Integrity Commission Act, and to advise on whether those procedures and practices are appropriate or whether specific improvements may be made to them. The Minister did that, and the inspector tabled his report on 18 June 2003. It found little regard was had to section 20 during the Malta investigation, insofar as it relates to the non-adversarial nature of proceedings. The report contained 24 recommendations for improving the practices and procedures of the PIC. Those recommendations were welcomed and adopted by the PIC.

The bill is not about whether the Malta inquiry was well handled. The Government knows that it could have been handled better, and set up a clear and transparent process for improving the PIC's performance. The manner in which the PIC exercises its important functions has been improved by the inspector's recommendations—this bill will not improve anything. Therefore, the Government opposes the Police Integrity Commission Amendment (Reports) Bill 2003.

**Mr PAUL LYNCH**, (Liverpool) [10.43 a.m.]: I oppose the Police Integrity Commission Amendment (Reports) Bill, introduced by the honourable member for Epping, and note that the honourable member for Cronulla did not seek the call. The bill seems to seek to do a number of things. Each Police Integrity Commission [PIC] report must identify the author or authors of the report, and indicate which author writes which part. Additionally, the person conducting what is termed "the hearing" should write the report. The bill is fundamentally misconceived. The honourable member for Epping seems perturbed that the PIC in its Malta report did not deal as favourably with Mr Brammer as the member thinks it ought to have. That is a thoroughly inadequate basis upon which to attack the current structures of the PIC.

The satisfaction with, or hostility to, a particular result seems to have been translated into hostility to the process. The result is being confused with the process. That is not a satisfactory basis upon which to attack the current PIC structure. The core of the member's attack is that Judge Urquhart heard the case but did not write the Malta report. As I said, that is a fundamentally misconceived argument. Certainly, Operation Malta had a number of difficulties and flaws; that is now broadly conceded, including, I think it is fair to say, by the current commissioner. However, the proposal by the honourable member for Epping is not the way to deal with these issues. In my view, a much better course is to review the large number of recommendations that were set out in the report by the PIC's Inspector Ireland in relation to Malta. I note, of course, that notice was given of this bill before the contents of that report were available.

The core of the approach by the honourable member for Epping is, in essence, that the PIC does not function as a court. His argument is that no person is taking responsibility for authoring a report because the PIC is a corporate responsibility. He argued that the person presiding at a hearing has the opportunity to assess the demeanour of a witness and is thus in a unique position to write a report. Moreover, as I understand the argument of the honourable member for Epping, the current practice of the PIC, as seen in its Malta report, is contrary to basic principles dating back to the year 1215. The honourable member continues to argue that it is grossly unfair, a denial of natural justice, and wrong and dangerous.

The premise of those arguments is that the PIC is a court and should be treated as one. That is the nub of the problem in this debate: the PIC is not court; it was never intended to be a court. Assuming either that it is, or that it should be, fundamentally mistakes the notion of the PIC. If the honourable member for Epping wants the PIC to be a court, he should move that the PIC be abolished and that we get rid of investigative agencies. There is a significant distinction between courts and investigative agencies and the honourable member for Epping has blurred that distinction in this bill and in his contribution. However, his attack upon investigative agencies and commissions of inquiry places him in some very interesting company.

In Australia there is a long tradition of hostility to commissions and inquiries, rather than having matters determined by charge before a court. That radical and civil libertarian tradition argues that people should not have to be submitted to inquiries and tribunals but should face their accusers in a properly constituted court where the Crown bears the onus of proof. In many circumstances I personally have a very great regard for that tradition, including for the great Doc Evatt and the equally great Lionel Murphy. One of the best expositions of that argument is in Lionel Murphy's famous address to the National Press Club in August 1983. For honourable members who are interested, that address is contained in detail in Jenny Hockey's biography of Lionel Murphy at page 279. It is a very impressive tradition.

I am slightly intrigued to find the honourable member for Epping sharing company with my heroes, such as Doc Evatt and Lionel Murphy. There is no doubt that that is the reason the honourable member for Cronulla is not prepared to participate in the debate. The consequence of the position taken by the honourable member for Epping, if one follows through his logic, is that we must abolish investigative inquires and commissions and replace them with courts. That is, we must overturn the recommendations of the Wood royal commission. We know that the honourable member for Epping and people on his side of the House voted against the establishment of that royal commission. It seems that their hostility to the establishment of the commission has continued into hostility to the recommendations of the commission.

More than that, the template for the PIC legislation was the ICAC legislation. If we are to be consistent, and follow through the logic of the position taken by the honourable member for Epping, we must move to



abolish not only the PIC but also the ICAC, which I have always thought was claimed as one of the achievements of the previous conservative Government. The preparation of reports on a collective basis by commissions is hardly unusual. Indeed, the usual course in royal commissions is, at the very least, for counsel assisting and presiding officers to collaborate on the preparation of reports. That is, the principle defended at such length by the honourable member for Epping in his second reading speech is breached in almost every royal commission held in this State.

It is equally wrong to say that no-one takes responsibility for the reports of the PIC. Clearly, someone does: the corporate entity called the Police Integrity Commission. Commissioner Griffin has individually taken responsibility for that in evidence given before the Committee on the Office of the Ombudsman and the Police Integrity Commission, of which I am the Chair. Of course, in the precise instance that has prompted this discussion, Operation Malta, the inference is that Judge Urquhart has been excluded from the process of report preparation and that, thus, the perspective of the presiding officer has been lost from the final report. Any such argument or inference is simply wrong. This can be seen clearly from the evidence of Assistant Commissioner Tim Sage to the parliamentary committee given on 16 May 2002. Referring to Judge Urquhart, he said:

The judge has been involved and his appointment is until the report is published and he is involved in a number of workshops in settling submissions that come within the report, and that is no different to what has happened with any report that has been written in the commission.

Commissioner Griffin indicated also that Judge Urquhart would have a contribution to the content of the report. That indication was also confirmed in a letter from the PIC solicitor, Mr Robson, dated 27 February 2003. In part, that letter stated:

Judge Urquhart was indeed closely involved in all relevant steps in the report's preparation, including formulation of the commission's assessments and opinions concerning Mr Brammer.

There is further comment on this topic by the then Inspector of the PIC, Morris Ireland. He prepared a report on the practices and procedures of the PIC arising out of a request by the then Minister for Police. The report was provided to the Parliament in June 2003. At paragraph 5.83 on page 106 of the report the inspector said:

During the course of Malta the term of the then Commissioner, His Honour Judge Urquhart, QC, expired. On 20 August 2001 Judge Urquhart was reappointed as an Assistant Commissioner for the purpose of continuing until completion of the hearings in Malta. On 15 November 2002 the draft report was submitted to His Honour for comment. It is apparent that although His Honour had returned to the bench of the District Court by the time the Malta report was drafted, there was ample opportunity for His Honour to have input into the Malta report.

Those passages, I think categorically, establish that Judge Urquhart made a significant contribution to the Malta report. He was certainly not excluded from the process, despite the arguments or inferences made by the honourable member for Epping. The honourable member for Epping also seems to argue that this bill should be supported on the basis that only the presiding officer can write the report because only that officer has the advantage of seeing what is referred to as the demeanour of a witness. The demeanour of a witness is said to be critical in forming conclusions as to evidence. There are two major problems with this assertion. The first is that the PIC is not delivering a judgment or deciding upon guilt. It is simply deciding whether to recommend that further action be considered. In that context "demeanour" is far less critical than it is sometimes thought to be. I refer once again to Mr Robson's letter in which he stated:

Witness demeanour is evidence only as it occurs under the observation of the forum before which the person is giving testimony. It would not only be inherently unsafe, but in a very real sense false logic for the Commission to base a prosecutorial opinion or recommendation upon "evidence" of an affected person's demeanour. Such an opinion or recommendation would assume that the affected person will behave the same way in a later prosecution as he or she did in the hearing before the commission. As a general proposition, the commission first and foremost looks to direct evidence to support its opinions and recommendations and would be cautious about relying on something as transitory or illusory as a person's demeanour at a particular point in time.

In short, it may be argued that demeanour is significant to a court in determining guilt, but it does not assume the same magnitude in the PIC's consideration of recommending prosecution. There is considerable argument about how significant the demeanour of a witness is in the decision of a court on the finding of guilt. I have always been a little sceptical about this point. I direct the attention of those interested in this debate to the autobiography of Chester Porter, QC, entitled, appropriately enough, *Walking on Water*. I note that he is not from my political tradition. Indeed, he is from the tradition on the other side of the House. I can recommend his autobiography as an interesting and enjoyable book. Throughout the book the author, one of this country's most experienced and respected Senior Counsel, is highly critical of those who are overreliant on the demeanour of a witness. At page 51 he said:

As for demeanour, good demeanour is as likely as not to be the characteristic of a confidence trickster or a bent policeman. Bad demeanour is likely to be caused simply by nervousness or a wandering mind.

He also quotes Lord Justice Atkin, who said:

An ounce of intrinsic merit or demerit in the evidence, that is to say the value of the comparison of evidence with known facts, is worth pounds of demeanour.

My final quote from Chester Porter is at page 217:

However it is dangerous in the extreme to rely upon the demeanour of witnesses. As I've said before, in my opinion good liars often have much better demeanour than careful tellers of the truth.

It seems to me the fundamental flaw in this bill is that it confuses the nature of the PIC and assumes that the PIC ought be a court. Some of the issues were well put, once again, by Inspector Morris Ireland in evidence he gave to the committee that I chair on 25 June 2003. He said:

In formulating the recommendations it is first paramount to recognise that the PIC is a commission of inquiry, not a court. This distinction has ramifications for practically every aspect of the way in which proceedings are conducted, including the outcome and reporting of such proceedings. It is evident from the submissions received in this inquiry that this distinction is not easily understood at times either by persons called to appear or on occasion by counsel representing those persons. The gravitation towards a courtroom mentality, unhelpful as it is for the purposes of a commission of inquiry, is not easily discouraged.

Indeed, I make the point that Inspector Ireland's view about the Malta inquiry was that people behaved too much like it was a courtroom and that was one of the reasons difficulties arose. I also note that Inspector Ireland in his evidence quoted at length from various academic authorities to maintain the significance of this distinction. There is one more issue I would like to raise in this debate, that is, what I can only regard as the fairly hysteric attack launched by the member for Epping on 26 June 2005 on Assistant Commissioner Tim Sage. The attack stemmed from the fact that Commissioner Urquhart's term as commissioner expired on 18 August 2001 during the Malta inquiry.

On 20 August Judge Urquhart was appointed assistant commissioner to preside over the rest of the hearing. This was accomplished by an instrument of appointment that was reproduced in the Malta report and was executed by Mr Sage. The honourable member for Epping seems perturbed that Judge Urquhart's term was not extended by way of a specific Act of Parliament. That did not happen for a very simple reason: it did not need to. The mechanism adopted meant that Judge Urquhart was able to keep presiding over Malta but did not have to be encumbered by all the other responsibilities of a commissioner. There is no evidence that this was in any way contrary to Judge Urquhart's wishes. In fact, the Minister in his speech made it clear that it was in accordance with Judge Urquhart's wishes. That is my understanding informally of what happened.

I also note that the honourable member for Epping fulminated about the instrument of appointment not including the power to write the report. There are two points to be made on this issue. The first is that the phrase "write the report", as used by the honourable member for Epping, does not appear at all in the Act. The phrase used is "making a report under this Act". There is an argument, which was also adverted to by the Minister, that this term does not include actually writing the report. Indeed, not having that function devolved upon Commissioner Urquhart would not have prevented him from physically drafting the report, if that had been an appropriate course.

A further point is that in the Act the scheme envisages the function under section 11 (5) not normally being delegated. That is, the function that is not normally delegated to an assistant commissioner was not delegated to him. Indeed, as I understand the position, Judge Urquhart did not wish to continue as commissioner. Clearly, his wishes on this point had to be accepted. As a result of his wishes not to continue as commissioner, he became an assistant commissioner. It seems in that context totally unreasonable for the honourable member for Epping to be critical of Tim Sage, who in my experience has been a very competent and impressive officer of the PIC. This bill is fundamentally misconceived. It reflects confusion on the part of the honourable member for Epping about the nature of the PIC. I suspect it reflects his underlying belief that the PIC and the ICAC should be abolished. The bill should be rejected.

**Mr SPEAKER:** Order! I call the honourable member for Cronulla. I note the honourable member for Cronulla is another lawyer. There has just been a good example during this debate why the House should be preserved from more lawyers.

**Mr MALCOLM KERR** (Cronulla) [10.56 a.m.]: I seek clarification: Did you say "should be preserved for more lawyers"?

**Mr SPEAKER:** "From more lawyers".

**Mr Barry Collier:** I am shocked!

**Mr MALCOLM KERR:** I join in coalition with the honourable member for Miranda on this occasion. I concede that having heard the speech made by the honourable member for Liverpool the evidence is against me in relation to Mr Speaker's proposition. However, I will do my best to retrieve the situation. There has been a degree of confusion about the Police Integrity Commission and courts. It has to be acknowledged at the outset that the Police Integrity Commission is not a court. However, there are similarities in the legislation relating to the Independent Commission Against Corruption [ICAC] and the Police Integrity Commission. They are similar because it is important the courts, the ICAC and the Police Integrity Commission should act justly. That is the whole argument behind the bill that has been put forward to this House by the honourable member for Epping.

The speech by the honourable member for Liverpool would be appropriate if the bill related to the abolition of the Police Integrity Commission. This bill relates to no such thing. Despite the comments by the honourable member for Liverpool, there is not one word in the bill that would indicate the honourable member for Epping wants the Police Integrity Commission abolished. In fact, the honourable member for Epping voted for the establishment of the Police Integrity Commission and the ICAC. In this bill the honourable member has sought to strengthen the Police Integrity Commission in relation to arguments of fairness and to state that the Police Integrity Commission, as an important institution, should be seen to act justly. I refer honourable members to the following comment made by the Minister for Small Business:

This bill confuses authorship with accountability.

The bill does no such thing. It seeks to ensure, through authorship, that there is accountability. This bill is not just about Operation Malta; it is about any of the investigations conducted by the Police Integrity Commission [PIC] and its consequent reports. A commissioner might preside over hearings or investigations that are to be conducted. To all intents and purposes he makes a decision as to what material will be placed before the Police Integrity Commission and, therefore, presumably on what basis decisions will be arrived at. It could also be said that the Supreme Court is an institution and it would be possible for the Court of Appeal simply to make a judgment without indicating whether there was dissent, or what was the nature of the judgment handed down by individual judges.

Decisions given by the Court of Appeal reveal that, even if a judge concurs with another judge, he will place his name on the record and state whether he concurs, or he will hand down a judgment. That is relevant not because the Police Integrity Commission is a court; it is relevant because its reports, like judgments, will affect individuals. It is therefore important for members of the public and persons affected to establish on what basis decisions have been arrived at. The Minister for Small Business said that the Police Integrity Commission cannot impose a sentence and cannot award damages. He concedes that that can seriously affect people's reputations. It is therefore important that the credibility of the reports of the PIC is established.

One of the factors to be taken into account when establishing that credibility is who made the decisions reflected in the report. The Minister for Small Business referred to several instances, for example, royal commissions and the Ombudsman's report. In each of those cases authorship of the reports is quite prominent. The honourable member for Liverpool referred to the Wood royal commission because someone's name is associated with that report and, to all intents and purposes, the royal commissioner wrote that report. Similarly, we are also able to establish the authorship of the Ombudsman's report. The honourable member for Epping is seeking to establish the credibility of the PIC by determining who is the author either of the whole or part of the report.

When the PIC makes a report that is not the end of the matter. The matter has gone before the PIC because there is public interest in establishing the outcome of its investigations. It is also in the public interest to know who adjudicated on or made the decisions contained in the report. I am glad the honourable member for Liverpool referred to a book written by Mr Chester Porter because I have read that book. I know Chester Porter quite well and have spoken to him about these matters. I think that book also contains references to bodies such as the Independent Commission Against Corruption. Once again, the common thread is justice. People appearing before courts, the ICAC or the Police Integrity Commission have to be dealt with justly.

Honourable members would be aware of the old maxim "Justice should not only be done, it must also be seen to be done." The need to ensure transparency is what resulted in the introduction of this bill. The

Minister for Small Business spoke about accountability but he was referring to an impersonal body being accountable. We are dealing with the affairs of human beings and with a report that has been written by human beings. It is therefore important to identify who came to the conclusions on which that report is based. It could be argued that the purpose of this bill is to enhance the work of the Police Integrity Commission. I again refer to the speech made earlier by the honourable member for Liverpool.

As I have shown, this bill is not about the abolition of the PIC. The honourable member for Epping explained in his second reading speech why he introduced this bill. I confidently predict that he will not be calling for the abolition of the PIC because that is not the intention of this bill. Having regard to the arguments of Lionel Murphy and Dr Evatt, the honourable member for Liverpool failed to state whether he agrees with them and whether he thinks there is a place for bodies such as the ICAC and the PIC in the scheme of things. Anyone reading the writings of Dr Evatt or looking at the speech given by Lionel Murphy at the National Press Club might think that the best way of dealing with human affairs is through the courts and not investigative bodies. The honourable member for Liverpool failed to say whether he finds that convincing and whether he believes there is a role for the ICAC and the PIC.

**Mr ANDREW TINK** (Epping) [11.08 a.m.], in reply: When the honourable member for Liverpool concluded his contribution it was interesting to observe that his first critic was Mr Speaker. That probably reflects the opinions of all those who were listening to the contribution of the honourable member for Liverpool, either in the Chamber or on the monitor. It seemed to me to be an extremely catty, self-righteous and self-indulgent contribution, which is probably one of the reasons why he has remained on the government back benches for so long. I confidently predict that he will remain on the back bench for the rest of his career. At one stage he got so tied up in what he was trying to establish I thought he was referring to Robespierre's committee of public safety.

**Mr Malcolm Kerr:** He probably thought you were Mark Latham.

**Mr ANDREW TINK:** He probably thought I was Mark Latham. This serious topic, which is in a narrow compass, does not deserve or warrant the sort of contribution that is the trademark of the honourable member for Liverpool. There is no question in my mind, or I suspect in the mind of any other honourable member, about the critical importance of the role played by both the Police Integrity Commission and the Independent Commission Against Corruption. The issue is whether problems arise with investigative bodies in the course of their activities and whether there is room for improvement. We do not want bodies such as the PIC to be abolished, but if shortcomings are identified from time to time it can be argued that their processes should be improved, changed and amended. The Government has occasionally introduced amending legislation in relation to these investigative bodies—which is what should happen.

The bill suggests that there is room for improvement. Indeed, the then Minister for Police, the Hon. Michael Costa, conceded that fact in the context of the Operation Malta report. He tabled a report that described the Operation Malta inquiry as a mess. I thought it was a dog's breakfast; it was a disgraceful effort. That is what prompted the Opposition to introduce this bill. What is the key problem with the operation of the Police Integrity Commission? For me, it has always been the lack of identification of those who take it upon themselves to make findings and comments and to draw conclusions about people who, by force of law, are required to answer questions and expose themselves to assessment in the witness box and in other ways before the Police Integrity Commission.

The Government seeks to make a distinction between a commission and a court of law but I do not think that argument holds water. Royal commissioners often take personal responsibility for the report of the royal commission over which they preside. I cite the present Cole inquiry as an example. This is not the first royal commission that Mr Cole has presided over. When Cole is involved in a royal commission he takes, and is seen clearly to take, responsibility for the proceedings of that commission. He has counsel assisting, but it is his work. The Government regularly appoints Justice McInerney to head royal commissions. He is a very good royal commissioner. McInerney royal commissions are the work of Justice McInerney. It is very simple: his name is on the report. It has nothing to do with a court of law. Justice McInerney exercises royal commission powers and identifies with his work, and that is as it should be. Wood conducted an outstanding royal commission into the Police Force, and he is clearly identified with his work.

The most objectionable thing about the Operation Malta inquiry—and there was much to object to—was that nobody took ultimate responsibility for the report, which trashed many reputations. The honourable member for Liverpool is fixated on Mr Brammer for some reason. As far as I am concerned, the plight of Mr

Brammer is neither here nor there: he is just one person who was affected by the Operation Malta report. Many witnesses to that inquiry have had their reputations tarnished permanently by people whose identity we still do not know—and will never know. That report drew conclusions for which nobody has claimed responsibility. I think those who have been dealt with in that way have a right to know who commented on and drew conclusions about them. If that does not occur there will be no accountability. Anonymous faces at the commission—who are unknown to the public and to the witnesses—will be able to put little bits and pieces in reports and will not be held accountable for their actions in any meaningful way because they will not be recognised publicly as the authors of the work. Fundamental to the principle of accountability is the identification of those who contributed to the making of the decision.

Mr Ireland has been mentioned in this debate as having some input in this issue. On 27 February 2003 Mr Robson, the Police Integrity Commission solicitor, sent a letter to Mr Ireland. The letter is instructive because it explores how the process started. Apparently the procedures were initiated by Judge Urquhart when he was the PIC commissioner. This is not a "get Judge Urquhart" exercise, but he was responsible for establishing the workings of the commission. The letter states:

The Commission's present report writing processes were put in place by Judge Urquhart ... They are quite detailed and involve a number of steps including:

- Review of evidence obtained and submissions by Counsel;
- Consideration of submissions by persons appearing with leave;
- Collation of relevant evidence to form the basis of the report in the format used by the Commission;
- Develop preliminary opinions, assessments and potential recommendations;
- Project review;
- Peer review;
- Senior officer review;
- Review and approval by the Commission.

Perhaps I am missing something, but I find this process really troubling. If the PIC is still following that procedure, it is high time things changed. It appears that many people have input down the line and then remain behind the corporate shield of the Police Integrity Commission. That means nothing: it is a legal entity, not a person. Legal entities do not make findings or conclusions about witnesses; human beings do that. People against whom adverse findings are made are entitled to know which other human beings are responsible. That is what this bill is about: putting a human face on the commission's decision making. People should not hide behind a corporate veil, which they use to shield their true actions.

It may well be that people have input in formulating a judgment and in the course of a royal commission. But a living person must deliver the product in the report and stand responsible for it. I would think Mr Cole, Mr Wood and Justice McInerney take a great deal more responsibility for their actions than the PIC appears able or willing to do in its proceedings. If these are the current procedures of the Police Integrity Commission, they need to be changed urgently. The letter goes on to say:

The weighing and assessment of evidence is a corporate function of the commission.

I find that a most offensive proposition because it dehumanises the process of reaching decisions about witnesses that may affect them severely. If a group of people reaches a decision, forms a view or makes some assessment of evidence, they should identify themselves, not hide behind an anonymous corporation. In some ways an even more troubling proposition is the letter's description of people who sit at the back of hearing rooms and then, together with the person presiding, contribute to the process. The letter says that those who preside over the hearing should assess the demeanour of witnesses. But they are not the only people able to make observations about the conduct of witnesses. The letter states:

... operational staff are also present in the hearing room, and the proceedings can be viewed throughout the Commission via closed circuit television.

As I understand it, those who sit on the bench listen to the evidence and if they must take a break for any reason the hearing is adjourned. The first rule of evidence is that the person presiding must hear all the evidence before he makes decisions. In recent times a district court judge—he is no longer in that post—was criticised severely for going to sleep on the bench. There was justified public concern that he was not capturing and understanding all the evidence presented to him. If people are coming and going from the back of the room during PIC hearings we can have no idea of whether they are present to hear all the evidence given by a witness. They could say, "Gee, when I was in the room for a while I saw so-and-so giving evidence and I had this impression" and that view could be included in the peer review, senior officer review or project review process that Mr Urquhart put together years ago. There is no log or indication of which people were present when particular questions were asked. That is disgraceful.

The people who make decisions and deliver judgments have to be seen to be present during the entire hearing. If the PIC allows its officers who contribute to these reports to sit at the back of a room and come and

go, they ought to be logged in and out so we know exactly when and for what parts of the evidence they were present. The fact that that has to be suggested shows the extraordinary shortcomings of this procedure. Quite frankly, the procedure militates against the proposition that there ought to be somebody who is accountable and identified, and that reporting to Parliament is not just a corporate function of the commission.

The reporting by the Independent Commission Against Corruption may well be similar on paper. However, the honourable member for Cronulla will remember that when someone other than Mr Temby conducted a hearing he was always careful to identify who conducted it. I recall the legendary inquiry into the Roads and Traffic Authority that was conducted by Mr Roden. Mr Temby made it clear that it was Roden's report, which he identified in his report to Parliament. He did that so we knew, the library knew and people in the future would know that it was Mr Roden's work. It was a good report, in my opinion. In regard to the PIC, the people involved should be identified. At the very least, the person who conducted the hearing should be identified.

I stand by this important bill, which will strengthen the accountability of the PIC and the ICAC when authors are identified. The distinction between a court and a commission is a nonsense. For example, Commissioner Cole, Commissioner McNerney and Commissioner Wood may be supported by a whole lot of people, but they clearly identify and stamp their reports. I ask that whoever is responsible for running an inquiry and reporting at the Police Integrity Commission identify themselves in the way that Cole, McNerney and Wood do. There was a monumental reluctance to do that in regard to the Operation Malta inquiry. No wonder, for who would want to put their name to it and accept individual responsibility for that mess? It ought to be fixed for the future. If it is not Mr Griffin's report, he should identify whose report it is when he transmits it to Parliament. If he does not do so, there is no accountability and everyone at the PIC hides behind the corporate veil. Unfortunately, that will lead to a climate in which there is another Operation Malta, which we do not want. We must ensure that people who are responsible identify themselves and are accountable.

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

**The House divided.**

**Ayes, 36**

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

**Noes, 50**

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

**Pair**

Mr Debnam

Mr Price

**Question resolved in the negative.****Motion negatived.****BUSINESS OF THE HOUSE****Postponement of Business****General Business Notice of Motion (General Notice) No. 5 postponed by Mr Ian Armstrong.****BEGA CHAMBER OF COMMERCE****Mr ANDREW CONSTANCE** (Bega) [11.34 a.m.]: I move:

That this House:

- (1) notes and congratulates the Bega Chamber of Commerce for being announced as the State Chamber of Commerce, Chamber of the Year; and
- (2) notes the excellent contribution that the Bega Chamber of Commerce makes to the local community throughout the Bega Valley.

I gave notice of this motion on 23 June 2003, which, unfortunately, demonstrates that the business of this House is 2½ years behind schedule. I move this motion in recognition of the fact that in 2003 the State Chamber of Commerce pronounced the Bega Chamber of Commerce to be the best chamber of commerce in New South Wales. I pay particular tribute to the President of the Bega Chamber of Commerce, Mr Robert Hayson, and his support team, people such as Ms Chris Murphy and others, on the fantastic job that they do to provide a chamber that supports not only business but also the local community.

The Bega Chamber of Commerce was the best chamber of commerce in New South Wales in 2003, but it also won the award the following year. In a subsequent year it received an award at the Outstanding Awards night put on by the State chamber. The Bega chamber is indeed outstanding; it is community based and prides itself in supporting the whole of the community. It runs a series of events throughout the year, including promotional activities for business, as well as activities that engage the community. It was for those activities that the Bega Chamber of Commerce was recognised by the bestowal of this award.

Each year the Bega chamber runs an annual awards night, with upwards of 500 people cramming into the Bega RSL to celebrate business in Bega. Anyone who has attended a Bega chamber awards night knows that it is, without doubt, one of the best entertainment-business evenings held in this State—not just in country New South Wales but also in metropolitan New South Wales. It is testament to members of the committee and President Robert Hayson that these achievements have been reaped for Bega. The chamber, which has grown in stature over the years as a result of its success, runs an initiative called "Bega on the Go", put together by Ms Chris Murphy. That, too, is a means of engaging the community to become actively involved in supporting local activity—to shop in Bega, look after Bega and continue to support the economic growth in the town.

Undoubtedly everyone in this House would join me in congratulating the Bega Chamber of Commerce on the announcement of its award as the State Chamber of the Year—albeit back in 2003. This is a wonderful chamber, and I would encourage other chambers around New South Wales to see what the Bega chamber is doing so that they might base their models on the Bega Chamber of Commerce. In conclusion, I highlight the fact that the Bega chamber is an active participant in the promotion of the combined chambers within the local government area of Bega, ensuring that these chambers feed off one another. I am sure everyone in the House joins me in congratulating the Bega Chamber of Commerce. Well done!

**Ms DIANE BEAMER** (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [11.39 a.m.]: I would also like to congratulate the Bega Chamber of Commerce on receiving this prestigious award. There are more than 330 independent chambers of commerce throughout metropolitan and regional New South Wales, as well as chambers representing the interests of

business in other Australian States. These organisations work hard to champion causes to assist the economic growth and development of their local communities, and for that I say congratulations and well done!

The New South Wales Government works closely with chambers of commerce right across New South Wales to improve the economic prosperity of local communities. Members from the New South Wales Government participated in the fourth annual New South Wales Chamber of Commerce Pollies for Small Business Day. That ongoing initiative provides parliamentarians from across all levels of government with first-hand experience about what is required to successfully operate a small business. I have spoken to many of my parliamentary colleagues who participated in this day, all of whom thought it was both enjoyable and informative. They are looking forward to next year's event.

That initiative kicks off the New South Wales Government's very successful Small Business September. With more than 300 events and many thousands of people participating, Small Business September provides an opportunity to focus the community's attention on the contribution the small business sector makes to the economy of New South Wales. Recently, the New South Wales Government provided \$10,500 to the Kyogle Chamber of Commerce to develop and implement the Kyogle town marketing initiative, a plan to encourage local businesses to combine resources to market the district and attract new business and industry.

In addition, we also have provided \$15,000 to help the Brunswick Heads Chamber of Commerce to develop a sustainable tourism strategy. The chamber of commerce will use this funding to support its Brunswick Head Simple Pleasures campaign, which aims to increase local business and create jobs. The campaign reinforces the town's low-key coastal village atmosphere as a point of difference from other centres on the east coast with its reputation for providing nature-based activities and small-scale family events.

The New South Wales Government supports business because business creates jobs. There are almost 450,000 small businesses in New South Wales, employing more than one million people. It is no wonder that small business is referred to as the backbone of the New South Wales economy. Last year reforms to the Retail Leases Act were passed through Parliament. These changes will reduce costs and cut red tape for tenants and landlords. At the centre of these changes is a new Retail Leases Bond Scheme which will make it easier for tenants to access their bond at the end of a lease and reduce the time wasted on administering these bonds for landlords.

The New South Wales Government has also announced a 5 per cent reduction in workers compensation premiums, which commenced on 31 December 2005. This \$172 million package represents a win for workers and a saving for businesses right across New South Wales. We are also supporting our young entrepreneurs, an important growing component of the small business sector. We have established a new Young Entrepreneurs Stepping Up Program, which gives access to business mentors and workshops specially designed to provide young people with the skills and knowledge to develop growth plans and business strategies.

New South Wales is open for business. Recently the Premier announced a major boost to the Government's efforts to attract skilled business migrants to New South Wales, particularly Sydney. The New South Wales Government has set a target of doubling the number of skilled migrants coming to New South Wales from 350 to at least 700. The Government also will boost its participation in trade missions and expos and commence recruitment road shows focussed on the skills Sydney needs to grow and prosper. On top of that, the Premier has just announced a \$90 million payroll tax incentive scheme over seven years, designed to encourage investment in employment priority zones. The New South Wales Government will continue to listen to the concerns of small business owners.

In the past 12 months, the Minister for Small Business has conducted nearly 40 small business forums across New South Wales. From Eden to Coffs Harbour and from Broken Hill to Wollongong the Minister has been out and about listening to small business operators about their concerns. To keep business operators informed about the latest issues in small business, the Minister recently launched a small business e-newsletter and an updated website designed to provide operators with up-to-date information on issues that affect them. I congratulate him on this initiative and his commitment to the small business community in South Wales, and I again congratulate the Bega Chamber of Commerce

**Mr ANDREW CONSTANCE** (Bega) [11.44 a.m.], in reply: I thank the Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce for her contribution. The Bega Chamber of Commerce will be pleased to hear that the motion had bipartisan support. The Minister referred to payroll tax. The Bega Chamber of Commerce is in a region that will not be exempt from payroll tax under the



package announced last week. The region is home to many large organisations, some of which are spoken about in this House. I refer to Bega Cheese and others. Unemployment rates should not be the only key economic indicator to determine where payroll relief should be provided across the State.

On the far South Coast and in the State's south-east incomes are not at the same level as those elsewhere in the State. I repeat that Bega has missed out on the payroll tax exemption. I join with the Minister in encouraging all members of this place to become actively involved in the State Chamber of Commerce Pollies for Small Business Day. It is a wonderful initiative for which the House should commend the State Chamber of Commerce. This year I will work in a fish shop chopping up fish. Last year I had the opportunity to work in both a camera shop and a bait and tackle shop. I am sure the Bega Chamber of Commerce will be pleased to know that its achievement has been acknowledged by the House.

**Motion agreed to.**

### **SCOTTS CREEK EXHAUST VENT**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [11.47 a.m.]: I move:

That this House condemns the Government for its continued failure to adequately monitor air quality at the northside storage tunnel exhaust vent at Scotts Creek, especially given the vent's close proximity to a school and local residents.

Because I gave notice of the motion more than two years ago I move:

That the motion be amended by inserting the words "and make public" after the words "monitor" and before "air quality".

**Madam ACTING-SPEAKER (Ms Marianne Saliba):** Order! I cannot accept the amendment because the motion has been moved. Perhaps another member of the Opposition can move the amendment on behalf of the honourable member for Willoughby.

**Ms GLADYS BEREJIKLIAN:** It is ironic that although the motion is more than two years old, no progress has been made. As the House would know from my having raised the issue on previous occasions, the Scotts Creek vent is part of the overall northside storage tunnel project. At the time the vent was installed it caused great angst for the communities of Middle Cove and Castle Cove in the electorate of Willoughby. The vent is in close proximity to many residents and to a school. It is in Middle Harbour, which is a vulnerable part of the environment. For those reasons the community regularly told Sydney Water and the State Government that it wanted access to monitoring and air quality results to ensure that the vent would not have an adverse impact on the safety of those living in the vicinity of the vent, the students at the school nearby and the environment.

Since the storage tunnel and the vent have been in operation the community has been ignored and has not been provided with any results of air quality monitoring. We know that some level of monitoring has taken place, because reports to that effect are on the Sydney Water web site. But to date the State Government has refused to make the results public. It refuses to give assurances to the community that the quality of the air they are breathing is not full of toxins and other harmful substances. It is about time the State Government woke up to itself and realised that it cannot continue to ignore the valid concerns of local residents.

I take this opportunity to quickly go through a chronology of events dating back to 1999, which shows how active the community has been in trying to take every precaution and every proper step to obtain information and to let the State Government know how concerned it was. All its requests for information have been denied. On 17 August 1999 mediation commenced between the Sydney Water Corporation and the Scotts Creek community. On 9 March 2000 a final report on mediation was released, but there was no agreement between the parties on the location of the vent. However, there was agreement that there was a requirement for some form of community monitoring and ongoing involvement—yet-to-be-defined at that time—during the operation of the tunnel. So back in the year 2000 the State Government made a commitment that it would keep the community advised of air-quality monitoring at that site.

Nearly six years on, that promise has not been kept. On 4 April 2000 the mediation panel presented its finding at a public meeting. Community members at the meeting made it clear there was still unanimous opposition to the vent at Scotts Creek. Notwithstanding that, in the same month, in April 2000, there was a meeting between the council and the community at which the notion of a vent at Scotts Creek was again unanimously rejected. The council was requested to ask the local member at that time to lead a delegation to the

Premier to request the removal of the Scotts Creek vent from the design of the northside storage tunnel. Obviously that was not successful.

On 6 February 2001 there was a final draft of the operation environment management plan which was submitted to the Department of Urban Affairs and Planning for approval. Some of the requirements for this plan were, first, the public reporting of tunnel operations. Sydney Water was to monitor effectiveness of the tunnel, with results included in documents. Second, Sydney Water was to establish a northside storage tunnel operation committee, with community representation, to work on any ongoing monitoring program required by the regulators. The community committee was to start in April 2001, but it started much later that year. The committee was set up to operate for two years only, and had its last meeting in about September 2003.

Third, as part of that operation environment management plan, reporting was required to meet licence and approval conditions. That was to include the results of annual odour emissions sampling and the analysis program being forwarded to the Environmental Protection Authority. In addition to the required regulatory reporting, the Department of Urban Affairs and Planning regulation 51N required that emission test results, GAC H2S filter bed capacity and meteorological data be made available to the public. Sydney Water proposed to make this information available via its web site. Frequency was to be determined by the community committee. Since the community committee ceased to operate in 2003, there has been no further communication from Sydney Water.

That is an appalling set of circumstances. After a commitment in 1999 and again in March 2000 to provide the community with air-quality monitoring and an assurance that the vent at Scotts Creek was not disturbing the safety of local residents and the environment, the State Government has not provided one iota of information to the local community. Regrettably, it exemplifies a broader problem with the Government, which totally disregards the cares and concerns of the local community and quite comfortably puts them aside. The most frustrating part of the matter is that in 2004 a report was issued on the Sydney Water web site which stated in relation to the northside storage tunnel:

... continued functioning of ventilation systems using activated carbon filters on the northside storage tunnel at Lane Cove River West, Scotts Creek at Castle Cove and Quakers Hat Bay at Mosman. Detailed analysis and testing carried out during 2003-04 proved that the filters are effective in maintaining the emissions well within the regulatory requirements. Sydney Water did not receive any odour complaints associated with the northside storage tunnel.

It might be the case that no odour complaints were received, but that does not mean that the air quality is of a healthy standard. That report demonstrates that although the State Government is conducting some level of monitoring, it is refusing to make the information public, notwithstanding a commitment it made five years ago. If the State Government is absolutely certain that the vent at Scotts Creek at Middle Cove and Castle Cove is not causing any impact on the environment or on local residents, why will it not make the results of its monitoring public? A report produced as a matter of public record in 2004 is entitled, "ESD indicators & environment plan". We know that the filters are there and we know some level of monitoring of air quality monitoring is occurring. Why will the State Government not make that information public? Why will the State Government not allay the concerns of local residents and the local community about this issue? As I have said, regrettably that indicates a broader problem of neglect, a broader problem of not considering community views.

It also shows that the community consultation group, which the State Government established under the auspices of Sydney Water, meant nothing. Why would anyone establish a group to obtain input from the community on monitoring and air quality and waste everybody's time, if there was no intention of making the results of the air quality monitoring public? I ask the Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce to address in her reply why the committee set was up when, since disbandment of the committee in 2003, there has been no public documentation on air quality monitoring. The issues of concern were raised on every occasion during the life of the committee. I know that for a fact because members of that committee have been in touch with me during their time on the committee and since then. When a community had come together, taken all the proper steps and been given assurances by the State Government in 2000—I will give the Government the benefit of the doubt and not say 1999—why would the Government not make the information public?

Five years ago the community was given an assurance that they would have air quality monitoring, and yet nearly six years later the community is still waiting to receive an assurance that the vent at Scotts Creek is not emitting toxins and other odourless substances which could harm the environment and inhibit the amenity of local residents. This issue is especially important in view of the fact that there is a school in very close proximity to the vent. The Government's approach is just outrageous and irresponsible. It is dishonest and it just reeks of

lack of caring and understanding of the concerns of the local community. Moreover, regrettably, it exemplifies what this State Government is all about. I commend the motion to the House.

**Ms DIANE BEAMER** (Mulgoa—Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [11.56 a.m.]: During periods of heavy rainfall, cracks in sewer pipes and illegal storm water connections cause water to enter the sewerage system. When the sewerage system reaches capacity, these sites can act as relief valves, releasing diluted sewage into the environment. Additionally, there are a number of designated wet weather overflow points built into Sydney Water's sewerage system that are licensed by the Department of Environment and Conservation. Until the Government decided to build the northside storage tunnel, such overflows contributed to pollution of waterways, including Sydney Harbour, for many years. Since construction of the tunnel, wet weather overflows have been largely eliminated within the tunnel catchment, and occur only in the rare event of unusually large storms.

Since the northside storage tunnel was opened in September 2000, in time for the Sydney Olympic Games, it has stopped more than 18 billion litres from going into Sydney Harbour. As a major component of the Sydney Water's large-scale capital works program over the past decade, the northside storage tunnel is continuing to deliver a cleaner Sydney Harbour. The tunnel was designed to handle 95 per cent of all rainfall events, and it has exceeded that. Since being made available for the Sydney 2000 Olympics, the tunnel has operated 86 times. On 79 of those occasions, there was no overflow of effluent into Sydney Harbour.

No sewerage system can be built with the capacity to meet all potential wet weather volumes, and there will be times in extremely rare and heavy storms, that the tunnel will overflow—as it is designed to do during such rare events. However, that has occurred on only seven occasions since 2000, ensuring that the investment the people of Sydney have made in the tunnel has been exceptional value for money. The northside storage tunnel is not a vacuum. When the tunnel starts to fill, air will be displaced. That is a simple law of nature. All the air that is discharged from the tunnel passes through a pre-filter and a granular activated carbon filter. At Scotts Creek and Lane Cove the air also passes through a final filter system before it is released into the atmosphere.

**Ms Gladys Berejiklian:** Scotts Creek is in Middle Cove.

**Ms DIANE BEAMER:** I said "and Lane Cove". Sydney Water follows a rigorous air quality monitoring and reporting program, which is set and regulated by the EPA under a sewage treatment system licence. Air quality monitoring and performance requirements are also stipulated in the tunnel's Operation Environmental Management Plan, as approved by Planning NSW. Air quality is continuously monitored. To date, Sydney Water has fully complied with all requirements and reports have been submitted to both the Department of Environment and Conservation and the Department of Planning, as per the conditions that have been imposed by Sydney Water's regulators. A summary of on-site vent testing results is posted on Sydney Water's web site.

It is important to note that no odour complaints have been received from the Scotts Creek community for more than 12 months. The investment in the tunnel by the Government and Sydney Water has been instrumental in protecting the environment for the communities around Scotts Creek, the northern suburbs and Sydney as a whole. The record speaks for itself. Since the tunnel was opened in September 2000, it has stopped more than 18 billion litres of diluted effluent from overflowing into Sydney Harbour. Sydney Water consulted extensively with the community in the development and delivery of the northside storage tunnel proposal. The extent of that consultation was verified and confirmed by an independent group engaged to review the performance of the alliance engaged to deliver the tunnel project. Sydney Water is committed to consulting with all potentially affected groups and the broader community in developing its plans and strategies and prior to making key decisions about major infrastructure projects.

Sydney Water continues to work at reducing wet and dry weather overflows. During 2005-06 Sydney Water is investing approximately \$74 million in renewals and upgrades in addition to routine maintenance expenditure. Sydney Water's SewerFix Program involves the rehabilitation, amplification and upgrade of sewerage assets. SewerFix will improve the health of the waterways by reducing overflows and leakage from the sewerage system. SewerFix consists of two key programs: the sewage pumping stations program, which recently delivered a program of upgrades to 258 sewage pumping stations over the past four years, and a further \$22.8 million will be spent in 2005-06 upgrading—

**Mr Michael Richardson:** Point of order: The Minister is not speaking to the motion, which is clearly about monitoring air quality at the northside storage tunnel exhaust vent. The motion is not about the SewerFix

Program, or about sewage overflows from the northside storage tunnel. The Minister may have a nicely written speech, and probably cannot deviate from it. I ask you to draw her back to the leave of the motion or tell her to sit down.

**Madam ACTING-SPEAKER (Ms Marianne Saliba):** Order! I am sure the Minister will return to the motion.

**Ms DIANE BEAMER:** I was outlining the air quality tunnel, which involves overflows, and I reiterate: 18 billion litres of sewage did not overflow into our waterways. I was highlighting the important infrastructure. The Government has key targets in its SewerFix Program, and they include achieving no dry weather overflows at sewage pumping stations, and reduction of wet weather overflows. This tunnel is an integral part of that infrastructure. The air quality results are posted on Sydney Water's web site. The Community Liaison Group was required to be in place for two years after the completion of the construction, which was a reasonable period for community consultation. The Government has not received any complaint about the operation of air quality in this area for more than 12 months.

The Government will not step back from the fact that it has completed major work to assist with sewage treatment and reduction of overflows throughout the whole of the Sydney Basin. In 2005-06 the Government has invested \$118 million to renew ageing assets and improve reliability at its 29 sewage treatment plants. That renewal will enable plants to service urban growth and meet the Department of Environment and Conservation licences. The Government has allocated \$95 million to the Bondi Sewage Treatment Plant Reliability Improvement and Modernisation Program, which is scheduled for completion in 2007.

Forecast expenditure for that project in 2005-06 is \$22 million. Work on that project is well advanced and it will improve the distribution and control of waste water flow through the plant; capture handling and disposal of screenings and grit; improve sludge and scum withdrawal and transfer; assist the solids handling system; improve the pumping of screened effluent; and improve the work environment, including plant ventilation, control systems and utilities. That is a summary of some of the works carried out by this Government. People who have an interest in the way in which Sydney Harbour is managed would, of course, agree that the tunnel is a major asset to New South Wales and, in particular, Sydney. The Government rejects the motion.

**Mr MICHAEL RICHARDSON (The Hills) [12.04 p.m.]:** I support the motion moved by the honourable member for Willoughby. However, I move:

That the motion be amended by inserting the words "and make public" after "monitor".

That is an important amendment, because the real issue is not just to carry out the monitoring but to make sure that people living near the vent have access to the information that is collected. It has been the hallmark of this Government over the long, dark, 11 years that it has governed New South Wales that it has failed to provide appropriate information to its citizens on a whole range of issues. I can understand why people living near the Scotts Creek vent would be angry. The vent is close to a school and residences. People simply do not know what is going on. The Minister spoke about public reporting that she alleged was occurring via the Sydney Water web site. However, that is not the case at all.

The reports that are supposedly accessible via Sydney Water's web site simply do not contain adequate information relating to this issue. Indeed, the community committee mentioned by the Minister that was set up in 2001 ceased to operate in 2003. Since that time there has been no further communication from Sydney Water. Sydney Water's attitude is that it has dealt with these issues, the northside storage tunnel is up and running, it is operating and it is just unfortunate if problems arise associated with that operation. That is what the Minister said in her reply, during which she spent most of the time not addressing the substance of the motion, which relates to air quality. Instead, the Minister spoke about the SewerFix Program, the northside storage tunnel and its primary purpose, not the ancillary effects of that tunnel.

The Minister's approach was consistent with the Government's actions elsewhere. The Government's approach to air quality is nothing short of disgraceful. Last week we learned that this summer the number of days on which air smog levels in Sydney exceeded national standards were double those of last summer. That is an alarming situation, and made more alarming by the fact that the Government has closed the only air monitoring station in the Sydney central business district [CBD]. One can see the parallel: The Government does not want people to know what is going on, yet it encourages people to move into the CBD. Tens of thousands of people have moved into the CBD and, of course, hundreds of thousands of people work in the CBD, but the Government will not provide appropriate information to them, thereby increasing the danger to their health.

Exactly the same situation is occurring at Scotts Creek. Without proper monitoring and public disclosure the Government is putting at risk the health of those local residents. If the Government is carrying out the monitoring, as is claimed, what is its objection to making the results public? What is the Government's objection to allaying the concerns of local residents? The residents of Middle Harbour could be choking on toxic pollutants, as are Sydney's residents. No-one would know, because the Government simply does not make public the results of any of its monitoring. The residents around Middle Harbour deserve better than that. Certainly, the residents of south-western Sydney deserve better than that; the people who travel daily through the M5 East tunnel are traversing the most polluted air quality in Sydney, or in Australia I venture to suggest.

Over the past 18 months we have learned that monitoring equipment within the tunnel has not been functioning properly. Once again we see this Government's callous disregard for air quality and the health of the people of Sydney. The Government's solution to this problem—there is always a quick fix for this Government—is to vent fumes from the M5 East tunnel out of the portals, contrary to development approval for that tunnel. I strongly support the motion that has been moved by the honourable member for Willoughby. There must be more consultation with local residents and more information provided to them.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [12.09 p.m.], in reply: I thank the shadow Minister for the Environment for his contribution to debate on this motion. The honourable member does an outstanding job in this place and in the community raising issues regarding the environment. His contribution today was much appreciated. I was extremely disappointed in the Minister's response. It revealed that she did not have a grasp of this issue. She would have realised from my earlier contribution that this motion is not about the merits of the northside storage tunnel; it is about disregarding community concern in relation to one part of the tunnel, that is, the vent at Scotts Creek.

This motion is about the Government turning its back on promises it made more than five years ago to consult the committee on the quality of air in and around the Scotts Creek vent. It is not about myriad issues raised earlier by the Minister. The fact that she did not address this issue again exemplifies the Government's total disregard for communities. In the course of major projects communities are totally ignored, their views are sidelined, their concerns about safety are not addressed and their concerns about being kept informed are totally disregarded. This motion is about recognising that when there is a major project of State significance—at least the Minister made this point in her response—various stages of such a project could have a detrimental impact on the local community. Those issues must be addressed; they should not be ignored.

On this occasion the Minister said there had been no odour complaints relating to the Scotts Creek vent. I do not dispute that that might be correct. However, residents have the right to know if, as the Government said, there has been extensive air quality monitoring of the site. A report on the Sydney Water web site alludes to the fact that filters at the Scotts Creek vent are operational and, therefore, some level of monitoring is occurring. If that is the case why were those results not made public, something the Government undertook to do more than five years ago?

**Mr David Campbell:** It is.

**Ms GLADYS BEREJIKLIAN:** It is not. Members of this committee and local residents said that they could not access information. They said information was not forthcoming, frequency of information was not provided and during the entire process the community was disregarded at every opportunity. I reiterate the concerns that I expressed earlier. The Government disregarded an issue of concern for residents in the Willoughby electorate, namely, in the vicinity of the Scotts Creek vent. Today in this House the Minister did not make a proper contribution to debate on this motion. In the Minister's address only a few of her sentences were dedicated to this motion, which is not good enough. It is not good enough for local residents.

What message does that send to people who might be in the path of another major project? What message does that send to people living in the vicinity of tollways that are under construction, such as the Lane Cove tunnel project, or the M5 East? What message does that send to residents in New South Wales who might have concerns about air quality, safety and lack of information? The Scotts Creek vent issue sets a dangerous precedent and highlights the fact that the Government does not care about what residents think, it does not care about their safety concerns and it totally disregards their views.

Rather than provide easily accessible information the Government chooses to ignore residents' concerns. I call on the Government to make public the air quality monitoring at the site. During heated debate about the location of the vents and in the turbulent two or three years that the vent was being installed and

construction was occurring residents were still ignored. Their concerns were not allayed by substantive evidence about air quality monitoring and the results of that monitoring. For those reasons I commend the motion to all honourable members. I urge the Government to consider supporting this motion. I again thank the shadow Minister for the Environment for his contribution.

**Amendment agreed to.**

**Question—That the motion as amended be agreed to—put.**

**The House divided.**

**Ayes, 34**

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

**Noes, 52**

Ms Allan	Mr Gaudry	Mrs Paluzzano
Mr Amery	Mr Gibson	Mr Pearce
Ms Andrews	Mr Greene	Mrs Perry
Mr Bartlett	Ms Hay	Ms Saliba
Ms Beamer	Mr Hickey	Mr Sartor
Mr Black	Mr Hunter	Mr Scully
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Miss Burton	Mr Lynch	Ms Tebbutt
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

**Pair**

Mr Debnam

Mr Price

**Question resolved in the negative.**

**Motion negatived.**

**CONFUSED AND DISABLED ELDERLY UNIT, QUEANBEYAN, CLOSURE**

**Mr ANDREW CONSTANCE** (Bega) [12.26 p.m.]: I move:

That this House:

- (1) condemns the Government's planned closure of its confused and disturbed elderly unit in Queanbeyan, which is nothing more than cost shifting to the Federal Government;

- (2) notes that this decision has greatly affected elderly patients and their families from south east New South Wales, including the electorate of Bega, as people will be moved from these units to local nursing homes; and
- (3) calls on the Minister for Health to reverse this decision.

Too often we hear from the Australian Labor Party about its so-called commitment to social justice. Where is the justice in closing a confused and disabled elderly [CADE] unit that was providing care to 32 patients suffering from dementia, with disturbed behavioural patterns? This government facility was located on a site adjoining that of Queanbeyan hospital. The facility was designed to provide domestic-like care within a secure environment for those with moderate to severe dementia and disturbed behaviour. It was a 24-hour, long-term residential facility with staff highly trained in dementia care and disturbed behaviour, in particular. It enabled family involvement in that care and provided policies and procedures necessary to support the staff and, most importantly, those who benefited from the facility.

However, the Government shut the facility, threw out the residents and then expected a Commonwealth-funded nursing home to offer care to them. It was a blatant cost-shifting exercise, which impacted on the lives of many Queanbeyan residents—we will no doubt hear from the honourable member for Monaro shortly—and people throughout the south-east region. These were people like Rita Claringbold, whose husband was accommodated at that facility. CADE units were established in the late 1980s as a means of providing care to elderly people with a mental health problem. Although the units accommodated people suffering from dementia, there is extensive evidence to show that such people also have mental health issues and should therefore be in the care of the State.

In his report of the inquiry into mental health, Brian Pezzutti made reference to the submission of Alzheimer's Australia, which referred to the wonderful care that CADE units provided to their clients. In 2000 the health service conducted a review into CADE units. Given its financial difficulties at the time, it would have been easy to engage in a public debate with the Commonwealth Government about the care of elderly people and argue that because they were dementia patients they would be best served in a nursing home. Those with knowledge of this matter have told Opposition members that nursing home facilities are not the most appropriate place for dementia patients, who have confused and disturbed behaviours.

The health service sought support and assistance from the Department of Health to transfer the funding and operational responsibilities for the 32 dementia-specific places located within the CADE unit to residential aged care providers in around Canberra and Queanbeyan. The health service advocated for the establishment of dementia-specific places and for additional places and funding for capital upgrades at the existing facilities by the Commonwealth Government. The health service tried to sell it by saying that it would look to retain the funds allocated to CADE units for the development of a comprehensive service for people with dementia and challenging behaviours across the south-east region.

I would have loved to have a CADE unit on the far South Coast, given its large retiree population. The CADE unit for the south-east region was in Queanbeyan. According to the Government, the CADE was shut down to provide community-based support, with the appointment of nine full-time positions to be created across the health service to provide specialised dementia management, support and education to the residential aged care sector and the community. It sounded like a terrific plan. In fact, I do not have a problem with that concept and with funding being put into local communities for those types of programs. However, it should not be done at the expense of shutting down a CADE unit designed specifically to deal with people who require assistance to deal with their disturbed and confused behaviour or other mental health problems.

Additional money should have been provided to the CADE unit. I did not have a problem with the concept of new positions being created in each of the major centres, but a CADE unit should not be closed to fund other much-needed services. No doubt, we will hear from Government members about the fact that these people should have been in nursing homes and funded by the Commonwealth Government in the first place, but that is wrong. This is a mental health problem. Recently the *7.30 Report* showed a specialised dementia home in Tasmania that had an innovative approach to dealing with people who have a confused and disturbed behaviour.

**Mr Steve Whan:** It is a nursing home.

**Mr ANDREW CONSTANCE:** I note that the honourable member for Monaro indicated it is a nursing home. He is wrong. It is a specialised dementia home that provides care. The honourable member for Monaro is not smart: he will regret that comment. The Southern Area Health Service Co-ordinator of Aged Mental Health, Dr Mike Bird, went to Tasmania to conduct an independent evaluation of that unit. Why is the New South

Wales Government allowing its co-ordinator for aged mental health to evaluate this so-called nursing home, about which the honourable member for Monaro commented? The honourable member for Monaro is a dill! Dr Bird found that the behaviours and the mood of the residents improved. The people were quite difficult and some of them remain very difficult, but the specialised unit staff were not particularly stressed and there was a reduction in the proportion of them who were given psychotropic medication designed to suppress their behaviour.

Tasmania has a wonderful facility. I encourage the honourable member for Monaro and the Minister for Health to look at a tape of the *7.30 Report*. They should not be referring to nursing homes, as that is not what the people of Queanbeyan expect of us. They expect members of Parliament to find a sensible solution to this problem. I cannot believe that the honourable member for Monaro did not roll up his sleeves and fight for his local community against the closure of the CADE unit in Peppertree Lodge. He just let it go, just as he is letting go of the Snowy Hydro privatisation, cuts to CountryLink services, the clubs tax issue, the land tax issue, council amalgamations and the like. The honourable member for Monaro needs to explain how the Southern Area Health Service Co-ordinator for Aged and Mental Health was involved in a study on a specialised unit in Tasmania when the Government is closing down a CADE unit on the back of budgetary cuts in his electorate. It is simply outrageous. [*Time expired.*]

**Mr STEVE WHAN** (Monaro) [12.35 p.m.]: The honourable member for Bega has moved a motion to resurrect an issue that has long gone in our community. People are getting satisfactory and good care for their relatives. Coalition members seem to have no idea that these days nursing homes are funded with specialised units in them for the confused and disturbed elderly. We hear silly comments from Opposition members, who have resorted to name-calling. The decision to close the Confused and Disturbed Elderly [CADE] Unit at Queanbeyan District Hospital was made five years ago. The unit commenced in the 1980s and was based on 1980s philosophy for care of people with dementia. The philosophy has changed quite significantly since then. The community now believes that the elderly should be able to age in place because it minimises confusion with transfers. Nursing homes are now much better equipped to handle patients with dementia. The area health service engaged in a range of stakeholder meetings.

[*Interruption*]

I am hearing stupid interjections from those opposite asking how many nursing homes I have visited. It is clear that the people in this Chamber, particularly the honourable member for Hornsby, who is interjecting, did not go to Queanbeyan to see that CADE unit. It was out of date and not providing the modern style of care. It was designed as a transition facility, where people would settle down and then move out to nursing homes, as many people did. It was not designed for people to age in place. Quite rightly, the George Forbes Lodge in Queanbeyan now has a specialised dementia unit that caters for some of the people who would have previously gone into a CADE unit. The Queanbeyan nursing home is about to build a specialised dementia unit that will be funded by the people who have responsibility for aged care—that is, the Commonwealth Government.

The Opposition wants us to believe that the State Government should use its Health budget to provide for things for which the Commonwealth Government accepts responsibility. The honourable member for Bega said that nursing home facilities are not the most appropriate place for sufferers of dementia, but he is contradicted by the policy of the Federal Government. The Federal Government's policy says that people with psychogeriatric conditions—

**Mr Andrew Constance:** Point of order: The honourable member for Monaro is misleading the House. I clearly said that nursing homes are not the most appropriate places for people with confused and disturbed behaviour.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! There is no point of order. The honourable member for Bega will have the opportunity to respond to remarks made by the honourable member for Monaro when speaking in reply. The honourable member for Bega will resume his seat.

**Mr STEVE WHAN:** The honourable member for Bega does not want to let anybody else have a say. He should be embarrassed by his juvenile performance last night in this place. Any of his constituents would be embarrassed by it. He clearly, and consistently, shows that he is out of his depth in this place. I return to the CADE unit in Queanbeyan. The Federal Government's policy, which is on its web site, shows that Government accepts that psychogeriatric illnesses should be treated separately, and that those are part of the responsibilities of nursing homes and the care of the elderly. The honourable member for Bega made the grossly unfair suggestion that the health service threw people out of the CADE unit at Queanbeyan. That was an outrageous suggestion.



**Mr Andrew Constance:** They did.

**Mr STEVE WHAN:** The health service worked with families and patients over 18 months, and the people were relocated into nursing homes, where the level of care that they needed could be provided. I spoke to a number of those people. But let us get to the core of the problem with the argument put by the honourable member for Bega. He believes that people who live in the electorate of Bega should move their relatives into another location, Queanbeyan, several hours away, to be cared for. He should be arguing that nursing homes in his area should be properly funded and have appropriate and specific facilities for persons with dementia—as do many nursing homes in the Canberra region. Yet he does not say a word about promoting those sorts of facilities in his region.

The area health service did reinvest funds that had previously been allocated to the CADE budget. That allowed the area health service to employ specialist dementia nurses in the Bega Valley, Eurobodalla and Queanbeyan area, and has allowed for the increase in psychogeriatric specialists across the area. Those staff are working with families and residential aged care providers in providing the best care options for those patients, increasing the opportunities for people with dementia to be cared for locally. Honourable members opposite should be interested in ensuring that people are cared for in locations near their families and the stability that that brings. I come back to the new philosophy—one that the honourable member for Bega and a number of others opposite do not seem to have caught up with—that is, ageing in place. The reason they are not interested in ageing in place is that they have found a far easier and more political point to make: criticising the Government over the closure of the Queanbeyan unit.

NSW Health policies for the safe and effective care of these people are very effective across New South Wales. A strategic plan for specialist mental health services for older people, to be released shortly, will address the needs of older people with mental illness in Queanbeyan and across the Greater Southern Area Health Service, with an emphasis on community mental health services. That makes it clear that the area health service is meeting its responsibilities regarding mental health. Our region would like to see the Commonwealth Government meet its aged care obligations, including the provision—as we are about to see in Queanbeyan—of specialist dementia facilities in our local nursing home, and in the local George Forbes facility as well. Compare that facility with the old CADE unit—which I certainly visited—and you will find it has a very different philosophical base in the way in which people are cared for and in their environment. It is a good, stable environment, and it provides the facilities they will need. The honourable member for Bega seeks to interject. Did he ever go into the CADE unit?

**Mr Andrew Constance:** Yes, I did—twice.

**Mr STEVE WHAN:** I think there was great loyalty on the part of the staff, and I admire them for that. But, really, it was not a facility that was up to modern standards in looking after people with dementia.

**Mr Andrew Constance:** It was 12 years old, and was funded by Rotary and the local community. That is a slap in the face for Rotary.

**Mr STEVE WHAN:** Rotary funded the cottage, not the unit. One of the problems we have is the constant willingness of Opposition members to try to score political points, and to put political point-scoring ahead of the care of elderly people with psychogeriatric illness. The CADE unit at Queanbeyan hospital was certainly a great unit in its time—but its time had passed, and it was time to move on and look after people in a better way. Now we can use the health funds—which, of course, are very valuable—to provide important facilities. We cannot reopen the CADE unit at Queanbeyan hospital; that opportunity has long gone, if it ever existed. The building itself is about to be used to move people in for the rebuilding of Queanbeyan hospital. Administration will be moved into that building, so that the Queanbeyan hospital building can be redeveloped.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! The honourable member for Bega will cease interjecting.

**Mr STEVE WHAN:** That highlights that this Government is so much more effective than the whingeing Coalition. We have five hospitals in the Monaro electorate, and in the time that I have been a member of this place two have been targeted to be redeveloped. One other was redeveloped in the last 20 years—by the Wran Government. None has been redeveloped by a Coalition government, and none in the Bega electorate were redeveloped by the former Coalition Government. Perhaps for once, rather than coming into this place and whingeing all the time, Opposition members should come up with something constructive. Why not

work with the community? Why does not the honourable member for Bega, instead of criticising this Government, ask the Federal Government to provide specialist dementia facilities in nursing homes in his electorate, so that people do not have to go through the agonising process of sending their loved ones off to another town, a couple of hours away, to get care?

How many times have we heard of the agonies of an elderly person separated from the person that they have been married to for 50 years because there is not a facility in their local area? That is what the honourable member for Bega should be concentrating on in this place. He should concentrate on what is best for Bega. Instead, he constantly comes into this place and tries to defeat me in Monaro. We heard him on one occasion admit in the House that his priority was to help the Coalition win Monaro, rather than to represent Bega. But, as we saw last night, he is not up to the job in this place. He has been appalling in engaging in personal abuse and adopting the aggro attitude that he exhibited last night. This motion is really just a continuation of his whingeing and lack of constructiveness. *[Time expired.]*

**Mrs JUDY HOPWOOD** (Hornsby) [12.45 p.m.]: That certainly was an enlightening speech by the honourable member for Monaro. The elderly in our community would not find it comforting to learn that not only are they being blamed for bed blockage in general hospitals but they are being thrown out of specialist units and into nursing homes. Granted, there are specialist dementia units within nursing homes, there are specialist stand-alone dementia units and there are agencies, such as Catholic Health Care in my area, which focus on dementia-specific problems. But the honourable member for Monaro lost the meaning and purpose of the confused and disturbed elderly [CADE] unit. CADE units are designed to take confused and disturbed elderly, with mental illness and other disturbed behaviour, away from certain environments.

I refer to Long Jetty, where a successful CADE unit is still operational. It was opened in 1991 and is working extremely well. The unit takes a confused and disturbed elderly person out of an environment for about two months so that it can review medications, review behaviour and work out one-to-one the issues associated with that elderly person in relation to their confused and disturbed state, and then it is able to place them back into the nursing home.

**Mr Steve Whan:** Can't they do that where they live?

**Mrs JUDY HOPWOOD:** No. The honourable member for Monaro has never been to a nursing home and seen the stress, the lack of staff and the problems—

**Mr Steve Whan:** What?

**Mrs JUDY HOPWOOD:** Excuse me! I am now speaking. I gave you a chance.

**Mr Steve Whan:** Point of order: The honourable member for Hornsby suggested that I had never been to a nursing home. That is not true; I have been to many. More importantly, I note that she just pointed out that nursing homes have a lack of staff. The honourable member highlighted a lack of staff in nursing homes—a Federal Government failing—and I thank her for doing that.

**Ms Katrina Hodgkinson:** That is not a point of order.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I remind the honourable member for Burrinjuck that the Chair rules on points of order. It certainly was a point of order. I ask the honourable member for Hornsby not to cast aspersions upon members opposite.

**Mrs JUDY HOPWOOD:** Regarding disturbed and very disturbed behaviour by our elderly, on a number of occasions I have visited a dementia-specific nursing home in Wahroonga, and it does not have enough staff to cope with extremely disturbed behaviour. Those nursing home staff are always in a reactive state in dealing with people exhibiting very disturbed behaviour, and they need to have the circuit breaker of the CADE unit to have those patients reviewed—because nursing home staff are busy with many other people with dementia.

As a nurse I have looked after many people with dementia. I congratulate the nurses in our aged care facilities on their untiring efforts and the care they provide for some of the most confronting and challenging patients. Some patients in nursing homes that are providing excellent care need to be reviewed and removed from the nursing home to a CADE unit, which is exactly what Long Jetty CADE Unit does. It is exactly what the model was intended to be, as introduced by the Coalition Government in 1991 and then replaced—

[*Interruption*]

Excuse me, I am telling you my experience.

**Ms Angela D'Amore:** You wouldn't know!

**Mrs JUDY HOPWOOD:** She would not know, either.

**Ms Angela D'Amore:** Oh yes I would!

**Mrs JUDY HOPWOOD:** I am telling this House that CADE units are essential—

**Mr Steve Whan:** You're essentially taking them out of their homes.

**Mrs JUDY HOPWOOD:** They are not taken out of their homes, because they are in a nursing home already. The CADE unit is a specialist unit designed to deal with a confused and disturbed elderly person for a period of time. That person is then placed back into the nursing home from which he or she came.

**Mr Steve Whan:** The honourable member for Bega thinks—

**Mrs JUDY HOPWOOD:** I am talking about the Long Jetty experience. That is the essence of why the CADE units were established. They were established to manage disturbed behaviour for a period of time, to review medications, to review behaviour and then for the patients to be placed back in the nursing home. The Long Jetty model is the model that has a question mark over its head. We do not know what will happen next with closures by the Government. I recommend that the Government look at the CADE as a model to be replicated and supported. The Peppertree Lodge never should have been closed. There were signs from 1995 that it was not being looked after and that it was not being allowed to realise its true purpose. The cost shift back to the Federal Government by taking all the patients out of the disturbed unit is appalling. Our elderly have as much right as anyone to health care. They should not be blamed for taking up acute beds when they need them. They should be given specialised care when they require it. This CADE unit should have been allowed to do that.

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.51 p.m.]: I note that notice of this motion was given on 1 July 2003, when this issue was topical. At 10.00 a.m. on 10 September 2001 I attended a meeting of Confused and Disturbed Elderly [CADE] units, particularly in relation to Giles Court, which was part of St John of God Hospital in Goulburn, more commonly known as St Johns.

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

**Ms KATRINA HODGKINSON:** I made a file note about the meeting because I was so concerned at the prospect of the closure of Peppertree Lodge, a lodge that had been opened for the best part of a dozen years and also the prospective closure of Giles Court, which is the CADE unit at St John of God Hospital in Goulburn. At the meeting—which was attended by Bruce Hammond, the former Director of Nursing at St Johns, Laura Eslick from the Southern Area Health Service at the time and Best Monk, the Manager of the Aged and Extended Care from the Southern Area Health Service—I was guaranteed that patients would be cared for should those units be shut down. The Queanbeyan CADE unit did not close until 29 September 2004, yet the honourable member for Monaro said that the decision to close it had been made five years earlier. I dispute that thoroughly because it was open for consultation well and truly within that time period until it was closed. To hear that the decision was made point blank many years before once again reflects extremely poorly on this Labor Government and shows their absolute dismissal of elderly people who are confused and disturbed. This demographic is growing as the years go on.

We must ensure that the State Government does not abrogate its responsibilities for confused and disturbed elderly patients. Time and again core health needs for major and increasing sectors of our society are becoming further and further disadvantaged under the current structure of the area health service. I really would like to hear what the honourable member for Monaro thinks about the Greater Southern Area Health Service. Every other member of Parliament who has his or her constituency in the Greater Southern Area Health Service has reflected in this place on exactly how they feel about the management of the area health service and how it is absolutely abrogating its responsibilities for health care across the board. The financial mismanagement we

have seen in the area health service, which we have outlined time after time in this place, has been extraordinary. In 1994 families of the confused and disturbed elderly contacted me as the member for Burrinjuck with their concerns about the impending closure of Peppertree Lodge.

Families of the confused and disturbed elderly may not have approached the honourable member for Monaro because they knew they would not get anywhere. I note that he has not mentioned them in this place. As a member of The Nationals I certainly look forward to winning back Monaro at the next election, given the performance of the current member. The CADE units at Giles Court and Peppertree Lodge provide extremely important services. Once again the Commonwealth Government is picking up the responsibility of the State Government. Mental health continues to be an area of need in our area. On many occasions members on this side of the House have referred to mental health services in country areas. I can speak from personal experience about mental health. As more people approach their senior years we have an increased need for mental health units, but we have seen nothing but penny pinching from the Government, the closure of units and a basic abrogation of its responsibilities.

**Mr ANDREW CONSTANCE** (Bega) [12.56 p.m.], in reply: I acknowledge the contributions of honourable members who participated in the debate, particularly the honourable member for Burrinjuck and the honourable member for Hornsby, whose contributions were sensible, reasoned and, unlike the honourable member for Monaro—

**Mr Steve Whan:** The honourable member for Hornsby contradicted you entirely.

**Mrs Judy Hopwood:** I did not!

**Mr Steve Whan:** You did so. Read your speech in *Hansard*.

**Mrs Judy Hopwood:** Point of order—

**Mr Steve Whan:** You can't take a point of order on an interjection.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! The honourable member for Hornsby has the call.

**Mrs Judy Hopwood:** I am taking a point of order on the comment of the honourable member for Monaro. The honourable member for Monaro is claiming that I said something that I did not say. The fact is I did not contradict. I said that the Government had let down the CADE units in that the unit at Peppertree Lodge was not operating the way it should have operated.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! Unfortunately, I did not hear the comments of the honourable member for Hornsby. However, she has already explained what she was trying to correct. The honourable member for Bega may continue.

**Mr ANDREW CONSTANCE:** I think of the great words of the Australian Capital Territory Chief Minister, Jon Stanhope, who said that the honourable member for Monaro was most marginal in every sense of the word. We love it. We agree with it. He is so marginal.

**Mr Steve Whan:** Point of order: The honourable member for Bega has strayed from his motion, which I find quite amazing. But, more importantly, he has forgotten to mention that Gary Nairn was included in that description, and that is the person who the honourable member for Bega never dares to contradict because he follows around after him like a little puppy dog.

**Madam ACTING-SPEAKER (Ms Marie Andrews):** Order! I remind the honourable member for Bega to confine his remarks to the motion.

**Mr ANDREW CONSTANCE:** I look forward to the day when the honourable member for Monaro comes clean and tells the community that he is not running for Monaro, but for Eden-Monaro. I will put this debate into context. The honourable member for Monaro outlined all his arguments for the closure of CADE units. Can he explain to me why the Northern Sydney Central Coast Area Health Service still operates the Long Jetty health care facility, which is a CADE unit? The State Government is still operating a CADE unit. The fact of the matter is that, due to his being a weak marginal member, he could not get in and fight for his local

community to keep the CADE unit open. The Central Coast facility still manages to remain open, yet he is shutting down a CADE unit in a Labor electorate in Queanbeyan. He is marginal. He is more than the marginal honourable member for Monaro—he is just marginal in every sense of the word.

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

**Pursuant to sessional orders business interrupted.**

*[Madam Acting-Speaker (Ms Marie Andrews) left the chair at 1.00 p.m. The House resumed at 2.15 p.m.]*

## **PETITIONS**

### **Pensioner Travel Voucher Booking Fee**

Petitions requesting the removal of the \$10 booking fee on pensioner travel vouchers, received from **Mrs Shelley Hancock, Mr Andrew Stoner and Mr John Turner.**

### **South Coast Rail Services**

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

### **Southern Tablelands Rail Services**

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

### **Murwillumbah to Casino Rail Service**

Petition requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Donald Page.**

### **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.**

### **Mid North Coast Airconditioned School Buses**

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

### **Jervis Bay Marine Park Fishing Competitions**

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

### **Unborn Child Protection**

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

### **Shoalhaven Policing**

Petition requesting the allocation of more police resources to the Shoalhaven Local Area command, received from **Mrs Shelley Hancock.**

### **Graffiti Policing**

Petition requesting strategies and resources, including employment of additional police and security agents, to catch and prosecute the perpetrators of graffiti, received from **Mrs Jillian Skinner.**

**Mount Austin Public School**

Petition requesting funding for the provision of a school assembly hall at Mount Austin Public School, received from **Mr Daryl Maguire**.

**Wagga Wagga Electorate Schools Airconditioning**

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

**Colo High School Airconditioning**

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

**Manly Hospital Maternity Services**

Petition requesting the retention of the current level of maternity services at Manly Hospital, received from **Mr David Barr**.

**Breast Screening Funding**

Petitions requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell, Mr Andrew Fraser, Mrs Judy Hopwood, Mr Donald Page and Mr Michael Richardson**.

**Lismore Base Hospital**

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

**Shoalhaven Mental Health Services**

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

**Isolated Patients Travel and Accommodation Assistance Scheme**

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

**Kempsey District Hospital**

Petition requesting that Kempsey District Hospital be maintained at level 4, and requesting the construction of a new hospital for Kempsey, received from **Mr Andrew Stoner**.

**Cammeray Open Space Rezoning**

Petition opposing the rezoning of 2 Vale Street, Cammeray, from open space to residential C, received from **Ms Gladys Berejiklian**.

**Manyana Residential Land Rezoning**

Petition opposing the proposal by Kylor to rezone residential land in Manyana, received from **Mrs Shelley Hancock**.

**Recreational Fishing**

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

### **Whale Protection**

Petition calling for the protection of whales in Australian waters, received from **Mrs Judy Hopwood**.

### **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**.

### **Shoalhaven River Water Extraction**

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

### **Shoalhaven City Council Rate Structure**

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

### **CSR Quarry, Hornsby**

Petition requesting a public inquiry into Hornsby Shire Council's acquisition of CSR Quarry in Hornsby, received from **Mrs Judy Hopwood**.

### **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**.

### **Edinburgh Road, Castlecrag, Traffic Conditions**

Petition requesting a right turn arrow for traffic travelling west on Edinburgh Road, Castlecrag, turning north onto Eastern Valley Way, received from **Ms Gladys Berejiklian**.

### **The Rock/Bullenbong Road Upgrade**

Petition requesting funding for the immediate upgrade of The Rock/Bullenbong Road, received from **Mr Daryl Maguire**.

### **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**.

### **Motorcycle Registration**

Petition requesting that the RTA not register motorcycles to riders who are not legally licensed to ride them, received from **Mr John Turner**.

## **QUESTIONS WITHOUT NOTICE**

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### **CROSS-CITY TUNNEL AND ROAD CLOSURES**

**Mr PETER DEBNAM:** My question is directed to the Premier. Given that all evidence, including the Premier's own legal advice, says that he can reopen 49 public roads around the cross-city tunnel, and given that his own Minister privately admits something must be done, when will he reopen roads, or is he delaying it for political advantage, as he did with the scrapping of the vendor tax?

**Mr MORRIS IEMMA:** I thank the Leader of the Opposition for his question, which was exactly the same as the one asked by the honourable member for Bligh yesterday and the question that he asked before that as well as the question that he asked on Tuesday. The answer is that change can happen in co-operation with the company. So far there is no indication from the company that it is prepared to move from its position of insisting on its contractual right. As I have already said, that is not something that I like. We are saddled with that. But if the company is prepared to move from its position, the Government is prepared to consider any sensible proposal that gives motorists a better deal. That is the Government's position.

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

**Mr Andrew Tink:** Point of order: my point of order relates to relevance. The Clayton Utz legal advice—

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

**Mr Andrew Tink:** —says "Permanent works which"—

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

[*Interruption*]

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

[*Interruption*]

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

**Mr MORRIS IEMMA:** The Leader of the Opposition knows very well the material adverse effects of acting unilaterally. He knows very well what the consequences under the contract would be of material adverse effects. Perhaps that is exactly what he wants. He wants the company to walk away with barrow loads of taxpayers' money. That is exactly what the Opposition wants. They are not interested in motorists. They are interested in ensuring that the company—

**Mr SPEAKER:** Order! I am extremely dissatisfied with the level of noise in the Chamber at the moment. I am looking for members to call to order.

**Mr Peter Debnam:** Point of order: My point of order is that the Premier is misleading the House.

**Mr SPEAKER:** Order! That cannot be the basis of a point of order. The Leader of the Opposition knows the standing orders. There are other means of bringing matters of that nature to the attention of the House.

**Mr MORRIS IEMMA:** I was referring to the comments of Reverend the Hon. Fred Nile. I refer to the last sentence of the media release he issued not so long ago. Referring to the Minister for Roads, Mr Nile said:

He did not discuss any dealings with the cross-city tunnel operator with me.

The Government's position is clear. We want motorists to get a better deal. We do not want the company to walk away with a big bonus, large amounts of taxpayers' money, as a result of stupid, irresponsible and unilateral action such as that suggested by the Opposition.

**Mr Andrew Tink:** We will not expose the RTA. Read your legal advice.

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

**Mr MORRIS IEMMA:** Yes, the legal advice of Bret Walker, SC, tabled in the joint select committee inquiry on 6 December. The advice confirms the position put by the Government. Perhaps that is exactly what the Opposition wants to do. Perhaps that is the Opposition's secret agenda, to fill up the tunnel operators with money. The Leader of the Opposition wants to tear up the contract. Has he said how he will pay for other road projects?



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

**Mr MORRIS IEMMA:** They will be cut so that he can pay for unilaterally tearing up the contract and letting the company walk away with nearly a billion dollars of taxpayers' money.

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

#### COMMONWEALTH GRANTS COMMISSION GOODS AND SERVICES TAX ALLOCATIONS

**Ms ANGELA D'AMORE:** My question without notice is addressed to the Premier. What is the latest information on what support the new South Wales Government is offering the business community to help New South Wales receive a fair share of the GST revenue?

**Mr SPEAKER:** Order! The honourable member for Bathurst will cease interjecting.

**Mr MORRIS IEMMA:** I thank the honourable member for Drummoynes for her unstinting efforts to ensure that the GST cheating ends so that her constituents get their fair share.

*[Interruption]*

The honourable member for Southern Highlands might not think it is important for her constituents to get their tax money back, but we do, the gallery does and the business community does. The message is getting through. Yesterday Australian Business Ltd [ABL] issued a statement in which it offered to lead a business delegation to Canberra to assist in the efforts of New South Wales to end the GST cheating and to give back to New South Wales taxpayers their money. I welcome the offer. This morning I spoke with the leader of ABL, Mr Mark Bethwaite.

**Mr SPEAKER:** Order! Members of the Opposition will stop calling out.

**Mr MORRIS IEMMA:** I note that there is a representative of ABL in the gallery today. I congratulated Mr Bethwaite on his offer and advised him that the New South Wales Government would provide him with full support and whatever resources, technical advice and support they need to put together a delegation to go to Canberra. Accordingly, senior Treasury and Cabinet Office staff will be made available to assist the business community in the preparation of their submission to the Commonwealth Treasurer. In case the Leader of the Opposition has not been listening, I will repeat that: the Commonwealth Treasurer, who is located in Canberra, not in Brisbane.

**Mr Peter Debnam:** Point of order: I was listening to Peter Beattie, who said that this is all about this Government's poor performance. I believe he said it all in Parliament on Tuesday. He said that this whole issue—

**Mr SPEAKER:** Order! The Leader of the Opposition knows that question time is not a time for debate. He will resume his seat and comply with the standing orders of the Chamber.

**Mr MORRIS IEMMA:** The message is getting through. Australian Business Ltd agrees and the Reserve Bank Governor has owned up by stating:

At the moment there doesn't seem to be a logical case for taking taxpayers' money in New South Wales and Victoria and distributing it to Western Australia and Queensland.

As I have said, the business community, which also supports the Government, said:

We need to see a real change in the way the GST is distributed.

So the Governor of the Reserve Bank and Australian Business Ltd both support the Government.

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

**Mr MORRIS IEMMA:** Even the Australian Bureau of Statistics has owned up and admitted:

... the Commonwealth exercises its influence and discretion over the setting of GST and its distribution.

The Grants Commission has owned up and said:

The Commission's advice on per capita relativities is considered by the Ministerial Council for Commonwealth-State Financial relations.

Following that consideration, the Australian Government Treasurer determines how the revenues are to be shared.

To top it all off, the Grants Commission, the body charged with doing the calculations, deciding the relativities and sending the recommendations to Peter Costello, has owned up that the methodology is rotten. It stated:

Our processes are stretching the available data to the limit... we are strongly of the view that methods should be changed rather than relying on data that might be inadequate for the purpose... Against this background, we have serious concerns.

The Grants Commission is the body that does the calculations. What do we get from the Leader of the Opposition? All we get is, "The solution lies in Brisbane." The Grants Commission, the Reserve Bank and the business community have told us that the solution lies in Canberra. For the benefit of the Leader of the Opposition, I have a map so he can go to Canberra.

**Mr Chris Hartcher:** Point of order—

**Mr SPEAKER:** Order! The House can do without a geography lesson. The Leader of the Opposition and the honourable member for Gosford will resume their seats.

[Interruption]

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

[Interruption]

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

[Interruption]

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

[Interruption]

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat. The House has had enough of this nonsense. The Leader of the Opposition will stop taunting the House. All members will observe the standing orders of the Chamber. The Premier has the call.

[Interruption]

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

**Mr MORRIS IEMMA:** The Leader of the Opposition has a fairly poor record when it comes to maps and locations after Pittwater. But the solution is in Canberra, Peter. Get yourself to Canberra!

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

**Mr MORRIS IEMMA:** He got as far as Manly and they said, "No, Pittwater is a bit further north." He stopped and did an interview with the *Manly Daily* in which he proudly proclaimed, "We are going to lose to a man called McTaggart." Those who did not know McTaggart certainly knew him when the headline "McTaggart to win" was splashed on the front page of the paper. Sure enough, come Saturday, there it was. It was not just a win; it was a record—26 per cent. The Leader of the Opposition has had some difficulty with his geography, but the solution lies in Canberra. The Grants Commission, the Governor of the Reserve Bank and the business community support the Government's view. The only ones who will not stand up for the people of New South Wales are the Leader of the Opposition and that pathetic lot opposite.

**Mr Peter Debnam:** Point of order: My point of order again is that the Premier is misleading the House. The only one who has not stood up is Kim Beazley. All the rest of us have talked about renegotiating. But Kim Beazley and Federal Labor refused to support any rearrangement. That is the problem.

**Mr SPEAKER:** Order! The Leader of the Opposition knows that he cannot base a point of order on an allegation of misleading the House. The standing orders provide other ways of dealing with matters of that nature.

**Mr MORRIS IEMMA:** The Government has moved motions in this House on two occasions and on both occasions the Leader of the Opposition failed to vote with the Government to support New South Wales. He refuses to join the business community and he refuses to acknowledge what the Reserve Bank and the Grants Commission have said. Get the map, Peter, and get on your way!

### **CROSS-CITY TUNNEL AND ROAD CLOSURES**

**Mr ANDREW STONER:** My question without notice is directed to the Premier. Given that three people were injured on William Street this week because of traffic chaos around the cross-city tunnel—

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

**Mr ANDREW STONER:** Given that three people were injured on William Street this week because of traffic chaos around the cross-city tunnel, how many more injuries or deaths will it take before this Government reopens public roads?

**Mr MORRIS IEMMA:** I am advised that work on the William Street upgrade project is being carried out by the contractor, which is Boulderstone Hornibrook Bilfinger Berger, on behalf of CrossCity Motorway, the company. The joint venture recently advised of the possibility that work might not be completed within the contracted period of eight months. The joint venture has since advised that it has reprogrammed some of its works and it is still aiming to meet the original deadline. As is usual with such roadworks, it has indicated that this will be dependent on a number of variables, including the weather. That is the advice that has been received from the company.

### **POLICE UNDERCOVER OPERATIONS**

**Mr STEVEN CHAYTOR:** My question without notice is addressed to the Minister for Police. How is the Government assisting police officers who work on undercover operations?

**Mr CARL SCULLY:** Our undercover police do terrific work, which is often dangerous, apprehending serious criminals. Unfortunately, that often involves police immersing themselves in the murky criminal underworld.

**Mr SPEAKER:** Order! The Minister has the call.

**Mr CARL SCULLY:** They need to do that to undertake what are more commonly known as stings. Controlled operations are vital for targeting illicit activity such as drug dealing, gunrunning and corruption. That is why the Government introduced the Enforcement (Controlled Operations) Act in 1997. That Act gives undercover police officers protection from criminal prosecution for acts committed in the course of a controlled operation. It puts in place tight accountability mechanisms for the approval and oversight of controlled operations and it removes any doubt as to the legal status of evidence obtained in the course of such operations.

In short, that legislation enables law enforcement bodies to fight crime and corruption on the crooks' turf by providing for the authorisation, conduct and monitoring of operations involving what might otherwise be regarded as unlawful activity. For example, an undercover operative posing as a buyer in a drug operation cannot take possession of the drugs without technically committing a criminal offence. The Act legitimises the actions of undercover officers and certain other participants and permits evidence obtained during the course of the authorised controlled operation to be classified as legal and, prima facie, admissible.

Our undercover officers have shown that controlled operations in the city's crime hotspots have been effective in catching drug dealers, gun traffickers and other criminals. The legislation does not apply only to NSW Police. It applies also to the Independent Commission Against Corruption, the New South Wales Crime Commission, the Police Integrity Commission and Commonwealth law enforcement agencies. Last year 456 controlled operations were authorised. The majority of controlled operations in New South Wales, some 85 per cent, targeted the supply, possession, cultivation, and/or manufacture of prohibited drugs. Other operations targeted firearm and other prohibited weapons offences, robbery, armed robbery, theft or stolen property offences and murder, conspiracy to murder, or attempted murder and fraud offences.

A statutory review of the legislation has been conducted. It recommends several significant changes to the Act, including increasing the number of NSW Police senior officers able to authorise controlled operations; expanding the circumstances in which a retrospective authorisation may be granted; and introducing cross-border provisions in relation to operations that cross over from New South Wales into other jurisdictions. At present the Commissioner of Police may delegate his authorising function to five officers only who are at or above the rank of superintendent. We will increase the number of NSW Police senior officers able to authorise controlled operations to include all officers at or above the rank of assistant commissioner plus two officers at or above the rank of superintendent. In addition, the latter two officers must be authorised in writing by the commissioner.

The changes will increase from six to 20 the number of NSW Police senior officers who are able to authorise controlled operations. This will improve the current system by making the authorisation process faster and easier and will give police, particularly in regional commands, more power to fight serious crimes. We will also make the performance of cross-border operations easier and more effective. A legislative program will be put in place so that an authorisation issued in New South Wales will have effect in another State or Territory as though it had been issued under the law of that State or Territory. These changes will enable police to be more operationally responsive and will improve the efficiency and efficacy of undercover operations, thus increasing the likelihood of successful prosecutions.

### CONCORD HOSPITAL AND MR WAYNE EDWARD BROWN

**Mrs JILLIAN SKINNER:** My question is directed to the Premier. Will the Premier provide to the family of Wayne Edward Brown, who died at Concord hospital in December 2003, the same level of legal representation at the coronial inquiry into his death as the Premier gives to public officials? The Health Care Complaints Commission has suggested that there was "some evidence of system problems relating to his transfer from Blacktown Hospital."

**Mr MORRIS IEMMA:** I am advised that this matter first came to public attention in January 2004—more than two years ago. I am advised also by the Minister for Health that this matter will be the subject of a coronial inquest, commencing later this year. I am further advised by the Attorney General that Ms McCall is entitled to apply for legal aid to secure representation at that inquest.

**Mr SPEAKER:** Order! The honourable member for North Shore asked the question. She should have the courtesy to listen to the Minister's reply.

**Mr MORRIS IEMMA:** Importantly, I am advised that Ms McCall has not yet made a formal application for legal aid assistance. I strongly encourage Ms McCall to pursue this course of action.

### CITYRAIL COMMUTER PATRONAGE

**Mr TONY STEWART:** My question is addressed to the Deputy Premier, and Minister for Transport. What is the latest information on CityRail patronage?

**Mr JOHN WATKINS:** Honourable members will remember that I updated the House a little earlier this week on improvements to the on-time running of trains. There has been a jump from about 60 per cent of services running on time to 90 per cent of services running on time. Today I can advise the House of further evidence of gradual improvements in our rail system. Community confidence is returning to our rail system, slowly but surely, and travellers are catching our trains in significant numbers. In the four months to the end of 2005 patronage increased by 1.4 million under the new timetable compared with the same period in 2004. That means an extra 90,000 passengers were using our train system every week in the last four months of last year compared with a year earlier. The growth is strongest on the major metropolitan Sydney lines. In the central business district [CBD] there was a 4.2 per cent increase, or an extra 24,000 passengers a week. On the western line there was 3.8 per cent growth, or an extra 21,400 passengers a week. On the inner west line there was 4 per cent growth, or an extra 14,700 passengers a week, and on the south line there was a 2.8 per cent increase, or an extra 12,300 commuters per week, in the last four months of last year.

**Mr Barry O'Farrell:** Point of order: My point of order is relevance. What the Minister is not declaring is that these figures are still half a million a week down on—

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition well knows that he cannot give his own version of a speech under the guise of a point of order. The Minister has the call.

**Mr JOHN WATKINS:** Those opposite do not like good news. They do not like the fact that on-time running is improving and they hate the fact that an extra 90,000 people a week are using our rail system. But it is true: 90,000 people per week are returning to our rail system—and that number does not include pensioner excursion tickets.

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

**Mr JOHN WATKINS:** Because the Opposition's attacks on on-time running and the number of people using the rail system have been blunted I figure that they will start complaining about crowding on trains. Let me address the issue of patronage. In the peak of the peak there is high demand for our rail services—as occurs with most rail services around the world. That is why in Sydney we increased capacity on a.m. services late last year, and will add further capacity this year. There is a new a.m. express service from Sutherland, with capacity for an additional 1,000 commuters, and an extra evening peak Penrith service from Chatswood that departs Central station between 6.30 and 6.40. We are also in the midst of upgrading Town Hall station to improve public space, particularly during the busy morning and evening periods. I suggest that those honourable members who do not travel by train go and have a look at our busy CBD stations during peak periods. I travel on trains most days and I do not see many Opposition members on them.

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

**Mr JOHN WATKINS:** The Epping to Chatswood rail link, due to be completed in 2008, will provide capacity for an additional 12,000 rail passengers a day. The Government is buying more than 630 new train carriages to add to the network. RailCorp says that remaining p.m. peak six-carriage trains will be increased to eight-car trains when those extra carriages come on line.

I have promised the commuters of New South Wales that more will be done. But the public is backing the Government's commitment: 90,000 people per week returning to the rail system is a significant number. That improvement is fed by the \$3 billion that we are spending this financial year on public transport services, \$2 billion of which is being applied to our rail system alone. We will pour a massive \$15 billion into transport infrastructure over the next 15 years. We are untangling our rail system and building new rail lines—\$10 billion worth since clearways. We have spent \$1.5 billion untangling the network and \$2.5 billion on new rolling stock. These are massive amounts of public money that we are injecting into our rail system to deliver the improvements that the travelling public have been calling for. New transport interchanges are being built in key transport hubs to provide first-class transport facilities. Some \$800 million is being spent on sites including Parramatta, Chatswood, Town Hall and North Sydney.

In this financial year alone the Iemma Government is spending \$1.7 billion on improving rail infrastructure. That is an unprecedented \$141 million every month or \$32 million every week or \$4.6 million every day. In the hour and a half that we will spend in the Chamber for question time today RailCorp will spend, quietly and conscientiously, more than \$300,000 on improving our rail network. Let us compare that plan—infrastructure spending and people returning to the rail system—with the Debnam-Stoner rail plan. I had that plan written down somewhere: I wrote the Debnam-Stoner rail plan for New South Wales on a post-it note. It is brief because Opposition members cannot stop arguing amongst themselves and get together to formulate a viable transport plan. As usual, the Leader of the Opposition and the Deputy Leader of the Opposition are at each other's throats and contradicting each other on transport policy. Following the recent opening of the Parramatta interchange—

**Mr Andrew Tink:** Point of order: At each other's throats? The Leader of the House wanted to build a rail link from Chatswood to Parramatta. His Cabinet colleague Mr Costa, as he well knows, cancelled half of it.

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

*[Interruption]*

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

**Mr JOHN WATKINS:** I am pleased that the honourable member mentioned the Parramatta to Epping rail link because it is an issue of grave disagreement between these two heavyweights, the Leader of the Opposition and the Deputy Leader of the Opposition. Because after the Parramatta interchange opened the

Deputy Leader of the Opposition called for the construction of the Parramatta to Epping rail link and on 20 February stated in a press release:

The one glaring omission at the Parramatta Interchange is the lack of a rail link to Chatswood.

But at the Asia Business Connection dinner in Parramatta one week earlier his esteemed and respected Leader, the Leader of the Opposition, said:

We are looking at rail expansion but we discussed that particular rail line and that's not a priority for us.

**Mr Peter Debnam:** Point of order: I will forgive the Minister because he has been misinformed.

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

**Mr Peter Debnam:** The honourable member for Parramatta should have told him that the words were "that project is not currently a priority for this Government".

**Mr SPEAKER:** Order! There is no point of order. I have made the point previously that this is question time; it is not a debate. The Leader of the Opposition will resume his seat.

**Mr JOHN WATKINS:** Words, words, words and we know that at the Asia Business dinner he said "it is not a priority for us". There are dual messages. The Deputy Leader of the Opposition said "Yes, this important link has to be built" and the Leader of the Opposition disagreed with him, as usual, and said "It is not a priority for us". That is what one calls a comprehensive plan from the Opposition. The Leader of the Opposition also dares to call himself the shadow Minister for Western Sydney. The Leader of the Opposition believes that Bondi Junction is Western Sydney. It is just more proof that Opposition members of Parliament do not know and do not care what their Leader thinks. But why would one? The Leader of the Opposition admits that he does not have any plans. He told guests at that same dinner in Parramatta that night:

I'm saying to the private sector, you're the creative guys ... you can come up with creative solutions to deliver infrastructure in New South Wales ...

He is saying: Do not ask the Opposition for a transport plan for Western Sydney but ask the private sector to come up with some ideas. I hope the Leader of the Opposition had a good feed at that function where he would have been more useful as a waiter than the guest speaker.

#### WESTMEAD HOSPITAL EMERGENCY TREATMENT BENCHMARKS

**Mr WAYNE MERTON:** My question is directed to the Premier. Given the Government's latest publicly available reports show that Westmead Hospital fails to meet its own benchmarks for the treatment of imminently life threatening, potentially life threatening and potentially serious injuries, how can the Premier today claim an improvement in the speed and quality of treatment?

**Mr MORRIS IEMMA:** Ask the staff. What a slur on the staff of Westmead. In August 2005 the State Government invested in aged care—something that is exclusively a Commonwealth responsibility but because of its negligence—\$4 million in Westmead Hospital to provide our citizens over the age of 70 with faster and better health care. Today I went to Westmead so that staff could report on their successes, the Government having backed them with the resources they need and the staff revolutionising care for the elderly in our community. It is a disgrace for the honourable member for Baulkham Hills to cast that slur on the staff of Westmead Hospital.

**Mr SPEAKER:** Order! The honourable member for Lismore will comply with the standing orders.

**Mr Barry O'Farrell:** Point of order: My point of order is that the Government's own figures show that the hospital is underresourced.

**Mr SPEAKER:** Order! There is no point of order. The Deputy Leader of the Opposition can make a personal explanation at the appropriate time if he wishes to do so.

**Mr MORRIS IEMMA:** The honourable member for Baulkham Hills should have cared enough to have gone to Westmead and taken an interest in one of his local hospitals and talked to the staff who would have told him that for those aged over 70—

**Mr Wayne Merton:** Point of order: The Premier has misrepresented what I said.

**Mr SPEAKER:** Order! Members cannot make a personal explanation under the guise of a point of order.

**Mr MORRIS IEMMA:** Why does the honourable member not stand up in the House on the day that Westmead celebrates the opening of its older persons rehabilitation and treatment unit—

**Mr SPEAKER:** Order! The honourable member for Baulkham Hills will resume his seat. Government members will come to order.

**Mr MORRIS IEMMA:** A timely reminder of why the honourable member for Baulkham Hills was dumped from the Corrective Services portfolio when the Coalition was last in Government. Remember the prison system under Wayne? Wayne's world! The revolving door. On the day that the staff celebrate a number of —

**Mr Peter Debnam:** Point of order: I really think it has reached a point—

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

**Mr Peter Debnam:** I will tell you my point of order. I really think it has reached the point that you ought to say to the Premier if he is going to provide information, talk about the issues—

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

*[Interruption]*

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

*[Interruption]*

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

**Mr MORRIS IEMMA:** On the day that we celebrate the success of nurses, geriatricians, occupational therapists, speech pathologists and assistants in nursing in the elderly persons unit at Westmead Hospital, one would have thought that the honourable member for Baulkham Hills would say one word of support for staff. But, no, he has sought to cast aspersions on their professionalism.

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

**Mr MORRIS IEMMA:** The honourable member for Baulkham Hills asked about performance and benchmarks, but why does he not support the fact that the access block, that is, the waiting times to go from an emergency department bed into a ward, has gone from 60 per cent to 18 per cent at Westmead.

**Mrs Jillian Skinner:** Point of order: My point of order is relevance. The honourable member for Baulkham Hills asked about 42 per cent of patients in potentially life threatening conditions not being seen in 30 minutes. Does the Premier think that is quality? Does he think it is an improvement? That is not what older patients, nurses and doctors have told me.

**Mr SPEAKER:** Order! The honourable member for North Shore knows that is not a point of order. If members want to make personal explanations the standing orders provide them with the means to do so. Members cannot make personal explanations under the guise of points of order.

**Mr MORRIS IEMMA:** I wish the honourable member for North Shore had been at the Council of Australian Governments meeting a couple of weeks ago to provide policy input as we gathered to consider Commonwealth and State proposals for national health reform. As we considered the latest agenda for national health reform, we could have done with this ripper from the honourable member for North Shore. This is the shadow Minister espousing policy development at its best—groundbreaking health policy development. I refer to one of a collection of statements and policy issues:

The shadow Minister believes greater attention should be paid to measures which keep people healthy.

The COAG meeting would have been so much more constructive if we had had that input from the honourable member for North Shore on health reform. Access block waiting times are down from 60 per cent to 18 per cent, and the access block in the emergency department is down from 36 per cent to 18 per cent. A couple of weeks ago, in the space of one hour, the Westmead emergency department received 15 ambulances, some of them involving trauma cases, victims of serious accidents, and it was able to clear every one of them in less than an hour. That is the kind of work being done at Westmead hospital—the very hospital that was slandered today by the honourable member for Baulkham Hills. This was on the very day that it celebrates the opening of its older persons rehabilitation and treatment unit, which has seen waiting times collapse at that hospital, and has seen health care outcomes massively increase. That is the kind of investment being made in hospitals like Westmead, and that is the sort of improvement that is taking place in health care. Yet the honourable member for Baulkham Hills today slandered the staff—on the very day they gathered to celebrate their successes.

#### **DEPARTMENT OF COMMUNITY SERVICES CASEWORKERS RECRUITMENT**

**Ms MARIANNE SALIBA:** My question without notice is addressed to the Minister for Community Services. Can the Minister update the House on the latest recruitment drive of the Department of Community Service to double its number of front-line caseworkers?

**Ms REBA MEAGHER:** I thank the honourable member for Illawarra and commend her for her ongoing interest in the rebuilding of the Department of Community Services [DOCS]. The Government's \$1.2 billion DOCS package is the biggest reform of children's services in the State's history. It is a program that we put in place in 2002—a program that the Coalition disgracefully threatened to rip up prior to the last election.

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

**Ms REBA MEAGHER:** The Coalition was going to rip up the DOCS reform package to fund its election commitments. Thankfully for the disadvantaged and vulnerable families in New South Wales, our program has survived.

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

**Ms REBA MEAGHER:** I am pleased to inform the House that our reforms have reached another proud milestone. When applications for the latest round of caseworker recruitment closed a few weeks ago, the department was swamped with over 1,000 applications for 150 positions. Those included 170 indigenous applicants, who will help boost our services to Aboriginal families. These caseworkers will help us reach more families and more children more quickly. This is by far the greatest level of interest the department has ever received for caseworker positions and reflects a new, positive community attitude towards the department and its reform program. These are highly qualified individuals who want to devote themselves to working with vulnerable children and families. They want to make a contribution; they want to take on the challenge. Everyone in this House should be proud that the New South Wales public sector is able to attract such a widespread and enthusiastic response to one of our toughest departments.

These caseworkers are the latest step in a plan to hire 875 new caseworkers. That represents a doubling of our front-line response in New South Wales. So far, our reform has seen the opening or refurbishment of more than 30 community service centres across New South Wales, with another 25 to be completed by the end of the year. Only last Friday I had the honour of opening the newly refurbished community service centre at Lakemba. Contrast that with the achievements—should I say shameful record—of the Coalition. When the Liberal Party and The Nationals were in government, they cut 1,000 DOCS positions and 77 child protection workers, and disbanded 3 sexual assault investigation units, at Wagga Wagga, Campbelltown and Flemington. That was an absolute disgrace. I shudder to think of the number of children that went unprotected because of Coalition government cuts to DOCS. It is a mark of shame that the Liberal Party and The Nationals will never be able to live down.

If that was not bad enough, they had another go just before the last election: they wanted to slash \$700 million from the DOCS budget that had been promised by this Government. That is, they wanted to slash our commitment to rebuild the child protection system in New South Wales. They wanted to cut \$700 million from the program. That would have meant cutting all of the new caseworkers that we committed to appointing. The Coalition would have appointed none of them. The Coalition would have gone back to its old days of closing DOCS offices and cutting programs that protect the most vulnerable people in our community. The



honourable member for Upper Hunter was the shadow Treasurer at the time, and he was quoted as saying that he would "liberate the money" from child protection, and spend \$20 million on a royal commission. That is smart, isn't it? That \$20 million would have gone to lawyers in New South Wales, when it could go directly into frontline services.

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

**Ms REBA MEAGHER:** The question mark hanging over the Leader of the Opposition is that he has never moved away from that policy of cutting \$700 million, slashing 875 child protection workers, and closing DOCS offices around New South Wales. That is still the policy on his books; he has never renounced it. That policy is still on his books and reminds us what a heartless bunch of social and economic vandals Coalition members really are. But, not satisfied with a promise to slash the frontline capacity of the Department of Community Services, he has a new promise—to cut out 29,000 public servants in this State. Then he has the hide to come into this place and say that that will not affect frontline services. That is nonsense, and everybody knows it is nonsense. You cannot have a frontline service without backline support.

**Mr Peter Debnam:** Point of order: The Labor Party's Treasurer wants to cut by 50,000 people—

**Mr SPEAKER:** Order! The Leader of the Opposition knows that he cannot, under the guise of a point of order, make a speech. This is question time. It is not debate. The Minister has the call.

[Interruption]

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

[Interruption]

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

[Interruption]

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

**Ms REBA MEAGHER:** We have just seen for ourselves that the Leader of the Opposition bullied his way in just now to use the microphone—not to recant his policy, not to give a commitment to the families of New South Wales, but to smudge the detail. He knows that cutting 875 child protection workers in this State will leave vulnerable children exposed. He wants to cut the legal officers that help the child protection workers prepare for the Children's Court. He wants to cut the child psychologists who help the caseworkers make difficult decisions about the families they work with. He wants to cut the foster care support workers who provide the allowances and contingencies to the care workers that are doing a valuable job in our community. The list goes on! If he had his way, there would be nobody left in the department to make decisions and protect the vulnerable children in our community. The position I put about the importance of backline staff was highlighted in April 2002 by the NSW Ombudsman, Bruce Barbour, who said,

Without the right systems, records and support, appropriate child protection interventions become as much a matter of good luck as good management.

That is what the Leader of the Opposition is proposing: We will leave it to luck for the children of New South Wales. The Standing Committee on Social Issues echoed those concerns and highlighted—

**Mr Brad Hazzard:** Point of order: There does come a time when you are talking about children's lives—

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

**Mr Brad Hazzard:** It is relevance. There does come a time when you are talking about children's lives when the Minister should stop telling these young Labor—

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

[Interruption]

**Mr SPEAKER:** Order! The honourable member for Wakehurst cannot give his version of an answer under the guise of a point of order. He will resume his seat.

*[Interruption]*

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

**Ms REBA MEAGHER:** What is most instructive about that interjection is that my Opposition spokesperson is the bloke sitting next to him, the honourable member for Davidson. He has a web site, which indicates that he is the shadow spokesperson—

**Mr Andrew Humpherson:** How many children died on your watch?

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

*[Interruption]*

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

*[Interruption]*

**Mr SPEAKER:** Order! I have called a number of members to order. Those members are now deemed to be on three calls, and that includes the honourable member for Davidson.

**Ms REBA MEAGHER:** His web site describes him as the shadow spokesperson for Justice and the shadow spokesperson for Emergency Services, but it makes no mention of the fact that he is the shadow spokesperson for Community Services. He did not care. He did not bother to update his web site. But it goes further. When he was appointed the shadow spokesperson I wrote to him on 14 September and congratulated him on what an important job it was.

**Mr SPEAKER:** Order! The Opposition will come to order.

**Ms REBA MEAGHER:** I offered him a briefing from the director general about the reform program in the Department of Community Services. Six months later he has not taken up the offer.

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

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Davidson will resume his seat. If he claims to have been misrepresented he can make a personal explanation at the appropriate time.

*[Interruption]*

**Mr SPEAKER:** Order! The honourable member for Davidson will resume his seat. Members of the Government will come to order.

**Ms REBA MEAGHER:** He does not care. The Leader of the Opposition does not care. He is committed to slashing the Department of Community Services, gutting it and exposing the children and vulnerable families of New South Wales. It is a disgrace. The Leader of the Opposition should take the opportunity to recant that policy and match our reform program. He should stand up in here today and do it.

### **BRIDGES REPAIR AND REPLACEMENT FUNDING**

**Mrs DAWN FARDELL:** My question without notice is to the Premier. Will the Premier commit ongoing funding in this year's budget to allow councils and shires to repair and replace damaged bridges?

**Mr MORRIS IEMMA:** The Government currently is in the process of putting its budget together. I look forward to informing the honourable member for Dubbo of our initiatives for roads when the budget is delivered.

## RURAL HEALTH SERVICES

**Mr PETER BLACK:** My question without notice is to the Minister for Education and Training, representing the Minister for Health.

**Mr SPEAKER:** Order! The honourable member for Murray-Darling will resume his seat. The catcalling from the Opposition is nothing less than disgraceful. When the noise in the Chamber is such that a question cannot be heard, members should examine their attitude and the way they behave in the Chamber. The Chair, Hansard and the appropriate Minister would like to hear the honourable member for Murray-Darling's question. I would also like to hear the Minister's answer. The honourable member for Murray-Darling has the call.

**Mr PETER BLACK:** What is the latest information on rural health services?

**Ms CARMEL TEBBUTT:** There is no doubt that no Government has invested more in hospital infrastructure than this Labor Government, an investment of more than \$4 billion. We are building or rebuilding practically every hospital in New South Wales. We have built outstanding new hospitals across regional New South Wales such as Broken Hill, Tweed, Shoalhaven and Portland.

**Mr SPEAKER:** Order! The Premier will come to order.

**Ms CARMEL TEBBUTT:** We have built 18 hospitals in rural communities that rely on those services, and another 18 are still to come.

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

**Ms CARMEL TEBBUTT:** We are building a brand new hospital in Queanbeyan, worth more than \$44 million, and we have major redevelopments in Bathurst, Orange, Bloomfield and Junee. They are funded and they are ready to build. Today, on behalf of the Minister for Health, I can inform the House of the latest stage in our massive commitment to country hospitals. The House might recall that in November 2005 the Government announced \$3.8 million for infrastructure improvements in a number of rural health services. Honourable members would be interested to hear that the Government is providing an extra \$2 million under that program for vital capital improvements to hospitals right across rural New South Wales. The funding is for small-scale capital projects in rural New South Wales, projects that look after our valuable health infrastructure, make hospitals more attractive and functional for staff and patients, and help us deliver specialised health services more effectively.

These projects include \$147,000 to replace Balranald Hospital's airconditioning system and to aircondition the nurses home; \$352,500 for staff accommodation at Walgett Health Service; \$305,000 to expand the capacity of the renal dialysis unit at Coffs Harbour health campus; \$195,000 for a rehabilitation service at Wauchope health campus; \$250,000 for ongoing improvements to sterilisation equipment in various hospitals in the Greater Southern Area Health Service; \$250,000 for operational improvements to Tumut Hospital, including the community health building; \$160,000 for the refurbishment of the Gloucester hospital operating theatre and recovery unit; and \$340,000 for fire compliance at the Narrabri health service. These minor works are important for rural and regional communities. When I say they are "minor works", they are minor only when one considers them in the context of the overall rural health budget, which will reach some \$3 billion in 2005-06, an 8 per cent increase over the last year and \$222 million more than we spent last year.

This funding not only means more upgrades and new facilities; it also means more mental health services, increased hospital bed numbers and more health services for patients closer to where they live. The Government is delivering for country communities. We are delivering the hospitals, the upgrades, the new mental health services and the extra nurses. We hear a lot of noise from the other side, but where we would really like to hear their noise is when we raise with Canberra our fair share of the GST. If we got our fair share of the GST, we could do even more for health services. But we do not hear anything from that side on that issue. We only ever hear criticism and we only every hear complaints.

**Questions without notice concluded.**

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

That the House at its rising this day do adjourn until Tuesday 7 March at 2.15 p.m.

**CONSIDERATION OF URGENT MOTIONS****Telstra Home Telephone Connection Costs**

**Mr GEOFF CORRIGAN** (Camden) [3.19 p.m.]: This motion is of the utmost urgency. Telstra's greedy plan to increase by a massive 43 per cent the price of connecting a phone is a disgrace. This price gouge will have a devastating effect on families, pensioners and home-based businesses across New South Wales. The Leader of the Opposition cannot hide from community outrage on this issue. I challenge the Leader of the Opposition to show some backbone, stand up for the people of New South Wales and condemn the Howard Government for yet another broken promise. This motion is urgent because, as the *Daily Telegraph* reported today, the Federal Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, said just two days ago:

The price controls that apply to Telstra are a key telecommunications safeguard.

They make sure that the efficiency gains Telstra makes are passed through to its customers in the form of lower prices.

Where was Senator Coonan yesterday when the *Daily Telegraph* was trying to contact her? She was unavailable—hiding in her office, red faced with embarrassment, ashamed to see yet another rolled gold, ironclad guarantee broken, another non-core promise of the Federal Government, without the ability to drive or deliver. The Leader of the Opposition, another Liberal who makes wild and reckless promises, must show his face in this debate. The Nationals also need to explain just how they think they can get away with blowing their trumpet on their web site. Their self-congratulatory document titled, "The Nationals—Delivering on Telstra", could not be further from the truth.

[Interruption]

It is on your web site. If The Nationals want to claim victory for securing tough price controls, they had better have enough spine to stand up and cop the outrage of the community and the disgust of families, pensioners and home-based businesspeople that they so richly deserve. The Liberals and The Nationals have a choice today. They can cross the floor and record a vote against this scandalous decision, a vote that will send a clear message to Canberra, "Sorry to spoil your day, John, but we are not very happy".

**Cross-city Tunnel and Road Closures**

**Mr PETER DEBNAM** (Vaucluse—Leader of the Opposition) [3.21 p.m.]: This is an opportunity to make the point that the Labor Party is interested only in playing political games. The real issue is that Government Ministers have been making private commitments to reopen roads linked to the cross-city tunnel and publicly telling a lie to the people of New South Wales. Even the Premier has sought to mislead the people of New South Wales in this House. The urgency is that we should all take note of the legal advice given to the Government, which is dated 8 October 2005. This matter is certainly urgent when one considers the months that have gone by.

In relation to category B, C and D roads, the advice says that the Government can open them and there is no potential liability to the CrossCity Motorway Pty Ltd. Category B is on page 5 and it says exactly that—"No potential liability to the CrossCity Motorway". With respect to both category C and category D on page 6 it states, "No potential liability to CrossCity Motorway". It could not be more straightforward that the Premier is lying to the people of this State. It has been very obvious for six months, and the issue is becoming more urgent by the day. Yesterday, three people were run over in the middle of the construction work in William Street and Palmer Street in the war zone that we refer to as the works around the cross-city tunnel, yet still the Premier stands up today and refuses to acknowledge the seriousness.

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

**Mr PETER DEBNAM:** I thought the honourable member for East Hills was saying something derogatory about the honourable member for Lakemba.

**Mr Alan Ashton:** Point of order: I think the point of order is obvious. The majority leader of the faction on the Opposition side knows he has to establish urgency. He is outlining the substance because he knows he will not get more than his five minutes. He should direct his remarks to urgency.

**Mr PETER DEBNAM:** The matter is urgent. As I said yesterday, it is 12 months before the next election and the matter will become more urgent every single day. The Labor Party simply does not understand why people are angry. People are angry about so many issues and Labor Party members have to ask themselves why they are refusing to work for the community of New South Wales.

**Mr Tony Stewart:** Point of order: The Leader of the Opposition knows that he should not speak on the substantive debate when seeking to establish urgency; he should argue urgency. Mr Speaker, I ask you to make a ruling in regard to this very important matter. We are entitled to know why this matter is urgent. The standing orders provide for the substantive debate at a later stage.

**Mr SPEAKER:** Order! I draw the attention of the Leader of the Opposition to the standing orders.

**Mr PETER DEBNAM:** I have made the point time and time again: This is urgent. It is becoming more urgent by the day. Even today the Deputy Premier referred in the Chamber to the increased use of public transport. There is only one way the Government has achieved those figures and that is by blocking roads. There is no doubt whatsoever about that. If we are to take the word of the Deputy Premier today and examine those figures, they correlate exactly with the opening of the cross-city tunnel and the Government blocking all the roads in the city. Maybe that is the Government's plan for metropolitan areas—blocking all the roads and forcing people to use public transport.

The Government cannot attract people onto public transport, so it is going to block the roads and give people no other option. The Premier has refused to acknowledge that his own legal advice six months ago was to reopen the roads because there is no liability in relation to 49 of the 70 roads. It is absolutely straightforward. The community must ask why is it that Labor Party members of Parliament are so wedded to this project. Is there something smelly in it? Why are they so wedded to this particular project and to spending \$120 million on a desalination plant when nobody, besides other Labor Party members, want those projects in the way in which Labor members have constructed them? There is only one Labor Party member who ever stands up for the community, and that is the honourable member for Blacktown.

**Mr Tony Stewart:** What about me?

**Mr PETER DEBNAM:** No, the honourable member for Bankstown does not stand up for the community. I have had to lead on community concerns in his electorate as well. [*Time expired.*]

**Question—That the motion of the honourable member for Camden be proceeded with—put.**

**The House divided.**

**Ayes, 50**

Ms Allan	Ms Gadiel	Mr Orkopoulos
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 Hickey	Mr Sartor
Mr Brown	Mr Hunter	Mr Shearan
Ms Burney	Ms Judge	Mr Stewart
Miss Burton	Ms Keneally	Ms Tebbutt
Mr Campbell	Mr Lynch	Mr Tripodi
Mr Chaytor	Mr McBride	Mr Watkins
Mr Collier	Mr McLeay	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Mr Daley	Mr Morris	<i>Tellers,</i>
Ms D'Amore	Mr Newell	Mr Ashton
Mr Debus	Ms Nori	Mr Martin

**Noes, 35**

Mr Aplin	Ms Hodgkinson	Ms Seaton
Mr Armstrong	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Cansdell	Mr McTaggart	Mr Stoner
Mr Constance	Ms Moore	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
Mr Fraser	Mr Pringle	<i>Tellers,</i>
Mrs Hancock	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

**Pair**

Mr Price

Mr Merton

**Question resolved in the affirmative.****DEPARTMENT OF COMMUNITY SERVICES CASEWORKERS RECRUITMENT****Personal Explanation**

**Mr ANDREW HUMPHERSON**, by leave: I wish to make a personal explanation. In question time the Minister for Community Services reflected adversely on me. She suggested that I was not interested in the portfolio of Community Services and that I had not responded to her on her offer made six months ago for a briefing from the director general. For the public record, I accepted that offer five months ago when I wrote back to her and said I was looking forward to the briefing. To this date I have not had a response.

**TELSTRA HOME TELEPHONE CONNECTION COSTS****Urgent Motion**

**Mr GEOFF CORRIGAN** (Camden) [3.35 p.m.]: I move:

That this House:

- (1) condemns the Leader of the Opposition for his silence on Telstra's greedy plan to charge up to \$300 for home telephone connections;
- (2) condemns the Federal Government for yet another broken promise to freeze fixed-line costs until Telstra's full privatisation; and
- (3) calls on the New South Wales Opposition to join the Iemma Government and defend New South Wales pensioners, families and home-based businesses from this devastating blow to their budgets.

Telstra's plan to gouge New South Wales families, pensioners and home-based businesspeople up to \$299 for a fixed phone line connection can be described in one word: disgraceful. What makes this price gouging even more insulting is that the Howard Government will stand by and do nothing. The Federal Government is sitting on its hands for a very simple reason—

**Mr Adrian Piccoli:** You are telling lies.

**Mr GEOFF CORRIGAN:** I will deal with the honourable member for Murrumbidgee later. Just like the Debnam-led New South Wales Opposition, the Howard Government is making yet another promise to the people of New South Wales that it knows it cannot keep. Telstra is riding roughshod over the people of New South Wales and Howard and company cannot do anything about it. Telstra's new management has made it perfectly clear that it will not kowtow to the Howard Government. Despite what the Liberals and The Nationals will say to the people of New South Wales, they know that the Howard Government has surrendered to Telstra.

If this issue were not so serious, the claims of the New South Wales Opposition that they are the defenders of telecommunication services would be a joke. I have news for the Leader of the Opposition and his Nationals sidekick: their silence on this issue, their desperate hoodwinking of the electorate, while not surprisingly, is nothing short of despicable. They cannot hide from community outrage on this issue. I challenge the Leader of the Opposition to show some backbone and stand up for the people of New South Wales in condemning the Howard Government for yet another broken promise.

The evidence is clear and damning. Today's edition of the *Daily Telegraph* reports that from 1 April this year, Telstra will charge families and home-based businesspeople \$299 to connect a new fixed phone line, up 43 per cent from \$209. Pensioners are also under attack; they will be slugged \$194, also up 43 per cent from \$135.50. The management of Telstra has absolutely no intention of listening to anyone, especially not the Liberals or The Nationals, despite what they promise. Members opposite would do well to remember that only two days ago the Federal Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, said, "The price controls that apply to Telstra are a key telecommunications safeguard." Senator Coonan also said, "They make sure that the efficiency gains Telstra makes are passed through to its customers in the form of lower prices."

If that is what The Nationals and Liberals mean by "lower prices", people across New South Wales better watch out. The Leader of the Opposition and the Leader of The Nationals are taking master classes in making promises from John Howard. John Howard and his Ministers do not care about breaking rolled gold, ironclad guarantees and neither do the Leader of the Opposition nor the Leader of The Nationals. Today I found it my unpleasant duty to read through a Nationals publication. The title of that self-congratulatory dross was "The Nationals—Delivering on Telstra". The Leader of The Nationals needs to take that document off his web site today, because there are tough penalties for false advertising in New South Wales. I will not bore the House with the entire two pages of that ridiculous manifesto, but the families, pensioners and home-based businesspeople of New South Wales deserve to have a few paragraphs of it placed on the public record. Under the heading "How will The Nationals stop Telstra from raising charges or introducing timed local calls", it states:

The Nationals have championed your interests within the Government, and have helped deliver tough new price controls on Telstra.

Tough new price controls! According to Opposition members it is perfectly acceptable for the cost of connecting a phone to one's home to go up by 43 per cent. This priceless piece of self-delusional propaganda goes on to state:

The price controls mean that for everyone except big business customers:

Phone connection and line rental charges will not increase faster than inflation.

Telstra's price hike is 43 per cent—\$90 for every family, renter, homeowner and pensioner in New South Wales. That will apply to every household and home-based business owner who wants to install a phone in his or her home. Given that the Leader of the Opposition is also shadow Treasurer and he claims to know a bit about economics, he ought to know that Australia would be suffering on the scale of the 1970s in Argentina if our inflation rate were 43 per cent. It should be remembered that The Nationals claimed victory in the Telstra debate. I am sure the honourable member for Broken Hill will draw our attention to some of the things Senator Helen Coonan said in relation to that. The Nationals claimed they had secured tough new price controls and that Telstra phone connections would not increase at a rate faster than inflation. Thankfully, the consumer price index is not running at 43 per cent; it is 2.7 per cent.

The Leader of the Opposition and the Leader of The Nationals are not fit to lead their parties, let alone run an economy. By letting Telstra get away with this scandalous rip-off the Howard Government has condemned single pensioners—seniors on \$488 a fortnight—to a 43 per cent price hike if they want to install a phone to keep in contact with their families and friends, and to make potentially life-saving phone calls. The Howard Government is condemning families moving out of the rental market and into their own homes to a \$299 bill in their letterboxes. Businesses operating from home will also bear the 43 per cent burden. Small operators need essential services, like second phone lines for broadband and the Internet. Between 1999 and 2004 home-based businesses grew by 44 per cent. There are more than 282,000 home-based businesses in New South Wales.

As I said earlier, Opposition members have to make a choice today. They can curl up under their desks and hide with Helen Coonan, who has suddenly made herself unavailable for any further media comment; they

can show some backbone, cross the floor and support this motion; or they can slink out of the House without putting a vote on record. They can walk out, and I have no doubt that they will, or they can stand up and cop the outrage and disgust of the community—families, pensioners and home-based businesspeople—that they so richly deserve.

**Mr ANDREW CONSTANCE** (Bega) [3.42 p.m.]: I am surprised that the honourable member for Camden moved this motion today. Is this a pitch to run for the Federal seat of Macarthur at the next Federal election, or does he intend to retain his State seat at the next State election? Members of the Labor Party could be given credibility this afternoon if for one moment they had looked at the cost to business of connecting to electricity in this State. At no point has any Labor member expressed concern about the cost to business of hooking up to electricity, sewerage or water services.

This afternoon members of the Labor Party moved an urgent motion relating to Telstra, which does not surprise me at all. The Labor Party did not include anything about the privatisation of Telstra in this motion, despite the fact that for the past two years all we have heard about in debates on urgency motions is the privatisation of Telstra. I think it means that someone in the Labor Party—and I dare say it is the honourable member for Murray-Darling, who has a keen interest in privatisation matters—said, "We had better not touch that subject because of the hypocrisy of the State Labor Government on the privatisation of Snowy Hydro Ltd", which is completely and utterly outrageous. As a result, Labor members will no longer refer to the Telstra privatisation issue.

The hypocrisy of the Labor Party has surfaced. I am looking forward to next Tuesday morning's caucus meeting. Apparently, the honourable member for Murray-Darling, the honourable member for Monaro and a number of other honourable members will try to roll Cabinet on the Snowy Hydro Ltd privatisation issue. The hypocrisy of the Labor Party is unbelievable! I am looking forward to what the honourable member for Murray-Darling has to say at some point this afternoon about his local Federal member and Telstra privatisation. I would like him to state his position on privatisation and, in particular, I would like to hear what he has to say about the privatisation of Snowy Hydro Ltd. Month after month the honourable member for Monaro attacked the Federal Government in relation to the privatisation of Telstra and every five minutes he issues press releases. Last year he knew full well about the privatisation of Snowy Hydro Ltd.

**Ms Marie Andrews:** Point of order: My point of order relates to relevance. The honourable member for Bega is not referring to the urgent motion; he is referring to matters that are not relevant to it.

**Mr SPEAKER:** Order! The Chair is normally tolerant in debates such as this. However, the honourable member for Bega has now been speaking for almost half his allocated time and he has rarely touched on the subject matter of the motion. I ask him to confine his remarks to the question before the Chair.

**Mr ANDREW CONSTANCE:** It is important for this House to debate State-related issues. I do not see any evidence of State-related issues in this urgent motion. It is appalling that a Government member moved an urgency motion about the Leader of the Opposition not having made any comment on this issue. At no point in today's proceedings did the Premier make any reference to this issue. If members of the Labor Party are so concerned about this matter why did they not ask Dorothy Dix questions in question time today? Labor members said that the Leader of the Opposition had never raised this issue but they should look to their leader, Premier Morris Iemma. At no point during question time did he raise the issue of Telstra's fixed-line costs.

I find ridiculous the fact that Labor members are engaging in a political stunt, which is what they normally do at this time of day, relating to Telstra. It is incredibly relevant that the privatisation of Telstra has not been referred to in this motion. Whenever Telstra is discussed in this House the shares of the honourable member for Bathurst are mentioned. But he does not appear to have anything to say about this urgent motion. Therein lies another key point. Where is the honourable member for Bathurst? He has the highest number of Telstra shares of any member in this Parliament and he is not in the Chamber to talk about this matter. I wonder why? Does the honourable member for Bathurst have to protect share prices? Is that why he is not in the Chamber talking about fixed costs?

**Ms Marie Andrews:** Point of order: The honourable member for Bega persists in straying from the urgent motion. He is now making personal comments about the honourable member for Bathurst, who is not in the Chamber to defend himself. What he is saying has no relevance to this urgency motion.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! I am sure the honourable member for Bega was making only a passing mention of the honourable member for Bathurst. If he continues I may have to take action.



**Mr ANDREW CONSTANCE:** I again make the point that whenever Telstra is discussed in this House Country Labor, under the leadership of the honourable member for Bathurst, is usually leading the charge. This issue has arisen and he is not around. I was making an observation about his shares and the need to protect their value. I draw the attention of honourable members to paragraph 3 of the motion, which refers to looking after New South Wales pensioners, families and home-based businesses. What is the Labor Government's track record in relation to this issue? We need only to look at the booking fees associated with CountryLink. What is the Government doing to assist pensioners on that score? CountryLink booking fees have increased and, as of earlier this week, pensioner travel vouchers for those services will also attract a booking fee. And the honourable member for Camden had the nerve to move a motion about Telstra and protecting pensioners' interests—for goodness sake! Why do Government members not raise those sorts of issues in the House?

How is the Government looking after the interests of self-funded retirees? Do they receive concessions similar to those afforded to pensioners? The Labor Party is very quiet on that subject. It does not want to recognise hardworking Australians who are using their life savings to fund their retirement. The Government is happy to tax them out of existence. It is somewhat ironic that we are debating a Government motion that calls on the House to defend the interests of New South Wales pensioners when that same Government has imposed a booking fee on pensioner travel vouchers. The silence from the Government side of the Chamber is deafening.

Government members argue against the privatisation of Telstra yet plan to privatise Snowy Hydro Ltd. That hypocrisy is not lost on the people of this State, particularly those in the State's south-east, who oppose the Government's flogging off this important asset. The events of next week will be a real test for the Labor Party, as the honourable member for Murray-Darling knows. I think there will be some red faces in the Country Labor faction. The honourable member for Monaro has behaved disgracefully with regard to this issue. He has known all along that Snowy Hydro will be privatised. He issued press releases criticising the privatisation of Telstra but he fully supports the privatisation of one of this country's great icons. The Government is privatising Snowy Hydro simply to pay the public sector wage bill that has been bloated by Labor's policy of no forced redundancies. That wage bill passed \$20 billion last year. This motion is ridiculous. Labor members should defend the people of this State against the policies of their own Government. [*Time expired.*]

**Ms MARIE ANDREWS** (Peats) [3.52 p.m.]: I commend the diligent honourable member for Camden for bringing this urgent matter before the House. I call upon members opposite to cross the floor and vote with the Government on this motion but, having listened to the contribution of the honourable member for Bega, I am not confident that they will do so. It is up to members opposite, as the political allies of the Federal Coalition Government, to show that they have some backbone and take the case to their cronies in the Federal Coalition. The Federal Government must honour its promise not to increase fixed line costs. Self-funded retirees—those hardworking Australians—will pay \$299 and pensioners will pay \$194 for a new telephone connection. Many self-funded retirees and as many, if not more, age pensioners live in my electorate of Peats on the Central Coast. They will find these extra costs most burdensome. This decision directly contravenes the Federal Government's promise to freeze Telstra's fixed line costs until its privatisation is complete. Telephone customers with other carriers will also suffer as these carriers rent fixed lines from Telstra.

Yet again the New South Wales Opposition is refusing to take its Federal colleagues to task. The Federal Government is still a 51 per cent shareholder in Telstra and the Federal Government has a \$13 billion surplus. This move by Telstra, which will impact on the poorest in our community most disproportionately, will earn the company just \$3 million this financial year. Telstra is 51 per cent government owned so this increase in the telephone installation charge is a tax imposed by the Howard Government. It is a tax on senior citizens by a Government that pays child care benefits to millionaires. The Howard Government and its New South Wales Coalition colleagues do not care about older people in our community. The Leader of the Opposition and the Leader of The Nationals should hang their heads in shame for not supporting this motion.

Our older citizens have helped to make Australia the place it is today. In many cases they worked hard so that their children could have better opportunities than they enjoyed themselves. Without superannuation, many of them depend on the age pension for support. The maximum age pension for a single person is a miserly \$244.45 a week. It is not surprising that many people find it difficult to live from one pension day to the next. Yet the Federal Coalition is allowing this outrageous increase in tax on our age pensioners.

We know that the Commonwealth-State Housing Agreement has been chronically underfunded under the Howard Government, creating a crisis in public housing. This leaves many people who depend on the age pension in private rental accommodation. Like other tenants of private rental accommodation, these people do

not always have a choice about when they have to move. When they move they will now have the additional massive expense of a \$194 fee to have a telephone line installed. Our senior citizens are among the most vulnerable in our society. Lack of mobility can mean that the telephone is the only regular contact they have with the outside world. In addition, it may be the only way they can call 000 in an emergency. There are also long waiting lists for people wanting to get into residential aged care. When they do secure a place in a residential aged care facility they will now be forced to pay \$194 to have the telephone connected. They will not have the choice of going to the pay phone down the street—it will not be there because Telstra, in its wisdom, is removing 5,000 pay phones Australia wide. Telstra's "Corporate Social Responsibility Report" states:

At Telstra, we believe that Corporate Social Responsibility is a values-based approach to how we do business, leading us beyond legal compliance to make a positive contribution to the industries and communities in which we participate.

This 43 per cent increase in the charge for connecting a new home telephone is not a positive contribution to the community. Telstra is doing the dirty work of the Federal Government by imposing a new tax on those who are least able to afford it. Have any members opposite appealed to their Federal counterparts about this issue? If they have, they should cross the floor this afternoon and vote with some honour. If they have an ounce of decency they should cross the floor and support this urgent motion. For once, they should put aside the interests of the Federal Government and take up the cause of the people who elected them and whom they represent in this place. Do not betray the electors in favour of a greedy telephone company and its equally greedy Federal masters. I commend the motion to the House.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [3.57 p.m.]: It is typical of the New South Wales Labor Government to blame everybody else for every problem in this State and in Australia as a whole. It is also typical of the New South Wales Labor Government to be lazy about its responsibilities. As the honourable member for Blacktown said a couple of years ago, this Government has more problems than Osama bin Laden. None of those problems have been solved—in fact, they have increased significantly in the past few years. The Leader of the Opposition asked about some of those issues this week during question time. Several Labor members have discussed the impact that Telstra's increased charge will have on pensioners. I do not doubt that it will have an impact, but it seems that I must remind Labor members that this is the New South Wales Parliament.

**Mr Thomas George:** Where we make the decisions for New South Wales.

**Mr ADRIAN PICCOLI:** The honourable member for Lismore is quite correct. The ineffective Federal Opposition should raise issues such as this in Federal Parliament—but perhaps it is focused on preselection matters at present. Let us discuss what we can do in New South Wales and how Labor policies impact on the pensioners of this State. A week or so ago the decision was made to impose a booking fee on pensioners who travel on CountryLink services in New South Wales.

**Ms Marie Andrews:** Point of order: The comments of the honourable member for Murrumbidgee have nothing to do with the urgent motion. I ask that you direct him to draw his remarks back to the motion before the House.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** In this debate the honourable member for Murrumbidgee is entitled to talk about pensioners. Although I have some sympathy with the position of the honourable member for Peats, the correct ruling is that there is no point of order. The honourable member for Murrumbidgee may continue, although I hope he will not talk about that issue for the rest of his speech.

**Mr ADRIAN PICCOLI:** No, of course not—I have plenty of other things to talk about. The booking fee for CountryLink will be calculated at 15 per cent of the equivalent full adult fare or a minimum of \$10, whichever is the greater, which comes on top of an 8 per cent increase in fares. We know that pensioners, in particular, use public transport in country New South Wales and rely on CountryLink. The Government could do something about that issue straight away and move an urgency motion in that regard. Ultimately, it is the Government's responsibility. Most people in New South Wales have put a bit of money away and have bought an investment property, but they have now been sluggish with significant land tax increases because of valuation increases. The Government tried to implement a land tax threshold and, because of overwhelming public pressure, it had to abandon vendor duty.

In my area, which is covered by the Greater Southern Area Health Service, meals on wheels have increased from \$3.50 to \$6.50 per meal. Those who receive meals on wheels are the most vulnerable in our

community—that is, pensioners or people with disabilities. The Government should be ashamed of itself for doubling the price of their meals. I am sure that many Government members have received representations from their constituents about the increased price of meals on wheels, for the sake of about \$400,000. The honourable member for Murray-Darling is in the Chamber. The Greater Southern Area Health Service covers a large part of his electorate. The price of meals on wheels in country New South Wales has doubled. The Government can fix that problem straight away. The New South Wales Labor Government is having a significant impact on pensioners.

I urge the honourable member for Murray-Darling to raise this matter at the caucus meeting next Tuesday. I look forward to supporting him if he has the guts to make those sorts of changes. If he is genuine about the impacts on pensioners and not simply about scoring political points against Telstra and the Federal Government, he will receive the full support of members of Parliament. This Government has talked many times about privatisation. A couple of months ago it announced the privatisation of Snowy Hydro Ltd. For a party that tells me it is philosophically opposed to privatisation, it is keen to get its hands on a couple of billion dollars from the Snowy Hydro. This urgency motion does nothing more than show that members of this Government are a pack of hypocrites.

**Mr PETER BLACK** (Murray-Darling) [4.02 p.m.]: I support the urgency motion moved by the honourable member for Camden, my good friend and a former mayor. I note the challenge that has been issued today by the honourable member for Bega in regard to the privatisation of Telstra and I note the nonsense that was said in the past five minutes by the honourable member for Murrumbidgee. I report that last Thursday I had the great joy of travelling to the mighty small town of Euston on the Murray River. Nobody from the Federal Government was present at the opening of probably the last Code-division Multiple Access [CDMA] tower to be built in New South Wales. We had a great time. I did not see anyone from The Nationals present either. I saw the good Telstra workers, members of local government and the honourable member for Murrumbidgee. We are very proud of the workers in western New South Wales. The honourable member for Bega challenged me to say something about the privatisation of Telstra. I quote:

I have continually raised the issues of the Riverina and my opposition to the sale of Telstra for the past five years. I have introduced key players to the table who were able to validate my position on structural separation and retention of infrastructure in government ownership.

I have remained at the discussion table in order to continually voice my opposition to the sale, but more importantly to try to change the views of my colleagues. On many occasions, this has almost become a reality!

From whom am I quoting? From that marvellous Federal member for Riverina, Kay Hull, who crossed the floor on the subject of privatisation and showed a lot more backbone and spine than some of her colleagues, such as the infamous John Cobb. Remember the headline, "This is as good as it gets"? When did he say that? Before we had that amazing character from Queensland Barnaby Joyce, who got the extra \$2 billion. Barnaby Joyce and Kay Hull have a lot to be proud of. I do not know where "As-good-as-it-gets" John Cobb is.

**Mr Andrew Constance:** Point of order: I challenge the honourable member for Murray-Darling to give his views on the Snowy Hydro privatisation.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! That is a good debating point. It is not a point of order.

**Mr PETER BLACK:** I am more than happy to give my views on it next Tuesday morning in caucus. Remember what he said about it? On this matter the honourable member for Murrumbidgee was about as useful as a handbrake on a FJ Holden late on a Friday night on a hill in the western suburbs: no use whatsoever. We have heard his contribution. He should be compared with Kay Hull.

**Mr Andrew Constance:** Point of order: I am sure there is a standing order under which the honourable member for Murray-Darling is out of order. I want to hear about Snowy Hydro.

**Mr ACTING-SPEAKER (Mr Paul Lynch):** Order! There is no point of order. The failure of the honourable member for Bega to point to a specific standing order does not help.

**Mr PETER BLACK:** This lot is a disgrace! We are trying to maintain living standards and the quality of life out in the bush. We have the Kay Hull model and the Barnaby Joyce model, which are not too bad. We then have the honourable member for Murrumbidgee model, the FJ Holden model. I will return to the substance of the debate: the Opposition's failure to protect New South Wales families, pensioners and home-based

businesses is an absolute disgrace. It has not defended its position but has tried to derail the track and talk about privatisation issues. What has it said about prices going up for families out west? I hear nothing except from people such as Kay Hull and Barnaby Joyce, from whom the Opposition should take guidance as they have been doing a very good job. The Nationals at the Federal level repeatedly claim they have championed the issues of the bush in western New South Wales and of people living in regional and rural New South Wales. They have done nothing. They have supported privatisation. They support an increase of 43 per cent for telephone connections, which will hit their own traditional constituents. It is about time they worked out why they are losing so many seats! [*Time expired.*]

**Mr GEOFF CORRIGAN** (Camden) [4.07 p.m.], in reply: I thank honourable members representing the electorates of Peats, Murray-Darling, Bega and Murrumbidgee for their contributions to this debate. We have outlined quite clearly why this motion should be supported. I will refer to some issues raised in the useless contribution of the honourable member for Bega. He did not tell us where he stood on the privatisation of Snowy Hydro or Telstra, but talked about the public sector wage bill, which is something that is of great interest to the Opposition. Which frontline positions will the Coalition cut? Will it be nurses, teachers, police or child protection workers?

Will the honourable member tell the people of New South Wales what the Coalition will do to cut those wages bills? Does the Opposition say that the Government does not value its nurses, teachers, police and child protection workers, and that they are not worthy of their pay and should move interstate to get more pay? Does the Opposition want to properly remunerate those people? Is it unfair that they get paid so much? I congratulate the Government on the issue of public sector wages. Unlike the honourable member for Bega, I do not attack the Government on its decisions to increase the pay of those people; they do a wonderful job. They should not be attacked in the manner that the honourable member for Bega attacked them today. To complain that the public sector wage bill has blown out is absolutely outrageous. That money is going to hardworking people.

The honourable member for Murrumbidgee, for some reason, has left the Chamber. He spoke about the Government being lazy and asked, "Why should we deal with these Federal issues?" The Federal member for my area, Pat Farmer, was only too happy to appear in the local paper last year opening a telephone booth in Claymore. I hope Telstra does not plan to close telephone booths in Claymore because they are heavily utilised. I call on Pat Farmer to ensure that Telstra does not close any telephone booths in Claymore. If the honourable member for Bega does not like this Government talking about Federal issues, perhaps he should go and have a word with Pat Farmer, because all of his newsletters, which come out every six months, deal exclusively with State issues. Not once has he mentioned Federal issues, such as immigration, the sale of Telstra, or any other relevant issue of concern. For some reason, Pat only ever talks about State issues.

When the Leader of the Opposition is at Rossmore this Sunday with Mr Farmer talking about the south-west growth sector and adding to the spendometer—and I would be interested to know what promises he will make out there—perhaps he could talk to Pat about stopping Telstra from making these sorts of decisions. Obviously, if it is good enough for a member of Parliament to take credit for any good thing associated with Telstra, it is good enough for that member to acknowledge due opprobrium over Telstra's plan to charge nearly \$300 for home telephone connections. That is an absolute disgrace. I repeat again what is reported in the *Daily Telegraph* of 2 March. Telstra will charge families and home-based business people \$299 to connect a new fixed phone line—up 43 per cent from \$209. Pensioners also are under attack. They will be slugged \$194—also up 43 per cent from \$135.50. The management of Telstra have absolutely no intention of listening to anyone, not members of The Nationals or of the Liberal Party. The Nationals web page proudly proclaims how The Nationals stopped Telstra from raising charges or introducing timed local calls. Printed off it today is the message that:

... local phone calls will still cost 22¢ and remain untimed, and phone connection and line rental charges will not increase faster than inflation.

Someone has not told them that an increase of about 43 per cent is faster than inflation. Honourable members should have a look at that home page. This Telstra action is an absolute disgrace. Opposition members should be voting with the Government on this motion, not sitting on their hands and compliantly looking after the interests of the Federal Government.

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

**The House divided.**

**Ayes, 56**

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

**Noes, 27**

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

**Pair**

Mr Price

Mr Merton

**Question resolved in the affirmative.****Motion agreed to.****DISTINGUISHED VISITORS**

**Mr SPEAKER:** I welcome to the Speaker's Gallery His Excellency Anthony Mongalo, the South African High Commissioner to Australia.

**BUSINESS OF THE HOUSE****Notices of Motions**

**Mr SPEAKER:** Order! It being after 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

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### MONARO ELECTORATE SCHOOLS

**Mr STEVE WHAN** (Monaro) [4.25 p.m.]: I report to the House some great achievements in our local schools in the Monaro electorate. Recently I attended the opening of the new Jindabyne Central School and witnessed the first intake of students in years seven and eight. The establishment of the school was an election commitment I made in conjunction with the Government. It was an absolute thrill on the first day of term this year to be at the school to see the first 45 or so students come into the school. Predominantly the students are in year seven, but a few are in year eight. The school represents an achievement for the people of Jindabyne, who, until this year, had no secondary education available to them in the town. Students had to travel to Cooma and back each day to attend school or, in many cases, they were sent to boarding school in Sydney.

It is a fabulous development for Jindabyne. Currently the school is operating out of its brand-new library, which the Government built a while ago, and a number of demountable classrooms, until the building of permanent classrooms is completed. It will be a fabulous school. On the first day I saw many parents who were already organising to do a lot of those important voluntary jobs, like covering brand-new textbooks for the students in the secondary school. It is a great credit to the principal, Ian McCluggage, and his staff that the school is up and running and able to receive students this year, as promised before the last election.

I refer also to Adaminaby Public School whose new principal, Lorne Smith, has set up a parliament rather than a student representative council. The headline in the *Summit Sun* of Thursday 23 February read, "Steve Whan opens parliament." I did not don a crown or anything like that, but I helped to swear in the ministers in the new Adaminaby school parliament. The students' parliament will meet once a week or once a fortnight to decide on things in the school that matter, changes they want and the sorts of things they want to happen in the playground. Jasmin Madden is the prime minister and the opposition leader is Joshua Russell. The school parliament has ministers for education, community services and health. The speaker of the school parliament is Lyreda Bennetts.

The school parliament also has a Hansard reporter, who blanched somewhat when I told him that his job was to record everything that was said. He thinks he might get out of that one. It is a terrific initiative from a new principal at a great little school. It is a small country school with two teachers that is very valuable to the community. It was pleasing to hear that a lot of young kids are coming into the school, which means that the school's quota of two teachers and two classes are secure for some years. I congratulate Ron Sweaney, the principal of Queanbeyan High School, on his retirement last week after 37 years in the education area.

**Mrs Shelley Hancock:** He was in my area.

**Mr STEVE WHAN:** Terrific! Obviously he was on the South Coast at some stage. Ron was principal of Queanbeyan High School for five years and before that, as we have just heard, he was in various other parts of south-east New South Wales, including Bombala and various other ports of call. He had been doing a great job at Queanbeyan High School, but decided that after 37 years it was time to move on from teaching and get into retirement. Unfortunately, I was unable to attend his farewell, but I have had reports about it. Tony Auhl, the Teachers Federation representative at the school, said that Mr Sweaney had been a very supportive character, not only as a person but also as an educator. A number of teachers recalled funny moments during Mr Sweaney's time at the school.

Mr Southwell, who is involved in sport and physical education at the school, said he was the only principal with whom he had worked who participated actively in the school surf and ski programs. He said the students were quite entertained by and enjoyed seeing the principal in the surf. On his last day of school last week Ron Sweaney was presented with a teaching medal by the schools district superintendent, Kerry Edmeades. He was thanked by all the staff and all the parents. On behalf of the community I thank him for his 37 years of service to the education system.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [4.30 p.m.]: I congratulate the honourable member for Monaro on his obvious interest in schools and his familiarity with the schools in his region. I hope Jasmin is a good model for a female Prime Minister in Australia in the very near future. I have known Ron Sweaney personally since I was involved in education and he has been an amazing educator in New

South Wales. He worked not only on the South Coast but in the north-western regions. I have known Ron for approximately 25 years. It is fantastic that the honourable member for Monaro has spoken words in this Chamber about a man who very much deserves them.

### **CLIPPER ROAD CHILD CARE CENTRE, EAST NOWRA, STAFFING**

**Mrs SHELLEY HANCOCK** (South Coast) [4.31 p.m.]: This evening I express support for the work of Illawarra Area Child Care Ltd [IACC] and in particular I raise the challenges faced by the staff at the Clipper Road Centre in East Nowra which was auspiced by the IACC in 2003. The Clipper Road Centre in my electorate is a 40-place community-owned service, catering for children 0-5 years. The hours of operation are from 7.30 a.m. to 5.30 p.m. for 51 weeks of the year. The centre is situated in an area surrounded by public housing and is one of only four centres in the Nowra-Bomaderry area which caters for 0-2 year olds, the closest being six kilometres away. Due to the high-support needs of the children and families attending the centre, staff members are struggling to manage those needs, and are in urgent need of additional trained staff to care more adequately for children at the centre.

A high percentage of the families and children who attend the Clipper Road Centre experience significant problems, including high percentages of children with parents in correctional facilities, frequent Department of Community Services [DOCS] notifications as a result of domestic violence or neglect, high numbers of families on the highest percentage of child care benefits, high numbers of single parent families, high percentages of children with challenging behaviour, or with a disturbing lack of verbal or developmental skills, significant numbers of children whose parents have a mental illness, children in foster care or with grandparents as carers, parents with limited access to transport, parents with drug and alcohol issues, and a number of parents with poor parenting skills related to hygiene, dental care, head lice and family budgeting issues. There is also a high percentage of indigenous families at the centre.

The Clipper Road Centre is more than just a child care centre, with staff time and resources directed to parent assistance for those in the community who are experiencing genuine problems. The centre's goal is to provide a high-quality children's services program. With the special needs of so many children at the centre, a second early childhood trained teacher is required on the premises five days a week. IACC regards this as a valuable resource to support the children and other staff to deliver developmentally appropriate care and education to improve educational outcomes for the children. An additional teacher would relieve the increasing pressure on staff and would work with the director to ensure the development of programs which are culturally appropriate and meet the needs of the children and parents.

The Clipper Road Centre is vital for the East Nowra community. It fulfils, more than perhaps in many areas, an early intervention facility for young children and babies, many of whose parents, for one reason or another, are struggling with parenting issues. Without appropriate early intervention, many of these young children will begin school without the appropriate skills to be able to cope. The cost of providing the services provided at the centre cannot be passed onto the families, many of whom struggle to meet the minimum fee of \$13.85 per day. The centre's staff spend much of their time dealing with DOCS notifications, or referral of parents to other services, such as family support or drug and alcohol counselling. The centre's staff earnestly would like to have the service strengthen its role as a family resource for this struggling community in a marginalised area. As we all know, access to high-quality child care is the most effective means of improving child outcomes and providing children with the chance to start school on an equal footing with their more advantaged or privileged peers.

The staff has also informed me of the high number of children with dental caries and ongoing head lice infestations. They would like to introduce and implement programs to deal with those issues and to assist parents, but parents simply cannot afford any more additional costs to deal with issues such as these. Whilst I may have painted a fairly depressing picture of the Clipper Road Centre and the challenges it faces, the reality is that the staff are struggling to cope with enormous issues they face daily while doing a wonderful job. They are wonderful individuals who just get on with the job and provide a warm, caring, loving environment for children and babies in their care, and for parents or grandparents, many of whom are trapped in a cycle of poverty and who face their own individual and critical issues.

Today I request that the Minister perhaps visit the centre to acknowledge it for the important programs it delivers for the East Nowra community. I also request that consideration be given to the provision of additional funding by the Government for one additional trained early childhood worker to relieve the dreadful pressure that is being experienced currently and to ensure the ongoing success of the centre. The Clipper Road

Centre is well known for the programs delivered to children and babies in my electorate. It is a vital service for the East Nowra community which is, in many senses, a disadvantaged community. The morale of the staff currently is fairly problematic. They see many challenges they would like to deal with and many programs that they would like to implement. Without the provision of funding that I have asked for, which does not involve a great deal of money, I foresee many of the staff perhaps turning away from the role they are fulfilling so well at the moment. I urge the Government to seriously consider providing assistance for this small child care centre in East Nowra. IACC currently is doing a fantastic job.

### **CENTRAL COAST MARINERS HYUNDAI A-LEAGUE FINAL APPEARANCE**

**Ms MARIE ANDREWS** (Peats) [4.36 p.m.]: It gives me great pleasure to inform the House of the remarkable success of the Central Coast Mariners. On Sunday the Mariners will take on competition favourites, Sydney FC, in the inaugural Hyundai A-League grand final. This is an amazing story of the underdog. From not having a national sporting identity, the Mariners have emerged to put the Central Coast on the map. This is will be an exciting match: the Central Coast underdogs versus the powerful Sydney FC. Many pundits suggested the Mariners would come close to being the wooden spooners this season. How wrong they were! Instead I am delighted to inform the House that the Mariners are on a 12-match unbeaten streak and have conceded only one goal in their three final series matches. I am feeling very confident that the game this weekend will be lucky number 13 for our team from the Central Coast.

In a nail-biting final against Adelaide last weekend, the Mariners clinched a one-nil victory in front of almost 11,000 Adelaide fans. Playing with superb control and passion, the Mariners overcame this season's runaway minor premiers to earn a spot in the inaugural A-League grand final. The Mariners have created a buzz among the Central Coast community. All over the coast, homes, businesses and shops have been painted yellow and blue. I might add that the front windows of the Peats electorate office in the main street of Woy Woy have been bedecked with the Mariners colours.

The Central Coast Stadium in Gosford was packed with 17,500 fans for the Mariners last home game of the league season. This was backed up last Friday by hundreds of supporters, including the Minister for the Central Coast, the mayors of both Gosford and Wyong and me, who turned up at Kibble Park, Gosford, to wish the Mariners luck for their away trip to Adelaide. The Premier also called in to see the team last week and offered a few words of encouragement to promote an all New South Wales decider. This followed a visit by the Premier of the Mariners training headquarters at Mingara during the regional Cabinet visit to the Central Coast last September.

On Monday morning thousands of people lined the streets at ticket outlets on the Central Coast for the chance to be at Aussie Stadium this Sunday. Unfortunately, only 5,000 tickets were available, and many Mariners fans missed out. However, I am pleased to announce to the House that, thanks to the efforts of the honourable member for The Entrance and Minister for the Central Coast, local fans who are without tickets will still be able to watch the big match in a live setting. Thanks to a deal forged between the State Government and the Central Coast Stadium management, this Sunday Central Coast Stadium will be transformed into a free live site for the decider. I also thank Foxtel, which, through FoxSports, will telecast the match live on a giant television screen within the stadium.

The full facilities of the stadium will be available for Mariners fans. That is terrific news for the Central Coast and an electric atmosphere is expected to prevail at Central Coast Stadium this Sunday. It is hard to capture exactly how much the Mariners have boosted the region. The Central Coast is dynamic! We have a diverse population mix, encompassing young families and retirees, and we love our sport. On the Central Coast more than 14,000 registered amateur football players are involved in the local competition—14,000 children, men and women play football every weekend.

People on the Central Coast love sport and for years now we have been crying out for our very own national level sporting team. Sadly, rugby league and rugby union rejected the Central Coast and the magnificent Central Coast Stadium; their loss is a gain for Football Federation Australia. I thank the administration of Football Federation Australia for its vision in giving the Central Coast a chance. Now, 12 months later, we have a debut team in the A-League grand final. People on the Central Coast have opened their arms and embraced this team and we are proud to call them our own.

The Central Coast Mariners have united us and injected passion and pride into a region that often feels left out in the cold. People in Perth and Adelaide did not know where the New South Wales Central Coast



was—but now they do. After only one year in the national spotlight, the Mariners have formed part of our identity, they are our team and we are proud to wear the yellow and blue to cheer on the team this Sunday. The State Government certainly recognises the value of the Central Coast Mariners and their role within the community. Should the Mariners claim victory this Sunday, they can expect a homecoming to remember. The State Government will provide a civic reception or a ticker tape parade for the Central Coast Mariners if they take out the premiership. In the words of Mariners coach, Lawrie McKinna, "It's a fairytale and it's continuing along very nicely." To the Mariners captain, Noel Spencer, and to all the players, I wish them well on Sunday. Go Mariners, go!

### **MR AND MRS ROGERS PROPERTY NOISE MITIGATION TREATMENT REQUEST**

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [4.41 p.m.]: I raise the heartbreaking plight of Paul and Jill Rogers, who reside at Yelgun near the Pacific Highway in the Ballina electorate. The Rogers' home is literally falling down around them and their health is suffering due to the effects of three road construction projects on the Pacific Highway to the north and south, and adjacent to them. What is most alarming is that the property has received no noise mitigation treatment under any of those road projects despite reports by the Roads and Traffic Authority [RTA] to the contrary. That is unconscionable behaviour by the RTA.

In 2000 construction began on the Yelgun to Chinderah section of the Pacific Highway upgrade. From the north the Rogers' property was severely affected, with noise and dust impeding their lives significantly. However, the Rogers were advised by the RTA at that time that they were not entitled to any noise mitigation treatment works because their property did not fall within the designated noise catchment area for that project. The Rogers were advised continually by the RTA that noise mitigation treatment would be carried out on their property prior to the construction of the next phase of the Pacific Highway upgrade, the Brunswick Heads to Yelgun section.

In other words, they were told during the first upgrade that they would be looked after during the next sector upgrade, but now the next sector upgrade is occurring and they are being ignored! Disturbingly, an RTA document dated March 2005, entitled "Operational Noise Design Process, Methodology and Mitigation" reported:

... all at-residence treatment has now been installed.

In the case of the Rogers, that statement is glaringly false. Construction of the third road project to affect the Rogers, the Yelgun truck stop and rest area, is currently under way. The on-off ramps to this substantial truck stop are being constructed adjacent to the Rogers' residence. That alone makes the property undesirable in the real estate market. Again, RTA reports state that the Rogers have received noise mitigation works. Again, that is untrue, as no works have been agreed on.

The Rogers' property was assessed for noise mitigation treatment and the level of noise was found to be high. However, the Rogers were told they would be offered noise mitigation only for the noise emanating from the on-off ramps to the truck stop, not the highway upgrade. In fact, there have been considerable discrepancies between the locations of the noise monitoring mechanisms assessing the noise impact to the Rogers' residence throughout the entire Pacific Highway upgrade project. The RTA offered to install canvas external blinds, tint the windows, partially upgrade some of the windows, install an undersize airconditioning system and supply tiny tube native trees. However, the Rogers did not accept this offer, as it was totally inadequate.

The external canvas roll-down blinds would not have lasted in the high-wind area where their home is located and the majority of the windows and glass doors were not included in the tinting or upgrading offer. The offer of ducted airconditioning for the Rogers' residence was substantially undersize and it has subsequently become clear that it is necessary to upgrade the electricity switchboard, phasing, pole, lines and transformer—not disclosed by the RTA, and assumed to be the responsibility of the Rogers. If not included, this large and extra expense would render the airconditioning useless, and would be a waste of taxpayers' money.

Attached to the airconditioning offer was a document entitled "Consent and Agreement Deed of Release" that voided any future claims the Rogers may have. As the Rogers had received no offer of noise mitigation works for the noise from the Pacific Highway upgrade, understandably they did not sign that deed of release because it would prevent them from requesting or receiving any further noise mitigation treatment on their property. In addition, the Rogers' house is becoming increasingly devalued due to structural damage caused

by the road construction. The brickwork in the Rogers' home is progressively cracking vertically. Cracks are appearing on the interior of the house, including the bathroom tiling. The concrete veranda is literally falling away from the house. Windows have broken and doors have become jammed, needing repair. In addition, subsidence has resulted in roof leaks, and due to the subsidence of the veranda, rainwater flows under the property's concrete slab and has no way of draining.

An independent geotechnical engineer's inspection revealed that vibrations generated by heavy machinery involved in the adjacent highway upgrade had caused damage to their home. Not only is their house falling down around them; so is their health. Representatives from Abigroup, the construction company, have visited the Rogers' property and seen the damage, yet nothing of consequence is happening.

In January of this year I wrote to the Minister for Roads on this issue, seeking his personal intervention to rectify this situation. However, to date I have not received an acknowledgment of my correspondence, let alone a response. In my view the RTA has treated the Rogers appallingly. I call on the new Minister for Roads to urgently intervene and deliver justice by either acquiring the Rogers' property or reaching a settlement on noise mitigation, structural damage and light disturbance in the very near future. This is an abominable situation that needs to be rectified now.

### **CHARLESTOWN SQUARE PROPOSED EXPANSION**

**Mr MATTHEW MORRIS** (Charlestown) [4.46 p.m.]: I will update the House on the progress of the proposed expansion to Charlestown Square, and I note that the square is owned by General Properties Trust [GPT]. At this time Lake Macquarie City Council has agreed on a compensatory package to offset the loss of community facilities in the Charlestown area. However, the package puts an onus on council, not GPT, to rezone and acquire existing residential properties. GPT is required to contribute \$500,000 towards the acquisitions, albeit an insignificant amount compared to what is needed.

Other elements of the package include the relocation of a child care centre, tennis courts and a sportsground. It must be noted that those community facilities will go to other communities in other suburbs. The question is: What is in it for current and future residents of the central Charlestown area? It is clear that the majority of the elected councillors are happy with this arrangement. However, I assure honourable members that the Charlestown community is not, along with elements of council's staff.

Council has been extremely accommodating with this proposal and there has been extensive public debate over the loss of Ferris Oval. There is no development application [DA] for the project before the council yet council has agreed to and commenced the following: reclassification of Ferris Oval; rezoning of public lands and the closure of Frederick Street—three very important procedures, all under way without a DA or any discussion on public transport arrangements or needs. There has been no discussion on how traffic will be structured under the proposal—two critical issues for Charlestown. Council now has a problem with the wider community; that is, people believe that the whole project is approved, a done deal. That is far from the truth, keeping in mind that there is no development application before council, although it seems that one will be lodged soon, given the smooth sailing to date. The question I put to council is whether the development approval, when lodged, will be considered fairly and will address adequately the traffic and public transport issues. This project has the potential to be either a very beneficial project for Charlestown or the worst in Charlestown.

I call on council to ensure that traffic management, including public transport, that is, buses, is thoroughly and carefully considered to ensure the best possible outcome. Many in the community have little confidence in council and do not trust the mayor or his team. It is concerning that GPT and its representatives are having, and have had, secret meetings with individual councillors, although I know of some councillors who have refused to meet on secret terms. I understand that that request to meet came via a consultant who seeks to meet somewhere out of the way where they will not be seen. Why is that so?

Overall, the project by GPT provides an opportunity to clean up the mess that exists today from previous ad hoc extensions to the centre. However, we must ensure that the public interest is protected. A development of the scale proposed takes time to evolve, and working through issues involving the project must include the broader community. I will be seeking meetings with GPT to discuss vehicle and bus issues and implications under this proposal. I hope that they are willing to do the same. Having watched council's handling of the proposal to date, I share community concern as to a full and thorough assessment being completed. I also acknowledge that council has a new general manager, Mr Brian Bell. I trust he will do well in the management of council staff and resources.

Finally, I do not object to the built outcome of the expansion of the centre. However, I am concerned about the public interest and I wish to ensure that a fair and due process is followed. The project is worth approximately \$300 million. I understand GPT announced that it should be able to reclaim that amount over a 10-year window. We are talking about a significant shopping centre as it stands today. I also put on the public record that this centre is GPT's strongest in the nation.

Over the past few months GPT, formerly Lend Lease, was out and about threatening that it would walk away from this project if council did not get its house in order, did not participate and come to some arrangement under the compensatory package. Council deserves a little credit in this process. I assure all honourable members that dealing with GPT, formerly Lend Lease, has been, and will continue to be, quite difficult. I hope that by putting some of these issues on the public record they will acknowledge their errors, come to the table and negotiate a way forward.

### **TRIBUTE TO MR MERV INNES**

**Mr ANDREW CONSTANCE** (Bega) [4.51 p.m.]: Today I pay tribute to the late Merv Innes who, sadly, passed away on 5 January this year. Merv made an enormous contribution to New South Wales, to the nation and to the Batemans Bay community. He was a wonderful person whom I got to know over the past few years. He was a passionate and committed man who loved the land, the sea and the environment. He recognised that he could sustain an industry from the environment through the commercial fishing sector. Merv, a commercial fisherman who operated out of Batemans Bay for decades, leaves behind a successful family-run business. That business still involves commercial fishing but it also includes farming, a river cruise vessel running on the Clyde, and the Boatshed Restaurant in Batemans Bay which he and his life partner, Robin, have run since the early 1950s.

Long-time locals told me of Merv Innes' kind heart and his great generosity to the Batemans Bay community. The full extent of his generosity will probably never be known. He was a strong campaigner on behalf of the commercial fishing industry in New South Wales—work that is now being continued by his sons, Steve, Ben and Neil, who are also fishermen. Merv always believed that local people should be able to catch and eat local fish and that they should not have to purchase fish from overseas. That issue was dear to Merv's heart. As a local member I got to know Merv reasonably well over the past few years and I cannot remember the number of times I sat at the back of the boatshed with him talking about these issues.

As I said earlier, Merv was a passionate and caring man. There is no doubt that he was the face of Batemans Bay. He was a man of the sea and a South Coast icon. He and Robin had a wonderful partnership and were incredibly active in the local community, and Robin continues that work today. Merv provided enormous assistance to the local church and to community organisations. He was forever behind the scenes helping organisations with fundraising through the donation of seafood, the auction of a vessel cruise, or whatever. He participated enormously in council and community life.

Merv's son, Steve, described him as a very patient man who was able to pass on most of his knowledge and gifts to his family. He certainly did that. The service held in Merv's honour back in early January was attended by hundreds of people, which is a testimony to the respect that the Batemans Bay community had for him. Respect is not something that one can demand; it has to be earned. Merv Innes quietly earned that respect by actions and deeds that benefited many in the local community.

Merv always told me to look after and to love family first and foremost. His wife, Robin; his son Steve, wife Ros and their children Angela and Scott; his son Ben, wife Wendy and their children Joseph, Sarah, Rachel and Daniel; his son Neil, wife Tracy and their children Alex and Melissa; his son Grant, wife Lisa and their children Mace, Ryan, Jessica, Nathan and Christian; his daughter, Liz, her partner, Spike, and her daughter, Lilli, together with myriad of friends and people that Merv got to know in Batemans Bay, will sadly miss their husband, father, grandfather and mate. The far South Coast is a much poorer place as a result of the death of this man of the sea—the late Merv Innes.

### **KIRRAWEE HIGH SCHOOL**

**Mr BARRY COLLIER** (Miranda) [4.56 p.m.]: On 14 December I had the privilege of joining the internationally renowned James Morrison, principal Jim Richardson, teachers, students, staff and parents to officially open the new music centre at Kirrawee High School. The new centre is the culmination of years of hard work by teachers, students and the Kirrawee High School community, which raised and contributed an

astonishing \$250,000 towards the cost of a \$755,000 joint State Government-school project. The new airconditioned facility includes a music classroom, music technology laboratory, rehearsal studio, performance workshop and staff room.

With more than 550 of the school's 1,200 students studying music every year and all their classes now being held in the new building, the completion of the music centre is a real milestone in the history of Kirrawee High School. It is also a big investment in the future of music at this wonderful comprehensive high school and in the development of musical talent amongst shire youth. I congratulate teachers, staff, students and the entire Kirrawee High School community on their commitment to the idea of building a new music centre, their tireless determination to get the project completed, and their mighty fund-raising effort.

Whilst many contributed to turning the school's dream of a new music centre into reality, four persons deserve particular recognition and thanks—Antony Gullick, Peter Myers, Anne-Marie Houda and James Morrison. The music centre was the brainchild of the school's music co-ordinator, Mr Antony Gullick. His energy, commitment and leadership made Kirrawee High School a lighthouse school in music education. As the school's news bulletin of 8 February correctly states:

We now have a facility matching the exemplary standard of his work.

The consistent drive and hard work of deputy principal Peter Myers ensured the high quality of the new music centre. Parents and Citizens Association president Anne-Marie Houda secured the commitment of the school community, enthusiastically leading its extraordinary fund-raising efforts over the past four years. James Morrison has been a great friend of Kirrawee High School, performing at its annual fund-raising concerts for over 10 years. We have all been blown away by James's generous ongoing support not just in performing at the fund-raising concerts but also in helping to develop the vast pool of musical talent at Kirrawee High School. Anyone who attended the evening concert following the opening of the music centre would know the magic of Morrison. They would have seen his inspirational effect and the sheer delight on the faces of the students who performed with him on stage, and counted themselves very lucky to be in the audience.

But Kirrawee High School's excellence does not rest with its music alone. Anyone who attended the school's outstanding 2005 production of *The Wiz*, the updated soul music version of the much-loved movie *The Wizard of Oz*, could not help but be stunned by the extraordinary depth of talent in dance, drama and performing arts. Directed by teacher Steve Smith, *The Wiz* involved the participation of more than 200 students from years 7 to 12, together with parents and volunteers. *The Wiz* was another fundraiser for the school in its endeavour to establish the music centre. Not surprisingly, Kirrawee High School has an extensive band program, comprising a concert band and a wind orchestra as well as junior and senior stage bands. These bands perform in the shire and compete regularly in competitions throughout the State. The senior stage band has toured extensively and visited South Africa, China and, most recently, Cuba.

Kirrawee's outstanding reputation for music and performance is complemented by its excellence in languages. In fact, it is a designated languages high school. For the past 17 years the school has conducted reciprocal exchange visits with its sister school, Komae High School in Japan. Students studying Japanese have the added advantage of a Nihongo Tanken Centre on the Kirrawee High School site. Those studying French make regular exchange visits to Paris. Students of Kirrawee High School also excel in sport, with water polo the standout. Last year all four water polo teams—the boys and girls under-15s and open teams—again won the Combined High Schools [CHS] State titles. In the past three years alone the school has won 11 out of the 12 possible CHS State titles for water polo. That is an astonishing achievement in anyone's language. Higher school certificate results at Kirrawee have also been outstanding. In 2005 the school dux, Amelia Parker, recorded a universities admission index [UAI] of 99.75 and 10 students gained UAIs of more than 95. Kirrawee also gained 3 all-rounder awards and 74 distinguished achiever awards at the 2005 Higher School Certificate examinations.

Kirrawee High School, under the outstanding leadership of Principal Jim Richardson, well and truly lives up to its motto: "Measure by Achievement". By any test and from every perspective, the achievements of this comprehensive State high school are simply first class. I commend the school, its teachers, staff and its community on the new music block, on its partnership with the shire community and on its ongoing commitment to its 1,200 students. Kirrawee High School is a fine example of public education in New South Wales and is a school that I am very proud to have in my electorate of Miranda. Congratulations Kirrawee High School.

### HONOURABLE MEMBER FOR ORANGE CENSURE MOTION

**Mr RUSSELL TURNER** (Orange) [5.01 p.m.]: This afternoon I shall speak about the censure motion that Lee Rhiannon moved against me yesterday in the upper House. I will explore what led to the moving of that motion and some of the statements I have made on the subject. I acknowledge the presence of the honourable member for Canterbury in the Chamber. She visited Orange at my invitation and spoke to the committees and organisations in that city that are trying hard to turn the situation around. Unfortunately, at the moment the problems appear to be worsening. Last night I attended a public meeting in Orange at which about 200 people were present. Many of them were Aboriginal men, women and children who agreed with my statements and who gathered last night to lend me their support. After the meeting I spoke to several Aboriginal mothers and their children, who gave me some positive ideas about how to make youngsters attend school regularly instead of sitting at home watching television or aimlessly wandering the streets and being led astray by others.

I refer the House to an email that I received today. It is just one of the more than 100 emails, letters and telephone calls that I have received offering me support and suggesting ideas for solving the problems in Orange. We must discuss how Orange can move forward and resolve the problems facing families. We must convince the children that they can have a better life, raise their self-esteem, get an education and be part of the Orange community. In his email Steve Cassell writes:

Having lived in the Bowen area for 12 years, I have seen it all. Car windows smashed, break & enters, home invasions, brawls, vicious assaults, caucasian children as young as 5 years being harassed and bashed and general disorder. I have indigenous children as young as 6 years standing across the road from my house throwing rocks at my house and when I ask them to stop, my request is met with jeers and outbursts of filthy language. If I ring the police they either don't turn up at all or drive by a few hours later leading me to believe that they won't do anything because they are scared of being branded racist.

Moving these families from troubled areas in Dubbo & Burke is not fixing the problem, it is only getting rid of the problem from one area to another area that already has severe problems.

He continues:

I might make mention that I am not racist. Although I am caucasian, I have married into an aboriginal family and could not ask to meet nicer people, but by moving all the trouble makers into one area to nice up the rest of the town or to rid other towns of the problem is asking for trouble.

The police and officers of the Department of Housing have denied that families are being moved to Orange. But the people know when new families move in next door to them. The cabbies know that they are transporting new families around Orange. Today Jan Stevenson, the chamber magistrate in Orange, again expressed concern about this issue, which affects not just Orange but other towns throughout New South Wales. Ms Stevenson said that if something is not done the fellow who appeared before her yesterday—he is barely 17 but has already been convicted of a string of offences—faces the prospect of spending many, many years in gaol. She said that unless we turn the situation around, another six gaols will not hold all the young people who are coming to the attention of the courts at present. That is a sad indictment of members of Parliament and the entire community. We must face this issue, acknowledge that something is wrong and try to turn the situation around in the next few years.

### WORONORA RIVER VALLEY FIRE TRAIL

**Ms ALISON MEGARRITY** (Menai—Parliamentary Secretary) [5.06 p.m.]: I again draw the attention of the House to my community's distress about the failure of Sutherland Shire Council to ensure the protection of the Woronora Valley, particularly the preservation of a fire trail for emergency use only. I am certain that many of my comments today will reflect the concerns and views of the Parliamentary Secretary, the honourable member for Heathcote, who is at the table. In the brief time afforded to him to reply to my contribution I am sure that he will take the opportunity to express the various concerns of his community and to confirm that, as members of Parliament representing neighbouring electorates, we have stood united against what appears to be the bottom-drawer plan of some Sutherland shire councillors to convert the fire trail to a fully blown access road.

I previously informed honourable members that Eton Street, Sutherland, witnessed one of the largest, if not the largest, public demonstrations in the council's history outside the council chambers about this issue. Not even a torrential downpour could dampen the enthusiasm or resolve of the crowd on the day. Many of those same people will converge on the council chambers again tonight to attend an independent hearing and assessment panel meeting. The panel will consider submissions for and against the council's latest move to convert the fire trail into a bus-only access way. Of course, it is worth remembering that when the council

resolved, on the mayor's casting vote, to put the plan out for public exhibition, at least one Liberal councillor deliberately incited the angry public gallery with a triumphant jibe that the bus way would be the first step in a greater victory to come.

I am advised that at tonight's Independent Hearing and Assessment Panel meeting, for instance, taxi operators will put that their right to compete for passengers be considered in any conversion of the fire trail from emergency access only. Opponents in the crowd are so environmentally conscious that they may, in fact, recycle some of the posters bearing slogans such as "Protect the Wonnie"—which is short for Woronora—"Koalas, not cars" and "We're on the road to nowhere, let's keep it that way". They had those posters at the protest to which I referred earlier, and I am sure they will also be recycled and re-used this evening.

Tonight's Independent Hearing and Assessment Panel meeting will be the latest chapter in the ad hoc history of Sutherland Shire Council's planning decisions in relation to this issue. I have previously detailed for honourable members the chopping and changing of council's intentions and the varied advice that it has subsequently forwarded to the State Government for consideration. I have informed the House about the two great furbies promoted by the proponents of the fire trails development. The first is that the situation reflects a type of civil war between those who live in the valley and those who live in Woronora Heights—that is, that those in the valley are against the development and those in the heights support it. I represent people in part of the Woronora Valley, and the honourable member for Heathcote represents people in the heights and in the valley. It is certainly unfair to delineate the debate in that way. Some people would like to see the busway and possibly the road, but it is not a case of community versus community. There is an overwhelming desire to keep the situation exactly as it is.

The second furbie is that in some way—I think many people have been influenced by this idea—the busway would fix the traffic problems that many people experience in the heights area, particularly in Engadine. The busway will not assist that problem. As I have said in the House on previous occasions, it would certainly be much more productive for people, especially the council, to find ways to improve access in and out of the area via existing roads or by improvements to them. We do not need to see the environmental destruction of the Woronora Valley by the proposal being put forward by the council tonight or by what I refer to as the bottom drawer plan of many councillors to see it become a road. The overwhelming majority of my community certainly oppose that position. I call upon council to stop and listen to what the majority of residents tell it and make a proper planning decision and then proceed down that path. Council should try to fix the problem that has been referred to—that is, traffic—and not force people into a busway or a road, neither of which is desired by the majority of residents.

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [5.11 p.m.]: I support the comments of the honourable member for Menai. We are united in the defence of the valley and we hope that commonsense prevails in the Sutherland shire. The honourable member for Menai and I have been calling for certainty for residents of Woronora Heights and Woronora Valley in recent times. This matter has been ongoing for the past 22 years, with various council decisions, environmental impact statements and the like. There is a need for certainty and we call on the council to give people that certainty. I raised this issue in this place in November last year and called on the Minister for Planning to consider the proposals put to me, particularly the people's local environment plan of 2004.

I was pleased that the very next weekend the Minister came to Woronora Valley. We carried out an inspection of the fire trail and considered the impact of the proposal for bus-only access. I repeat that this is a complex issue, with competing interests of those in favour and those against the proposal. I believe that the overwhelming majority of residents do not want the road opened for buses only. The view is that it would lead to further damaging effects in the area. I repeat that the traffic problems of Engadine will not be solved by opening a road through the valley and more action could be taken at Anzac Avenue, the Princes Highway and Old Princess Highway. I will continue my campaign in relation to that matter. I call for certainty and clarity. I ask that the road be not opened and that, in line with the people's local environment plan, it be gazetted for emergency access only.

#### **HORNSBY ELECTORATE MENTAL HEALTH SERVICES**

**Mrs JUDY HOPWOOD** (Hornsby) [5.13 p.m.]: I refer to mental health in the electorate of Hornsby and its wider reference. A couple of weeks ago I was telephoned by a distraught mother. Her story highlighted exactly what is wrong with the mental health system in New South Wales. Many things are wrong in the system, including too little funding, too few acute beds and too few community services. The percentage of people who

have a mental health illness at some stage in their lives is one in five. I will not name the mother, as she does not want to be identified—that highlights the fear and stigma associated with mental illness. The woman's 22-year-old son has schizophrenia and is prone to violent outbursts.

For a short time he was working up to a psychotic episode, so a family member went to Hornsby hospital mental health unit for help but was not listened to. The family tried to deal with the young man but late one Sunday afternoon in January the police were called to an outburst and the young man was taken to Hornsby hospital by two police officers, one of whom he assaulted on the way. On Monday he was seen by a doctor and the crisis team. On Tuesday a court magistrate scheduled him for two weeks. He was placed in the mental health unit at the hospital for one week, not two weeks. The police officer pressed assault charges on the young man and one week later he was taken by police officers, given a scrip and the contact details for a homeless shelter. He was taken to Silverwater gaol.

At the magistrate's court he was placed on remand at Silverwater gaol. However, as he was not scheduled under the Mental Health Act, he was not given any medication for his schizophrenia and sleeping needs. He then had a choice not to take his medications. The mother was extremely distressed and the boy quite liked not having to take the medications so he did not take them. She was worried about what would happen to him and what may happen to other staff members and inmates in gaol. I called the Department of Corrective Services. I do not know what would have happened had I not done so. Suddenly, the young man was seen by a Justice Health nurse, he was transferred to the mental health screening unit and a couple of days later was seen by a psychiatrist. He was put back on his medications. He is now in the new mental health unit and being looked after in the appropriate way.

This begs the question: How many other young people and others with a mental illness are in our gaols? We already know it is a high percentage but this is a case in point about what is wrong with the mental health system in New South Wales. A young man can have his scheduled time reduced by one week, leave the mental health unit at Hornsby hospital with a scrip and a phone number of a homeless refuge, and then be placed into custody without any medications or consideration of his mental illness. I am appalled by this matter. The boy still has some issues to sort through, but the mother and the family are happy because they know he is being seen in an appropriate unit and is on his medications. They have some prospects for the future. I will continue to help the family.

This matter makes out a case for a child and adolescent mental health unit in Hornsby hospital. It also highlights that this Government has abrogated its responsibilities in relation to mental illness. A lot more needs to be done for people with a mental illness. I have spoken on a number of occasions about the need for a child and adolescent mental health unit at Hornsby hospital. I call on the Minister for Health to take these matters into account, acknowledge that they are not unique and act immediately.

#### **NEW SOUTH WALES WOMAN OF THE YEAR NOMINEE MRS PENNY FLOWERS**

**Mr PAUL McLEAY** (Heathcote—Parliamentary Secretary) [5.18 p.m.]: This year I nominated Mrs Penny Flowers from Engadine for the New South Wales Woman of the Year Award, to be announced at the Premier's reception for International Women's Day on Wednesday next, 8 March 2006. It is no surprise that I nominated Penny Flowers. If she goes on to win the award, I am sure it would not come as any surprise to others who have been nominated. It is certainly no surprise that Penny is my nomination as the Heathcote woman of the year. Ten finalists, including the award winner, will be recognised for their outstanding contributions. I am sure Penny will be one of those.

I first became aware of Penny's tremendous capacity to care for her family, and others, when she contacted me in mid-2003, soon after I was elected member for Heathcote. One of her two children, Kim, who is 19 years old, suffers from cerebral palsy, diabetes and moderate intellectual disability, and is dependent on a manual wheelchair for mobility. Penny, her husband, Lee, and their family were eventually able to gain a place for Kim in a group home, where she now resides. It took time and a great deal of perseverance, but Penny's cheerful outlook no doubt kept the family optimistic during an extremely stressful period.

However, her husband's chronic diabetes was presenting a whole range of new problems for Penny to deal with as she herself was recovering from serious surgery. In November 2003 Penny's mother-in-law, who was also suffering health and medical complications, came to live with the Flowers in their family home. At the same time Penny and Lee's son, who was recovering from various illnesses, compounded the problems for a family that had already been dealt more than their fair share. Combining all her caring roles, Penny nevertheless

feels compelled to help others in the community—she feels it helps maintain her equilibrium when almost everything else appears dismal. Always involved in helping others, Penny's demeanour occasionally receives a jolt, and she may call in at my electorate office for a chat.

Somehow or other, Penny has the ability to focus on any, or indeed many, of the obstacles that have been strewn in her path. Undeterred, she presents herself with a sense of optimism that becomes contagious to others who meet her. Uncomplaining, she throws herself into community activities. She is now president of the local Lions Club, Engadine Lions, where no doubt she encourages others to be like minded: that is, whatever their problem, there is always a way to seek a solution, or a way to resolve the issue. I was very pleased to attend the annual meeting of Engadine Lions when Penny was elected president. It was one of the brightest days for the club; everyone was very proud of and pleased for her. They know that sometimes, when you may not necessarily have a remedy, you just have to make life a little easier for others. I am enormously proud of Penny Flowers. She works tirelessly as a volunteer in many community organisations and has spent decades assisting others. Auxiliaries and local charities alike have benefited from her contributions. I salute you, Penny Flowers, and wish you all the best. There is no doubt you are Heathcote's woman of the year for 2006.

**Ms LINDA BURNEY** (Canterbury—Parliamentary Secretary) [5.23 p.m.]: Penny Flowers sounds like an inspiring person, and her nomination for the award of New South Wales Woman of the Year on International Women's Day is a fine gesture. People who have such generosity, even though their lives present them with serious difficulties, are inspirational and thoroughly deserving of recognition. This nomination is a great recognition for Penny Flowers.

### **COUNTRYLINK RAIL STATION SECURITY AND FACILITIES**

**Mr THOMAS GEORGE** (Lismore) [5.23 p.m.]: Tonight I wish to speak about a problem similar to one I first highlighted in this House in June 2004. I refer to the lack of security and the lack of facilities at country railway stations available for use by CountryLink bus and/or train passengers. In June 2004 I highlighted a problem at Casino that Mrs Murphy wrote to me about. It related to a night when some young people were put off a train at Casino and became a nuisance in the community which, because it does not have 24-hour policing, led to further problems. I have now had raised with me another matter involving CountryLink buses that provide a transport service where CountryLink train services are cancelled and replaced with CountryLink buses.

An elderly Casino resident, Mrs Queenie Gill, was travelling to Sydney by train to see her family. I compliment the bus company for running 45 minutes early when it arrived at the station. That left this 78-year-old lady at a station that was unattended and had no security, and at a time when no-one else was at the station. This small country station where passengers were dropped off by bus has no public phones from which she could ring her family to say she had arrived early, and she did not have a mobile phone. Here she was at a station without any way of getting a message to her family.

As she stood at the station a young gentleman appeared on a pushbike, and the inevitable happened: he stole her handbag. Mrs Gill was in no position to chase the young man. The specially-made handbag had been given to her on her 75th birthday by the family; it had all her private cards, banking details and so on. That caused her major concerns. The next day the family went back to the area, were able to find the young fellow, performed a citizen's arrest, I am informed by the family, and retrieved the handbag—but none of the contents. They were happy to get mother's favourite handbag back. This event emphasises concerns about CountryLink bus services picking up and dropping off people at centres that do not have facilities. When people arrive at Lismore station, where the bus picks up passengers to take to Casino to rejoin the XPT service to Sydney, unless CountryLink staff are on duty, they do not have any of the usual facilities.

Though some of us arrive just in time to be picked up, others who are well organised like to be half an hour early. Naturally, they would like to have the normal facilities that other travellers use before going on a long bus journey. Those facilities are not available at Lismore station. People therefore walk across the road to the closest facilities, which are in the hotel. This lack of station facilities is causing major concern for a lot of travellers in Lismore. Doug Hogon and Jeff Walsh of the Station Hotel generously provide the facility. Some travellers might have a drink, but nine times out of 10 they have water or lemonade. They are still welcome to use the hotel's facilities. In this day and age, when all businesses are accountable for water use, this is a problem. Nevertheless, the hotel is providing facilities that are not available at the station at times when they are needed. I call on the Minister to address these issues.



### WAVE FM BREAKFAST ON THE BEACH

**Ms NOREEN HAY** (Wollongong) [5.28 p.m.]: I speak today about a Wollongong radio station. Wollongong is very lucky; it has a number of excellent community radio stations, such as the Illawarra ABC 97.3, 198, Vox FM, and Wave FM, the radio station that I intend to speak about today. Each year one of the biggest local Illawarra community events takes place on the first Sunday in February, the local radio station Wave FM's Breakfast on the Beach. This year was no exception with event organisers claiming one of the biggest breakfasts in years. I attended the breakfast, and I can assure honourable members that at 7.30 in the morning thousands of people were at Wollongong's Northbeach. It was an excellent turnout.

Now in its twenty-eighth year, Wave FM's Breakfast on the Beach was held at Wollongong's award-winning Northbeach, and attracted some 5,000 or more people, mostly families. For a \$2 gold coin donation, all who attended received a delicious breakfast of cereal, fruit, bacon, eggs, toast, orange juice, tea and coffee, all cooked by the Rotary Club of Wollongong. As well as the breakfast, Wave FM organised rides and entertainment such as jugglers, clowns and magicians, along with the Symbio Wildlife mobile zoo, learn to surf classes and a sand modelling competition to make it a really fun morning that the whole family could enjoy.

Each year all proceeds are donated to local charity organisations. This year the organisation selected was the Angels of Hope, a locally based charity that focuses on suicide prevention and mental health issues administered by the South East Area Health Service. Over the years Wave FM's Breakfast on the Beach has raised money for the tsunami appeal, the Salvation Army, the children's ward at Wollongong Hospital and many other worthy local organisations and causes. Breakfast on the Beach, which is the brainchild of Wave FM, is a real labour of love. Planning is year round, and all Wave FM staff, partners, family and friends pitch in on the day to ensure its success. All this is done on a voluntary basis. Wave FM has a long history of commitment to the community. Last year it was recognised when it won the Prime Minister's National Award for Excellence in Community Business Partnerships. It won the small business category for its partnership with the Illawarra division of general practice.

The General Manager of Wave FM, Wendy Gee, is also very heavily involved in the local community and sits on various organisations such as the Australia Day Committee, the Illawarra Breast Cancer Foundation, the Illawarra Connection and Wests Illawarra Youth Achievement, just to name a few. Local businessman Nick Mandranis and Peter Holz, who was involved with the Angels of Hope, were in attendance and working on the day. Matt Summerill, the station's promotions manager and board member of the Angels of Hope, is a great activist in the local area. I often tell him that he has the best voice for radio. He assisted through business contacts in the Illawarra and was able to gain valuable financial and in kind support from local businesses.

As usual, local businesses were keen to be involved in Breakfast on the Beach. Matt Summerill deserves to be recognised for his ongoing contribution to the local community. More than \$8,500 was raised at last year's Breakfast on the Beach, and this year's target was \$10,000 for the day. Judging by the hordes of hungry families who attended, I dare say it may well have been not far off and certainly may have been exceeded. I congratulate Wave FM, Wollongong Rotary, all the businesspeople in Wollongong and all those involved in making this special day such a great success. I would encourage anyone in Wollongong at this time next year to get along to support a worthy cause and enjoy a great breakfast. I encourage anyone in Wollongong and outside of Wollongong to participate. As I say each time I speak in this place, I have sympathy for those who have yet to experience Wollongong. It really is a great place. It has everything that could be offered—beaches and mountains, great people, and great clubs, pubs and nightclubs. Everything that anyone could want is in Wollongong. I encourage people not to miss out on any opportunity to come to Wollongong to experience its hospitality. They should try Breakfast on the Beach next year with Wave FM.

### HAWKESBURY REGION WINE INDUSTRY

**Mr STEVEN PRINGLE** (Hawkesbury) [5.33 p.m.]: Only a few hundred metres up the road opposite Martin Place is the famous wild boar statue, which is a symbol of the friendship between Australia and Italy. The statue was a gift from the daughter of Thomas Fiaschi, a man who pioneered the Hawkesbury wine industry. Dr Fiaschi was a Florentine, born in 1853. He was educated at the universities of Pisa and Florence. He migrated to Australia, where he became quite an outstanding surgeon at the Hawkesbury Hospital. He had a medical practice in Windsor and later on he became the consulting honorary surgeon to Sydney Hospital and an examiner in clinical surgery at the University of Sydney. He joined the New South Wales Army Medical Corps. He was involved in the Boer War, where he was in charge of New South Wales No. 1 field hospital unit, and he was also involved in World War I.

Even more importantly, he was President of the New South Wales Wine Association for some 25 years and he was a member of the Royal Agricultural Society. But far more important than that, his most important contribution was establishing Tizzana winery in 1887 on 55 acres at Ebenezer in the Hawkesbury area. They use both Italian and French grape varieties. It is interesting to note that for much of last century Sydney produced more wine than the Hunter. Since Dr Fiaschi's day the Sydney Basin has grown significantly as a producer of wine. In 2002 it produced 501 tonnes, in 2004 it produced 572 tonnes and in 2006 it is predicted it will produce 821 tonnes of wine from chardonnay grapes, the main white wine grapes, and shiraz, cabernet sauvignon and merlot grapes for the red wine varieties.

It is important to put on the public record the number of wineries in the region and their contribution to the New South Wales economy. We have Camden Estate, Kirkham Estate Wines, Lakesland Vineyards at Picton, Nangarin Vineyard Estate also at Picton, the famous Tizzana Winery at Ebenezer to which I have referred, Buckenbah at lower Portland, Cogno Brothers at Cobbity, Eastbourne Estate at Berrilee, First Farm 1820, Gledswood Homestead, Glenorie Estate, J. Mediati, Jubilee Vineyard Estate, Mount Hunter Estate Wines, Mountain Devil at Bilpin, Possum Gully at East Kurrajong, R. and P. Mason, Razorback Estate, Remo's and Sons at Kurrajong, Richmond Estate at North Richmond and Talai Estate. Lots of them are in the Hawkesbury electorate and all of them contribute significantly.

Most of the wineries are members of the Nepean Hawkesbury Wine and Grape Growers Association. The association has a web site. It sponsors the Sydney Wine Trail, which is being supported by Tourism NSW. They have a wine region marketing strategy, and they support the Sydney Bud Burst Festival, which is held in September each year and features other producers, such as olive growers, and craft stalls. It is hard to believe that despite the huge number of wineries to which I have referred, and their economic and historical contribution to the Sydney Basin, Sydney is not recognised as a wine region in its own right. The time has come to change that. I ask all members in this House to support the Nepean Hawkesbury Wine and Grape Growers Association's call to the Geographic Indications Committee to have Sydney recognised as a wine region in its own right. I commend Peter and Jonathan Auld and their families from the Tizzana Winery, who have worked hard to get to this stage. They have produced maps of the Sydney Basin and the wineries contained therein. I commend Alan Eagle and David Mason from the Hawkesbury Harvest. The time has come. Sydney makes a valuable contribution to the wine industry. Let us get on with it and recognise it.

### REDFERN REDEVELOPMENT

**Ms KRISTINA KENEALLY** (Heffron) [5.38 p.m.]: I refer to three issues related to the Redfern area. I often have spoken about Redfern Oval in this House. Today I congratulate the local community, the Construction, Forestry, Mining and Energy Union with its red and green ban, the South Sydney Rabbitohs Football Club, and the Australian Labor Party and Greens councillors on the City of Sydney Council on their support. Together we have been successful in stopping the lord mayor from demolishing the oval and inserting in its place a big open field. The council now has a new proposal for Redfern Oval, which is an improvement on the lord mayor's original plan to bulldoze the oval. I understand that the current plan delivers a much better training ground and facilities for the Rabbitohs, some grandstand seating and further seating capacity on grassed areas, and the opportunity to play National Rugby League games. The field also would be available for other sporting uses, such as junior games and the Aboriginal Knock-Out rugby league matches.

I welcome that, but I am also concerned that the plan does not deliver any new active community infrastructure that the area needs. A comparison of the city of Sydney north and south of Cleveland Street still shows a stark contrast. North of Cleveland Street there are five swimming pools and indoor sports centres, including the \$40 million pool that is under construction in Ultimo. The current council continues to fail the area south of Cleveland Street, areas which include some of the most disadvantaged post codes in New South Wales, by not providing access to the same level of recreational facilities. Last year the lord mayor announced a vision for Redfern with much fanfare. This year I will be keeping a close eye on the progress of that vision. Key planks, like the long- promised upgrade of Redfern Street, still remain incomplete. I will continue to champion the needs of residents south of Cleveland Street.

The House would also be aware that the South Sydney Rabbitohs intend to hold an extraordinary general meeting on 19 March to give members the opportunity to vote on a proposal by Peter Holmes a Court and Russell Crowe to privatise the South Sydney rugby league football club. I have discussed this matter on several occasions with Mr Holmes a Court. I have discussed with local residents their concerns and views about the proposal. I do not believe it is appropriate for me to advise the 4,505 members of the football club on how they should vote. I am one of those members and I will cast a vote. The criteria I will use in deciding where to

direct my vote are these. First, I want the South Sydney Rabbitohs, our local team for 98 years, to continue for at least another 98 years. Second, I want the South Sydney Rabbitohs to stay in Redfern. Third, I want the South Sydney Rabbitohs to be a winning team.

The board has circulated the proposal of Mr Holmes a Court and Mr Crowe. It remains to be seen if any other proposal will come forward but I will judge any proposal by these three criteria. I remind honourable members and fans of the football club of one thing. Whilst we may not be completely happy about the council's decision on Redfern Oval, we must remember that councils come and go. Lord mayors come and go. The Rabbitohs on the other hand can survive. If our decision on 19 March is one that allows us to continue and prosper, we can outlast this council and hope to build in the future on what we have at Redfern Oval to make it a great community asset. It has been our community campaign that has saved the oval until now. Redfern Oval will remain. The question facing Rabbitoh supporters is whether our football club will remain. I believe it can, and that it can become again one of the great and most successful clubs in the NRL. That is good for fans and it is great for our local area. Go the Bunnies!

Lastly I want to comment on a article that appeared yesterday in the *Sydney Morning Herald* by Elizabeth Farrelly. The article was about the New South Wales Government's release of the built environment plan, which, I might add, is the third plan that the Redfern-Waterloo Authority has released to oversee the economic and social revitalisation of Redfern and Waterloo. In the article Miss Farrelly chose to describe me as the "blond and stiletto-heeled MP" bobbing in the background. Well, Miss Farrelly, I have never worn a pair of stilettos in my life. Nonetheless, I had a good laugh at your description of me. However, I wish you had told your readers a little more about the substance of the press conference, for example when you asked a question about the Block and I pointed out that, as the local member, I knew of many local Aboriginal people and groups who had concerns, or just did not support the Aboriginal Housing Company's proposal. I know you did not like hearing that answer but I note that major media outlets, such as the *Daily Telegraph* and the ABC, took it seriously and incorporated my response into their stories. Oh well, Elizabeth, I guess when your argument is weak, you do not play the ball, you play the man—or perhaps in your case, the shoe.

#### **MRS MARCIA SUTTON AND MANTON AUCTIONEERS PTY LTD**

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.43 p.m.]: I draw to the attention of the House a matter concerning Marcia Sutton, who is a constituent in the electorate of Wagga Wagga. In March 2004 Marcia Sutton obtained estimates from Manton Auctioneers Pty Ltd of between \$20,300 and \$28,800 to sell her antiques. The director of Manton Auctioneers, Colleen Willcox, failed to place reserves as promised and claims that the antiques were sold for \$7,220, less her commission. Several letters of demand from Marcia Sutton's solicitor failed to result in any payment for these items. The Fair Trading office was unable to resolve the matter.

An application was made to the Consumer Trade and Tenancy Tribunal [CTTT] which resulted in a court order for Manton's to pay the money by 8 October 2004. That order has been ignored by Colleen Willcox. The court order was registered at Wagga Wagga, and then at Frankston, Victoria, with costs and interest to 16 November 2005 now standing at \$11,963.91. The Sheriff was paid \$165 to seize the property. Mrs Willcox said she did not have anything to seize. Several letters to Fair Trading and the CTTT regarding attempts to enforce the order resulted in a reply that they had dealt with the matter and suggested the Local Court. Manton's has gone into liquidation and Colleen Willcox now operates a new company, Willcox Auctioneers Pty Ltd. Several letters were sent to the Attorney General asking for assistance. The suggestion was to try the Department of Fair Trading and the Sheriff. The Prime Minister's office suggested the Australian Competition and Consumer Commission [ACCC] and the Australian Securities and Investment Commission [ASIC]. ASIC has decided it will not investigate the company, even though it is against the law to register another company leaving the previous one in debt.

At my suggestion, Marcia Sutton contacted detectives regarding fraud and made a statement at Wagga Wagga. That was transferred to Hastings, Victoria, where the detectives said that they had to prove that Colleen Willcox intended to commit fraud. Marcia Sutton has made several unsuccessful attempts over the past 22 months to contact Mrs Willcox and ask for her money. That has resulted in numerous threats and unsubstantiated accusations made against her. Colleen Willcox took out an intervention order against Marcia Sutton. That intervention order was later revoked. Marcia Sutton made an application to the CTTT against Colleen Willcox for not complying with the court order. The application was finalised on 25 January without success. A complaint has been lodged in regard to Colleen Willcox's failure to comply with the court order and knowingly supplying misleading and false information.

This is a saga of a woman who trusted an antique dealer in Victoria to sell her goods. The goods were transported at the owner's cost on the promise that they would have a reserve price placed on them. That did not happen. As I have related to the House, Marcia Sutton has attempted in every way possible to have her moneys refunded to her. According to the tribunal, those moneys must be paid. I have written to the relevant Victorian Minister, as I have to the Minister in New South Wales, to seek assistance for Mrs Sutton. The reason I take up this matter in the House is because it is typical of the problems one sees on *A Current Affair*. If people involved in that program are listening, perhaps they might like to take an interest in this matter.

My concern is that Mrs Sutton has been duded. Those goods were sold at well below their market price and without her authority to sell them. I believe that contravenes the legislation relating to auctioneers because they were sold without her authority and below the estimated price that she had set for them. In addition, Marcia Sutton has spent a large amount of time, money and effort to try to obtain recompense, but without success. It appears to me that the New South Wales and Victoria legislation does not gel. It is not mirror legislation. If it were, action could be taken in New South Wales in respect of Manton Auctioneers that would provide a suitable solution in Victoria. This week the House dealt with legislation affecting property, stock agents, business agents and auctioneers that related to this very issue. I believe that pressure needs to be brought to bear in some way. I appeal to the Minister for Fair Trading and the Minister at the table, the Minister for Aboriginal Affairs, to do what they can to help Marcia Sutton have money that is rightfully hers paid to her, and to have the New South Wales legislation adjusted in New South Wales so that the situation does not occur again.

**Mr MILTON ORKOPOULOS** (Swansea—Minister for Aboriginal Affairs, and Minister Assisting the Premier on Citizenship) [5.48 p.m.]: I commend the honourable member for Wagga Wagga for drawing this issue to the attention of the House. He is also to be commended for properly advising his constituent in relation to this matter. He has mentioned two specific issues that I will follow up. The first is the representations to the Minister for Fair Trading. The second is seeking to achieve uniformity in consumer protection laws and legislation relating to auctioneers. There is both a national and international trade in antiques, and where there are inconsistencies in the regulation of consumer protection laws, uniformity is needed. In this case it seems the auctioneer may have breached the laws in this State but has managed not to fulfil her responsibilities because of provisions applying in another State. I will take up these matters with the Minister for Fair Trading.

### INNER SYDNEY OPEN SPACE

**Ms CLOVER MOORE** (Bligh) [5.50 p.m.]: Tonight I congratulate Woollahra Municipal Council and the Paddington community on progress towards protecting open space and public access to the White City site at Paddington. There is community support for council's draft development control plan, which should ensure the former competition tennis site is not destroyed, as was foreshadowed when I last spoke on White City in September 2002. At that time I asked the Government to meet its urban consolidation policy responsibilities by preserving open space from unacceptable overdevelopment that destroys parkland and local amenity. The Government failed to provide that protection, and the community has had to fight hard to retain the open space and protect local amenity. Residents, under the banner of Action for Community Environment [ACE], which I have been proud to support, have fought a sustained 10-year community campaign against overdevelopment, and credit is due to those residents who have saved the site.

In 1996 Woollahra council resolved to prepare a development control plan for White City that would "protect the open space zonings of the site, the historic nature of the space, the view corridors of Paddington and indicate the nature of development, if any, allowable on the site." Woollahra council endorsed development principles to protect the residential environment and character of surrounding areas, to protect view corridors from Paddington and from Edgecliff-Darling Point, to contribute to the open space character and importance of the site, to include dedicated and accessible public open space, to retain and not detrimentally impact on the significance of heritage items on the site and to provide alternative vehicle access to the site and include all parking on site.

Yet major community campaigns were required to demonstrate community opposition and halt the 2000 and 2001 rezoning proposals that would have undermined those principles. The subsequent 2003 Walsh inquiry found no case for rezoning for development. Resident action and involvement in the 2004 local government elections resulted in new councillors who support open space, public access and residential amenity, leading the new council to determine not to rezone White City. While that draft development control plan has not yet resolved the serious traffic and parking constraints on the site, it should achieve the principles set out 10 years ago.

The inner city cannot afford to lose open space, having borne the brunt of high-density redevelopment in recent decades and being the focus of the recently released Metropolitan Strategy for urban development. Former government, church and commercial sites are being converted to multi-unit residential development with little or no open space. Existing housing is already medium to high density, and the majority of residents do not have backyards. Recent massive redevelopments include the sites of the St Margaret's Hospital and the Royal Hospital for Women, along with six major Kings Cross hotels. There is vast urban renewal planned for Green Square, which will house an additional 20,000 to 30,000 people. The Redfern-Waterloo Authority also proposes massive development in the Redfern precinct.

Meanwhile, more than two hectares of Moore Park were given to the Eastern Distributor tollway and 24 hectares of the former showground was leased for commercial use. The Redfern-Waterloo Authority plans to sell or redevelop the former Redfern Public School, which has valuable public open space, the police station, and the former Rachel Forster Hospital. Open space will be lost, with nothing but promises of future public domain or open-space improvements. In 2000 I called on the Minister for Planning to undertake a regional open space audit as a prerequisite for any White City rezoning. The Government's Metropolitan Open Space Team was to assess demand and supply, and to identify and target shortfalls. Despite past promises, the Government still has no clear guide to open space needs. That is the area in which it will focus its urban development for the Metropolitan Strategy.

Instead, precious open space remains vulnerable to overdevelopment and destruction. Woollahra council's local audit identified an urgent need to supplement existing low levels of open space, supporting the protection of White City. The Council of the City of Sydney is carrying out an open space and recreation audit to provide local benchmarks and guide future action to increase open space. However, there are few opportunities for increased open space in densely developed inner Sydney, where land that is developed will never be available again and, as we all know, is so expensive. The New South Wales Government should be providing leadership, setting goals, dedicating public land or protecting existing public land to meet future open space needs. I call on the Government to carry out an open space audit that will identify gaps, set goals and guide decisions to provide a vital legacy of increased public open space in densely populated inner Sydney. It is called planning and providing for the future benefit of citizens.

### **TAMWORTH ELECTORATE EGG PRODUCERS**

**Mr PETER DRAPER** (Tamworth) [5.55 p.m.]: Tonight I highlight the uncertain future facing many egg producers in the electorate of Tamworth and, indeed, across New South Wales as a whole. Currently, the State's egg producers are facing the daunting task of restructuring their businesses to meet new national animal welfare standards in relation to cage sizes for layer hens and egg farming. Those new standards were agreed upon in August 2000 at a meeting of State, Territory and Commonwealth agriculture Ministers and it was decided that all existing cages would be phased out by 1 January 1 2008. In brief, the Ministers agreed to modest increases in cage space per bird for all cage systems commissioned after 1 January 2000, increased research and development into enriched cages, development of a beak trimming accreditation program backed by nationally consistent legislation, development of a new model code of practice for the keeping of poultry and the development of a quality assurance program for commercial egg production to be underpinned by State and Territory legislation providing for animal welfare.

Six years later Queensland, Tasmania and the Australian Capital Territory have implemented regulations in accordance with that agreement, but the other States, including New South Wales, have so far done little to give certainty to egg farmers by enacting legislation. In New South Wales egg producers are flying blind as to their obligations under the looming regulations, as little or no detail has been released about the requirements of the new laws. Egg producers are now at a critical stage and legislation must be put in place to plan the placement of their final laying flocks in those cages that will become illegal after the 31 December 2007.

One local egg producer, Mr Bede Burke, who currently farms 40,000 birds, has recently had a development application approved with Tamworth Regional Council to build a 120,000 bird farm. The estimated cost is about \$40 per bird, or \$4.8 million, to meet the proposed new cage size standards. Mr Burke runs an integrated farm where he grows his own grain, mills feed for layers and young pullets and rears his own birds. Mr Burke is one of only a few in the area who has made a move towards adapting to the looming changes, despite knowing next to nothing about what the new legislation will eventually require. He informed me that the mood is grim among his fellow producers, and the word is that many will be forced to exit the industry altogether once the new standards are put in place. Many are reluctant or unable to reinvest in new cages. They

still have no guarantees that they will be able to produce from the new cages for a minimum 20-year period as agreed to by all the State Ministers.

We are now at a point where the Minister for Primary Industries needs to allay the fears of egg producers by introducing legislation on new cage standards. While producers with integrated farms, such as Mr Burke, are being proactive during this time of uncertainty, others feel they cannot muster the resources at a cost of \$40 per bird. Because they do not know what the legislation will contain, few have made moves to prepare for the new cages, and the electorate of Tamworth could be littered with many empty poultry farms come 2008. I understand a steering committee has been put in place by the Minister to advise him on the content of future legislation, so surely he will act on introducing the legislation without delay.

Tamworth has 28 egg farms producing about 17.8 million dozen eggs annually. The break-even farm gate price for eggs is about \$1.10, generating some \$20 million for the local economy. The industry directly employs about 80 people, with approximately 240 indirectly employed. The area produces about 15 per cent of the State's eggs. At one stage it was producing one-third of all eggs in New South Wales. As spent hens are worthless, farmers need to produce about 30-dozen eggs to fully depreciate their layers over a 70-week laying cycle. Before they receive the birds, an order has to be placed for them to be hatched. Hatching a bird takes three weeks, and the young birds are reared for a period of 20 weeks before they lay their first egg. There are roughly 97 weeks left until the new cage regulations come into effect across Australia in 2008. Hence the need for urgent legislation.

I commend Minister Macdonald for pressuring his Federal counterpart, Peter McGauran, to initiate such a restructure package. The Australian Egg Corporation Ltd is calling for a \$23 million rescue package as a small measure of justice for those farmers forced to comply with constantly changing government regulations. Without backing from the Federal Government to meet those changes, many farms will become valueless and farmers will be cast aside through an agenda imposed upon them that has questionable scientific backing to justify it. The time has come for action. The egg producers in my electorate are waiting anxiously for the legislation to be introduced into the New South Wales Parliament that will give them some measure of certainty to make the massive investments that will secure jobs in our local community and to make sure that Tamworth has a viable ongoing economic base, of which we are so proud.

**Private members' statements noted.**

**The House adjourned at 6.00 p.m. until Tuesday 7 March 2006 at 2.15 p.m.**

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